



## Exeter City Council

A meeting of **EXETER CITY COUNCIL** will be held at the **GUILDHALL, HIGH STREET, EXETER** on **TUESDAY 18 APRIL 2023**, at 6.00 pm, at which you are hereby summoned to attend.

The meeting will be live streamed on YouTube.

[Democratic Meetings - YouTube](#)

If you have an enquiry regarding any items on this agenda, please contact Mark Devin, Democratic Services Manager on 01392 265477.

The following business is proposed to be transacted:-

	Pages
1 Minutes	
To approve and sign the minutes of the Extraordinary and Ordinary meetings held on 21 February 2023 and the Extraordinary meeting held on 13 March 2023.	5 - 34
2 Appointment of Recorder	
To formally install Her Honour Judge Anna Richardson as Recorder of the City in accordance with the resolution of the Council of 17 April 2007.	
3 Official Communications	
4 Public Questions	
Details of questions should be notified to the Corporate Manager Democratic and Civic Support at least three working days prior to the meeting - by 10am on Thursday 13 April 2023. 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: <a href="#">Public Speaking at Meetings</a> .	

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

5 Planning Committee - 8 February 2023	35 - 54
6 Planning Committee - 20 February 2023	55 - 82
7 Planning Committee - 27 March 2023	83 - 112
8 Licensing Committee - 21 March 2023	113 - 116
9 Strategic Scrutiny Committee - 16 March 2023	117 - 130
10 Customer Focus Scrutiny Committee - 30 March 2023	131 - 158

11	Audit and Governance Committee - 8 March 2023	159 - 166
12	Executive - 28 February 2023	167 - 174
13	Executive - 4 April 2023	175 - 186

14 Notice of Motion by Councillor Sparling under Standing Order No. 6

**Ethical and Low Carbon Advertising Policy Motion**

**This Council notes:**

- That it is possible for local authorities to implement advertising policies against specific products if they consider them to be harmful to the amenity of an area. This Council notes that the Greater London Authority (GLA), which controls Transport for London (TFL) property, was able to enact a Healthier Food Advertising Policy in 2018 prohibiting High Fat, Sugar or Salt (HFSS) food advertising on TFL property.
- That the continued paid promotion of activities or products that are potentially harmful to mental or physical health or the environment, such as junk food, gambling, alcohol or high carbon products (including cars, fossil fuel companies and airlines and airports), are very common across a variety of out-of-home advertising media.
- That statistical evidence shows how exposure to advertising increases consumption of advertised goods and services and, where these are carbon intensive, higher consumption takes us further away from Net Zero. However, a ban on advertising for unhealthy food across the Transport for London network resulted in a drop in household purchases of unhealthy food and drink, preventing 100,000 obesity cases with an expected saving to the NHS of £200 million.
- That advertising prohibitions and restrictions already exist regarding all tobacco products and e-cigarettes, guns and offensive weapons, breath testing and products designed to mask the effects of alcohol, 'pyramid schemes', as well as other rules regarding marketing to children, HFSS products, medical and health claims, religion and financial products.
- That many advertising companies are switching to digital boards that allows them to sell many more advertising slots, however, these digital boards consume huge amounts of unnecessary energy. A double-sided digital bus stop advertising screen uses four times the electricity of an average British home whilst a digital billboard can use eleven times the energy of an average British home (<https://adfrecities.org.uk/2019/11/the-electricity-cost-of-digital-adverts>).
- The bright illumination of digital billboards at night has a detrimental effect on local wildlife, in direct opposition to the Ecological Emergency declared by this Council.
- That the purpose of advertising is to stimulate demand for goods and services, most of which are national and international brands, not local businesses, with limited benefits to the local economy.
- That some advertising content undermines the Council's objectives regarding air pollution and sustainable consumption. For example: petrol and diesel car adverts (especially for Sports Utility Vehicles) undermine air quality objectives, airline advertising undermines carbon emission targets and, whilst this Council is not the local health authority, HFSS products undermine the health of Exeter's residents.
- That banning advertising for certain products is not the same as banning the products themselves.

**This Council resolves to:**

- (1) To develop and implement an Ethical Advertising Policy as part of the Council's planning policies, to apply to bus stops, billboards and advertising spaces within the jurisdiction of the local planning area and embed this within the Local Plan. This policy would then be used to set targets, expectations or restrictions on all advertising in the city that interacts with the Council's objectives on public health, air pollution, climate change and more sustainable consumption and to ascertain which companies and products the Council wishes to associate itself with and support, including local businesses, and ban harmful products, companies or services from being advertised on Council owned land, in our communications, or from sponsoring council organised events.
- (2) To review any Advertising Concession Agreements to investigate the possibility of amending the current set of prohibitions and restrictions to include products and services that contribute to climate change and air pollution. Should this not be possible, to begin work on a new agreement for when any such agreements are next renewed.
- (3) To adopt a presumption against planning permission for all new digital advertising screens in the City due to the high energy use of these technologies.
- (4) Embed these low carbon advertising principles within the Local Plan, including the requirement to switch off digital screens at night.
- (5) Write to the Secretary of State for Digital, Culture, Media and Sport, asking for a ban on such forms of unethical advertising nationally.
- (6) Write to the Secretary of State for Levelling Up, Housing and Communities asking for reforms to Planning Guidance on outdoor advertising to take into account the unique problems with energy-intensive digital billboards.

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

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

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Date: Thursday 6 April 2023

Bindu Arjoon  
Chief Executive

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## EXTRAORDINARY MEETING OF THE COUNCIL

Tuesday 21 February 2023

### Present:-

The Right Worshipful the Lord Mayor Councillor Mrs Yolonda Henson (Chair)  
Councillors Asvachin, Atkinson, Bennett, Bialyk, Branston, Denning, Ellis-Jones, Foale, Ghusain, Hannaford, Harvey, Holland, Jobson, Knott, Lights, Mitchell, K, Mitchell, M, Moore, D, Morse, Oliver, Packham, Pearce, Read, Rees, Snow, Sparling, Sutton, Vizard, Wardle, Warwick, Williams, Wood and Wright

1

### APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Allcock, Leadbetter, Newby, J. Moore and Parkhouse.

2

### KARIME HASSAN MBE

Members stood and applauded Karime Hassan MBE, the retiring Chief Executive & Growth Director, thanking him for his achievements for Exeter and his many years of hard work, commitment and dedication to the city.

3

### MINUTES SILENCE

On the request of the Lord Mayor, Members stood and marked a minute's silence to reflect on the sad passing of Alderman Sterry in December who had been a former Lord Mayor and Honorary Alderman; the recent tragic loss of two lives in the city; the aftermath of the earthquake in Turkey and Syria; and the continuing war in Ukraine.

4

### PUBLIC QUESTIONS

The Lord Mayor reported that no questions had been received from members of the public.

5

### BUDGET 2023/24

Minutes 6 (General Fund/HRA Estimates and Capital Programme 2023/24), 7 (Capital Strategy 2023/24), 8 (The Prudential Code for Capital Finance in Local Authorities (Incorporating the Annual Statement of Minimum Revenue Provision) and 9 (Treasury Management Strategy Report 2023/24) of the meeting of the Combined Strategic Scrutiny and Customer Focus Scrutiny Committees held on 9 February 2023 were taken as read and noted.

Minute 8 (Council Tax Base and NNDR 1 2023/24) of the meeting of Executive held on 10 January 2023 was taken as read and adopted.

The Leader moved, and Councillor Wright seconded, the resolution as set out in the agenda and circulated papers in respect of the Council Tax for Exeter for 2023/24.

The following alternatives to the Budget had been submitted by the Progressive Group:-

**Alternatives to the proposed budget by the Progressive Group – received Wednesday 15 February 2023**

Proposer: Councillor Diana Moore  
Seconder: Councillor Carol Bennett

The Progressive Group noted the Budget put forward and proposed the following amendments:

**Amendment 1: Capital Budget**

The proposed budget transfers surplus income from the Guildhall Shopping Centre for 2023/24 (£1,089,000) to earmarked reserves for use for purposes as agreed with Government. The amendment is to use the surplus income for relevant purposes i.e. to repair the Guildhall Multi Storey Car Park (MSCP) (Part A), so releasing the funds proposed to be drawn down through borrowing for use on other projects (set out in Part B):

**Part A:**

- a. Use £883,400 of the surplus income to fund the repairs to the Guildhall MSCP £883,400 in 2025/26, which would be in line with the agreement with Government.
- b. To install and pilot in the Guildhall Car Park two lockable bicycle shelters for use by residents and one Bike Dock Solutions (BDS) cycle charging point for use by visitors and residents at a total cost of £9,400.

The remaining surplus income (£196,200) should be transferred to earmarked reserves.

**Part B:**

The investment (from borrowing) for works to the Guildhall MSCP to be reallocated for:

- a. A contribution of £537,750 for the replacement of Mallison Bridge to match partners' contributions (£500,000 Devon County Council, Exeter Canal and Quay Trust and the Mallison Bequest). Total project costs £1,037,750. The replacement of Mallison Bridge not only alleviates the problems created on the historic Quayside of funnelling all users through a small passageway but will also restore a strategic cycle and walking route.
- b. Invest £250,000 in the parks and open spaces infrastructure in the City Centre parks to boost investment in nature, play and improve community safety.
- c. One off refurbishment of Musgrave Row public toilets of £95,650.

**Amendment 2: General Fund**

**Car Parks** It is proposed to:-

- A. Extend the charging periods on a Thursday evening for the John Lewis, Guildhall, Mary Arches (ground level) and Mary Arches (multi storey) to align with the charges for those car parks on every other night of the week (i.e. to 10pm) and all other Central and Zone 1 Car parks. This will raise (£37,077.60) p.a.

To be spent on the one off reopening costs of £7,000 for Musgrave Row public toilets. Thereafter, this income to be used to fund ongoing staff costs of £7,200 and £1,840 maintenance costs (Total £16,040).

The remaining funds £21,037.60 to be used for planting in the city's parks.

- B. To reverse the proposed cut to Exeter Community Grants Programme from £204,000 to £15,000 by increasing car parking charges across the board by 2.5% to raise £193,858 to create a Community funding programme of £208,858.

### **Amendment 3: General Fund**

#### **Retrofit**

In 2020 Council allocated £300,000 for three business cases, some of which has been spent on one business case. The 2023/2024 budget proposes to use £49,000 of these funds to fund a potential compulsory purchase in respect of Mary Arches which leaves £143,000 unspent.

It is proposed to use these remaining funds to kick start the work to establish the viability of a city wide retrofit programme, learning from the Council's own work on its Council Housing, the work of the Local Government Association and other Councils.

The proposal is to appoint two Officers both at Grade H (£92,980 total) for a period of 16 months (Total £123,973) to develop the model and feasibility of rolling out refurbishment at scale resulting in an evidence based business case for progressing the project. The remaining funds: £19,027 would be allocated for project costs.

One role would be Technical - focusing on modelling the scope, technical and financial issues. The other role would focus on Partnership and Community engagement to demonstrate demand and delivery capability. Building on the partnerships with other District Councils, Housing Associations, Exeter College, the University and business bodies to understand the supply chain, skills and workforce development needs and engage with residents and business to cultivate demand, and understand and develop solutions to the barriers to progressing this work.

Councillor D. Moore, as a co-leader of the Progressive Group and in moving the amendments, made the following points:-

- the Organisational Change Programme, One Exeter, would significantly change how the Council worked and communities and the environment will more directly experience the impact of the cuts to the Council's budget. The amendments therefore sought to enable the Council to do more to progress its stated priorities without increasing borrowing;
- other aspects of the amendments sought to respond to identified community needs and make further progress on tackling the climate and ecological emergencies;

- the income from the Guildhall Shopping Centre can be used for the regeneration of the area. By using the income from the shopping centre in the proposed way, it would release funds that were to be borrowed to repair the Guildhall MSCP for other uses;
- additional funding for the retrofit work across the city was proposed and it would be vital to understand the nature and scale of the task and identify a sound technical and financial basis for any potential company that the Council then might decide to set up.

Councillor Bennett, in seconding the amendment, made the following points:-

- the amendments sought to prioritise community safety through investment in the city's parks as it was vital to maintain and enhance open spaces for nature, residents and visitors. Investment in the parks infrastructure would increase people's confidence so that they would feel safer in the city's parks and not fear anti-social behaviour;
- the proposals also sought to take further action in tackling the climate and ecological emergencies by piloting lockable bike hangers and electric bike charging points to give people confidence to switch to electric bikes, knowing that they would be secure and could be easily charged. It should be rolled out across the city; and
- the work on the Homelessness Task and Finish Group was welcomed which identified the need for free open public toilets to ensure that people sleeping rough did not have to use desperate measures to avoid using a toilet or going in places which adds to the problems of anti-social behaviour. Musgrave Row toilets were an ideal central location near to the car parks and those who use the car park would help contribute to the capital works for refurbishment and reopening as well as revenue costs for ongoing maintenance and cleaning.

The following comments were made by Members:-

- Mallison Bridge on the Quay had been out of use since 2018. This Bridge was a part of a strategic route for walking and cycling around Exeter, encouraging Active Travel, which is a stated goal of this Council and Devon County Council. Its loss had a huge impact on those who lived around and visit the Quay, as their only option now was to be funnelled through a narrow alleyway in order to continue their journey;
- the Quay was a hugely popular asset in Exeter; visitors and locals alike enjoy the route along the river and replacing the Bridge would restore the ability to enjoy the river. The importance of this route is highlighted by its continued inclusion within Devon County Council's cycle map;
- the news that a funding bid was underway to replace the Bridge was welcomed, but it was just a bid and it was yet to be submitted with the outcome unknown;
- over the years, many residents and owners of small and medium size business had requested that car parking charges be capped or not increased;
- the St. Loyes ward has had its bus service significantly reduced forcing residents to use their cars to access the city centre and are likely to park at the Guildhall, Mary Arches Street and John Lewis Car Parks. They will now be discouraged from using the city centre because of the suggestion to extend the charging periods in these car parks which will have a knock on effect on city centre businesses; and
- there would be an increased car usage and associated gridlock as a result of the removal of three double decker buses serving St. Peters School as students will now be taken to school by their parents.



Councillor D. Moore, in commending the alternative Budget to Council made the following points:-

- the budget for the Exeter Community Grants programme was just £15,000, a reduction from £204,000. The Council had received a New Homes Bonus of £29.627 million between 2011/12 to 2023/24 which, during this period, supported community projects. When it was set up the Exeter Grants programme and Exeter Fund was initially funded from the New Homes Bonus Community Reserve of £265,000 per year for three years and the Neighbourhood Proportion of the CIL (where receipts allow) of £800,000 per year, creating a total annual fund of £1,065,000. It covered ward grants, community buildings and small and large grants. New Homes Bonus is now proposed to be used in general terms to fund the Council;
- in 2019, the Exeter Community Grants Programme had an annual budget of around £1 million and, whilst 127 community groups last year received a grant from the Council at an estimated value of £463,709, there is now practically no budget;
- grants were used effectively during the Covid lockdown helping the community to respond and support their neighbours and, since then, community grants and ward grants have been vital to help re-establish community action; and
- the proposals offered good value for money and would mean an average city centre car parking fee for a Thursday evening would increase by 14p. It would negate the need for borrowing and support Active Travel and a healthy city.

Councillor Bialyk, speaking as Leader, stated that the Budget had been developed in the preceding months and that it was difficult to take on board suggested changes at this stage. He stated that his group would not be supporting the alternative Budget.

The alternative Budget proposals of the Progressive Group were put to the vote and LOST.

The Leader, in presenting his Budget speech, detailed the following:-

- setting a balanced budget for the year ahead had been extremely challenging and, together with the Portfolio Holders and the Senior Management Team, the city's needs had been examined in light of the reduction in Government funding of more than 60 pence in every pound over the last 12 years coupled with the need to make efficiency savings and generate additional income;
- there had been a funding gap in the Medium Term Financial Plan of £6.6 million when presented to Executive in February 2022 and the position had changed over the last year, due to inflationary pressures causing higher staff salaries and energy costs, together with higher interest rates. As a result, the funding gap had increased to £9.675 million or nearly 18% of the Council's General Fund operating budget;
- as a result of energy price rises, rising interest rates and the national Cost of Living Crisis, the Medium Term Financial Plan identifies increased funding gaps of £3.095 million in 2023/24; £2.236 million in 2024/25, £2.45 million in 2025/26 and £1.8 million in 2026/27;
- a replacement for Mallison Bridge at Exeter Quay is not in the Capital Budget Programme as the Council does not have the necessary funds but ways to deliver it will continue to be explored and a joint bid is being prepared with Devon County Council to secure funding through the Department for Transport's Active Travel programme. If successful, this will lead to a replacement bridge for cyclists and pedestrians;

- an additional £100,000 is being made available for the Splash Park in St. Thomas and paddling pools in Heavitree, all free facilities;
- the food waste collection rollout is progressing well and, from July 2022, the rollout commenced to Alphington, then Beacon Heath last October, Pinhoe in November and St. Loyes in January. The next rollout will be Exwick and St. Thomas in the middle of February then the Pinhoe, Stoke Hill and Pennsylvania areas together with the Heavitree and Polsloe areas from March to May. This would take the number of homes receiving food waste collections in the city to more than 20,000. It is very popular with residents and will significantly increase the recycling rate;
- a team has been established to deliver Net Carbon Zero within the City Council, with an action plan produced to reduce carbon emissions. The first three electric refuse collection trucks are now operating and the solar array and battery storage facility at Marsh Barton is now operating, linking directly to the Materials Recycling Facility at Exton Road and will be used to power the electric vehicle fleet. The solar array on the roof of the Riverside Leisure Centre has been completed;
- trees have been planted throughout the city, including 591 whips in a new woodland project at Newhaven fields and the sustainable wild flower planting programme has been continued;
- protecting and enhancing green spaces remains a priority and, in November last year, an independent study by the University of Sheffield looking at 68 cities in the UK and scoring them according to greenness, tree canopy cover and percentage of green space rated Exeter as No 1;
- footfall has returned strongly to the city centre following the Pandemic, with the recent Christmas period the busiest in four years. 2022 saw an annual footfall increase of 22.9% to 24.3 million, a figure almost 20 % higher than the pre-Pandemic 2019 figure;
- the CCTV control room has been upgraded with new and better quality cameras as part of the commitment to ensuring Exeter is a Safe City for all;
- the in-house Exeter Leisure service has gone from strength to strength with St. Sidwell's Point opened at the end of April last year winning many regional and national awards. All the leisure facilities continue to be well used and highly valued by residents and membership figures are increasing;
- the BBC recently reported that more than 60 public pools across the UK have closed over the last three years but Exeter has bucked the trend through the Council's vision to deliver a new swimming pool and leisure centre helping make Exeter a healthy and active city for all residents. The launch of the new Live and Move strategy will help more people lead active lifestyles through the partnership programme with Sport England to 2025;
- the Playing Pitch Strategy has been agreed and there is a commitment from partners to invest in improving Exeter's playing fields;
- the inspirational Inclusive Communities Programme is supporting hundreds of people from the city's culturally diverse communities;
- designs for a new Community Wellbeing Hub in Wonford will be submitted later this year following widespread consultation;
- support for communities has continued through these challenging financial times with £850,000 spent directly supporting 112 groups to deliver community activities across the city. These included:-
  - almost £30,000 on community groups to run activities in their wards;
  - £75,000 supporting community buildings;
  - £50,000 on small grants for projects that run across the city;
  - £60,000 on capital support for community buildings;

- £10,000 to support community groups in providing warm spaces and facilitating free use of community facilities to anyone in need of them over the coldest winter months;
- £200,000 contributed in the last 12 months to ensure that Citizen Advice Exeter can continue to support residents during the Cost of Living Crisis;
- £180,000 in the last 12 months to Exeter Community Initiatives to provide voluntary sector support and advice; and
- Community organisations will be further boosted with the launch of the Exeter Community Lottery later this year;
- the Council continued to support residents through the Cost of Living Crisis, distributing payments from the various Household Support Fund schemes to 7,489 households, with a total value of £715,673. The Council had distributed the Council Tax £150 Energy Rebate, both the mandatory and discretionary schemes, to 45,557 households, with a total value of £6,803,310;
- the Leader was proud of the way Exeter has responded over the last year to the refugee crisis caused by Russia's invasion of Ukraine. The city had welcomed those forced to escape the war with open arms. The Devon Ukrainian Association had been supported through the Conversation Café, supported by Home Office funding. Under the Homes for Ukraine scheme, the Council has distributed just over £43,000 in guest payments to Ukrainian refugees since the scheme started, helping 213 individuals. So far, 133 payments have been paid to hosts, totalling £268,650, including £54,100 in discretionary payments, which top up the £350 per host payment from the Government to £500. The Council has also given £39,492 towards rent and moving costs which has helped 13 Ukrainian households to move into their own private rented accommodation;
- providing quality housing remained a key strategic priority. Last October the Council's extra care housing scheme at Edwards Court was opened. It had been developed in partnership with Devon County Council and was the first extra care scheme in the city. It provides 53 flats for affordable rent and was recently praised by the NHS for helping to take the pressure off hospital beds in the city. It is also the country's first Passivhaus care facility;
- work on 21 new Passivhaus flats have been commenced at Hamlin Gardens;
- site clearance and the tendering process has been completed for the commencement of 92 flats at The Gardens Whipton, at Vaughan Road;
- the delivery of the Council Housing Retrofit Programme had been delivered with 420 properties completed to date with some £1.6 million of Government grant helping residents facing spiralling fuel costs by lowering energy use and carbon footprint at the same time;
- a bid for Social Housing Decarbonisation Funding was submitted in November, and the results will be known in March;
- a successful public consultation on the Draft Exeter Plan was held at the end of 2022 highlighting how the city will grow in a sustainable way over the next few decades. Roadshows were held in every ward with over 1,000 people attending. The Local Plan team were analysing almost 4,000 responses from residents, businesses and organisations across the city. A further public consultation, on the final draft Exeter Plan, would take place later this year;
- the Housing Needs Team, voluntary sector partners and volunteers continue to help the homeless or people at risk of homelessness in Exeter and a five year Homelessness Prevention Strategy was to be launched in April. The delivery of rough sleeping services had been extended following a successful £3 million bid to Government. Funding was obtained through the Rough Sleeping Accommodation Programme to purchase 25 former Council one-bed properties to use as stepping stone homes for people recovering from rough sleeping. A successful trial of four new rough sleeping relief pods was run, enabling over 20

rough sleepers with high needs to come off the streets and two bespoke projects provided emergency accommodation and recovery support for victims of domestic violence and abuse, with more than 30 users in the first 12 months;

- the Queen’s Commonwealth Games Baton Relay travelled through Exeter in July, culminating in a visit to St Sidwell’s Point. The Queen’s Jubilee Street Party was delivered to thousands of residents and, with the sad passing of Her Majesty Queen Elizabeth II, Exeter hosted a perfectly executed Proclamation with residents able to pay respects publically at a screening of the state funeral in Northernhay Gardens;
- the Council was currently working with InExeter to deliver a celebration to mark the Coronation of King Charles III;
- Exeter Carnival returned to the city centre for the first time in 25 years in partnership with InExeter;
- supporting Exeter’s cultural offer remains a key strategic priority for the Council. The Royal Albert Memorial Museum (RAMM), the Corn Exchange and attractions like the Underground Passages are supported and, over the next three years, the Council will commit more than £6.78 million in supporting the five National Portfolio Organisations - Exeter Phoenix, Exeter Northcott Theatre, Exeter UNESCO City of Literature, Libraries Unlimited and RAMM; and
- the RAMM was recently awarded Gold in the Ethical, Responsible and Sustainable Tourism category at the Visit Devon Tourism Awards and has held a number of high profile and highly regarded exhibitions over the last 12 months

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The proposed Budget  
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- the proposed budget would achieve the requirement to maintain a minimum balance in excess of £3 million and significant work has been undertaken to deliver substantial reductions and additional income;
- as the Council can no longer merely approve additional expenditure without identifying what will be cut to fund it, is essential that Members and Officers prepare to identify ways to address the further gaps in funding over the life of the Medium Term Financial Plan.
- the proposed revenue estimates and capital programme for the year 2023/24 would result in the setting of a District Council tax of £175.13 for a Band D property which is an increase of £5.08 a year for a Band D property, less than 10p a week.
- The Band D Council Tax will be split as follows:-

Exeter City Council	£175.13;
Devon County Council	£1,419.21(and social care £214.42);
Devon & Cornwall Police	£261.56;
Devon & Somerset Fire	£96.79;
Making a total bill of	£2,167.61.

Councillor Jobson, as leader of the Conservative group, and, although on behalf of the group supporting the budget, made the following points:-

- she thanked the officers for their work in preparing a balanced budget;
- the higher rate of borrowing has resulted in a Council debt of £167 million of which £56.8 million would not be repaid until 2062 at an interest rate of 3.48%, £34.6 million would not be repaid until 2069 and £43 million would not be repaid until 2071;
- interest rates had gone up to bring inflation under control meaning the end of cheap borrowing previously available through the Public Works Loan Board;

- General Fund and HRA reserves were likely to fall in the next two or three year and this was a concern given the uncertainty over future interest rates;
- the Government had advised that the Business Rates retention scheme which is vital to Exeter and the New Homes Bonus are to remain for at least another year;
- the £29.6 million Exeter has received from the New Homes Bonus since 2011 could have been spent better;
- there was considerable debt and it had to be repaid now and in the future;
- the good news for Council tenants was that rent rises were capped at 7% rather than the Consumer Price Index +1% rate which would have been 11%;
- whilst the increases in car parking charges is logical it is hoped that it will not discourage visits to the city centre which would impact adversely on business including the Guildhall Shopping Centre leading to empty properties;
- the 20% reduction in car park and commercial income predicted would incur a loss of £3 million resulting in a reduction in street cleaning, fewer play areas being upgraded and a reduction in the grants programme; and
- the budget simply brought Council finances under control and therefore should be supported.

Councillor Morse, as the Portfolio Holder for City Development, referring to the particularly challenging nature of this year's budget setting process, welcomed the following:-

- the retention of the Enforcement Officer's post;
- the review of the Article 4 Direction;
- the roll-out of the food waste collection service in the Beacon Health area; and
- funding for the Splash pool in St. Thomas and the paddling pool in Heavitree, providing a free facility for families and their children.

Councillor Denning, as the Portfolio Holder for Customer Services and Council Housing, also welcomed the funding of the Splash pool and paddling pools and remarked that many Council house tenants accepted that increased rentals helped preserve vital services.

Councillor Pearce, as the Portfolio Holder for Communities and Homelessness Prevention, made the following points:-

- in spite of Government cuts, the Council continued to invest in services, the city's infrastructure and the projects referred to and because of these cuts, borrowing has been necessary;
- the city centre car parks were often close to capacity and the revenue from these also offsets the cuts;
- the community grants programme was an outstanding commitment with £200,000 spent last year;
- the inability to spend committed CIL monies for grant making until they have been lodged with the Council; and
- the grants programme was flexible, for example, it had this year been used to help combat the cost of living crisis.

Councillor Wood, as the Portfolio Holder for Climate Change, made the following points:-

- the ongoing challenge in balancing the budget in the face of national, international and global issues;
- the value of the contemporary St. Sidwell's Point as a radical, ground breaking development setting a standard as an energy saving facility, particularly as the recent high energy costs had contributed to the closure of some 60 leisure pools across the country;
- the charging of the three electric refuse collection vehicles by the solar array and battery storage facility at Marsh Barton would save 35,000 gallons of diesel a year; and
- welcome the upgrading of play park facilities.

Councillor Williams, as the Portfolio Holder for Supporting People, stated that the ward by ward basis for the roll-out of the food waste collection service helped identify efficiencies for the remainder of the programme rollout across the city

A number of Members welcomed and commended the budget proposals as an ambitious and balanced approach to the serious pressures and additional challenges faced by the Council, particularly resulting from the 60% reduction in Government funding over the years, referring to some of the many achievements. The following were highlighted:-

- the significant progress in the roll-out of food waste collection and a very well received presentation to the Customer Focus Scrutiny Committee on 2 February 2023 by the Service Lead Environmental Health and Community Safety on Waste, Recycling and Fleet;
- the upgrading of the CCTV control room and provision of new and better quality CCTV cameras;
- the Government's failure to introduce a three year rather than 12 month settlement; the continuing reductions in the block grant support; and the regressive nature of the current Council Tax system, all of which exacerbated the Cost of Living crisis;
- the impact of the Government's mini budget which it had been calculated had left a £30 billion hole in the economy;
- the Council's commitment to leisure provision in the city which was not a mandatory duty and the value of affordable and well run facilities from a health and well-being perspective;
- the discretionary employment of an Enforcement Officer;
- the Council's ambition and vision helping to maintain Exeter as the economic hub of the County; and
- the Council's humanitarian response in supporting the Ukrainian refugees.

Councillor D. Moore, as co-leader of the Progressive Group commended many of the Council initiatives recognising the multiple crises being faced, including Government cuts, the Cost of Living crisis and the climate and ecological emergencies and, in suggesting that the Budget did not show how the Council would tackle these challenges and rising inequalities, made the following points:-

- the need for a clear commitment to the timing of the full roll out of food waste collection across the city;
- it was hoped that funding for replacing the Mallison Bridge would be included in the Capital Budget in light of the bid to the Department of Transport;
- the maintenance of green spaces in the city centre was vital, particularly as the 11% of tree coverage was not as high as the city's overall tree canopy of 22%;
- a clear focus on essential services was vital to meet the challenges facing the city;

- the contracts for community services did not go far enough to ensure a robust grant funding programme which was vital to nurture community life in uncertain times;
- as recommend by the Auditor, consultation with the community was important to explain the impact that cuts would have on services;
- it was regrettable that 22% of net income will be spent on the repayment of debt rather than service delivery; and
- cooperation on the challenges facing the Council was welcome.

Councillor Wright, in seconding the proposal, made the following points:-

- the Council's valuable work with partners through the Community Safety Partnership, benefitting this year from the Safer Streets funding;
- the Gold award to RAMM in the Ethical, Responsible and Sustainable Tourism category at the Visit Devon Tourism Awards; and
- in spite of funding cuts, the Council's continued commitment to providing discretionary services.

In conclusion, the Leader thanked the Portfolio Holders and Members for their support and re-affirmed many of the points made. He thanked the outgoing Chief Executive & Growth Director for his leadership and support and emphasised that it remained the intention to consult and listen on initiatives and to work collaboratively with others across the Council to face the challenges ahead.

The Leader commended the budget to Council.

In accordance with Standing Order 30, a named vote on the Resolution, as set out in the agenda papers, was recorded, as follows:-

Voting for:-

Councillors Asvachin, Atkinson, Bialyk, Branston, Denning, Ellis-Jones, Foale, Ghusain, Hannaford, Harvey, Holland, Jobson, Knott, Lights, Morse, Oliver, Packham, Pearce, Snow, Sutton, Vizard, Wardle, Warwick, Williams, Wood and Wright.

(26 Members)

Voting against:-

Councillors Bennett, K. Mitchell, M. Mitchell, D. Moore, Read, Rees and Sparling

(7 Members)

Abstain:-

The Lord Mayor

(1 Member)

Absent:-

Councillors Allcock, Leadbetter, Newby, J. Moore and Parkhouse

(5 Members)

The Resolution was CARRIED:-

**RESOLVED:-**

- (1) That the following, as submitted in the Estimates Book, be approved:-
- (a) the Revenue estimates for 2023-2024;
  - (b) the Capital programme for 2023-2024;
  - (c) the Treasury Management Strategy for 2023-2024;
  - (d) the Prudential indicators for 2023-2024 (incorporating the Minimum Revenue Provision Statement; and
  - (e) the Capital Strategy for 2023-2024.
- (2) that it be noted that, at the meeting of the Executive on the 10 January 2023, the Council calculated the figure of 38,247, as its council tax base for the year 2023-2024 in accordance with the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012 made under Section 33(5) of the Local Government Finance Act 1992;
- (3) that the following amounts be now calculated by the Council for the year 2023-2024 in accordance with Sections 31A of the Local Government and Finance Act 1992:-
- (a) £122,016,928 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2)(a) to (f) of the Act;
  - (b) £115,318,731 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3)(a) to (d) of the Act;
  - (c) £6,698,197 being the amount by which the aggregate at (3)(a) above exceeds the aggregate at (3)(b) above, calculated by the Council, in accordance with Section 31A(4) of the Act, as its council tax requirement for the year;
  - (d) £175.13 being the amount at (3)(c) above divided by the amount at 2 above, calculated by the Council, in accordance with Section 31B(1) of the Act, as the basic amount of its council tax for the year;
  - (e) Valuation Bands

A	B	C	D
£116.75	£136.21	£155.67	£175.13
E	F	G	H
£214.05	£252.97	£291.88	£350.26

Being the amount given by multiplying the amount at (3)(d) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to



be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

- (4) That it will be noted that, for the year 2023-2024, Devon County Council, the Office of the Police and Crime Commissioner for Devon and Cornwall and the Devon and Somerset Fire and Rescue Authority have stated the following amounts on precepts issued to the Council, in accordance with Section 83 of the Local Government Act 2003, for each of the categories of the dwellings shown below:-

Devon County Council

-

A	B	C	D
£946.14	£1,103.83	£1,261.52	£1,419.21
E	F	G	H
£1,734.59	£2,049.97	£2,365.35	£2,838.42

Devon County Council - Adult Social Care

A	B	C	D
£143.28	£167.16	£191.04	£214.92
E	F	G	H
£262.68	£310.44	£358.20	£429.84

Office of the Police and Crime Commissioner for Devon and Cornwall

A	B	C	D
£174.37	£203.44	£232.50	£261.56
E	F	G	H
£319.68	£377.81	£435.93	£523.12

Devon and Somerset Fire and Rescue Authority  
Valuation Bands

A	B	C	D
£64.53	£75.28	£86.04	£96.79
E	F	G	H
£118.30	£139.81	£161.32	£193.58

- (5) That, having calculated the aggregate in each case of the amounts at (3)(e) and (4) above, the Council, in accordance with Section 30(2) of the Local Government Finance Act 1992, hereby set the following amounts as the amounts of council tax for the year 2023-2024 for each of the categories of dwellings shown below:-

Valuation Bands

A	B	C	D
£1,445.07	£1,685.92	£1,926.77	£2,167.61
E	F	G	H
£2,649.30	£3,131.00	£3,612.68	£4,335.22

(The meeting commenced at 6.00 pm and closed at 8.00 pm)

Chair

DRAFT

## **COUNCIL**

Tuesday 21 February 2023

### **Present:-**

The Right Worshipful the Lord Mayor Councillor Mrs Yolonda Henson (Chair)  
Councillors Asvachin, Atkinson, Bennett, Bialyk, Branston, Denning, Ellis-Jones, Foale, Ghusain, Hannaford, Harvey, Holland, Jobson, Knott, Lights, Mitchell, K, Mitchell, M, Moore, D, Morse, Oliver, Packham, Pearce, Read, Rees, Snow, Sparling, Sutton, Vizard, Wardle, Warwick, Williams, Wood and Wright

1

### **MINUTES**

The minutes of the Extraordinary and Ordinary meetings of the Council held on 13 December 2022 were moved by the Leader, those of the Ordinary meeting seconded by the Deputy Leader, Councillor Wright, and those of the Extraordinary meeting seconded by the Portfolio Holder for City Development, Councillor Morse taken as read, approved and signed as correct.

In response to a Member's query on Min. No 67 of the Ordinary Council meeting in respect of the undertaking of the Portfolio Holder for Climate Change to provide a separate written response on the absence in the Devon Carbon Plan's Equality Impact Assessment of the role of religious organisations in improving their buildings, the Portfolio Holder advised that the response would be circulated with the minutes of this meeting.

2

### **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Allcock, Leadbetter, Newby, J. Moore and Parkhouse.

3

### **OFFICIAL COMMUNICATIONS**

The Lord Mayor advised that she had attended the following:-

- the Wonford Community Carols by candlelight evening at the Wonford Community Centre on 13 December 2022;
- the Blue Light Carol Service at Exeter Cathedral on 15 December 2022;
- the annual Christmas with the Lord Mayor on 16 December 2022 to raise money for the Lord Mayor's Charity - Exeter Dementia Action Alliance;
- the Salvation Army Temple Annual Carol Service on 18 December 2022;
- the Annual Jewish Communities Chanukah celebrations at Bedford Square on 19 December 2022;
- the Grandison Service at Exeter Cathedral on 24 December 2022, attended on her behalf by the Deputy Lord Mayor;
- the Exeter College Student Awards at the Rougemont Hotel on 19 January 2023;
- the opening and closing ceremony of the Holocaust Memorial Day at the Guildhall on 27 January 2023; and
- a coffee morning to raise money for the Exeter Dementia Action Alliance on 28 January 2023.

## PUBLIC QUESTIONS

The Lord Mayor reported the receipt of questions from members of the public. Mrs Thompson was unable to be in attendance. Her question and response are listed below:-

### **Question from Cynthia Thompson to Councillor Bialyk, Leader**

As decision notice of 4 February 2020 regarding Planning Application 19/1105/FUL to create a hub on Council owned Station Road, Playing Fields, Pinhoe states that consent expires after three years, will an updated business plan, and/or Planning consent be required before Council funding approved in 2016 or any subsequent approved funding can be released?

### **Response**

The release of funding and pathway is as outlined in the public document that was agreed before Council.

### **Question from Peter Cleasby to Councillor Bialyk, Leader.**

**When will final proposals for the design and implementation of the Exeter Development Fund be brought to the Council for approval?**

### **Response**

No date has been set for implementation of the Fund. This would require Council approval and only once a Full Business Case (FBC) has been prepared and presented to Members. The work to develop a FBC is complex and will require 12-18 months to complete.

*Mr Cleasby, asked a supplementary question as to how the time period required to produce the FBC would impact on the delivery of the Liveable Exeter Housing Programme?*

### **Response**

The Leader reiterated the complexity of the process and that implementing the Development Fund would depend on the involvement of partners and the availability of necessary funding.

## LICENSING COMMITTEE - 31 JANUARY 2023

The minutes of the Licensing Committee of 31 January 2023 were presented by the Chair, Councillor Foale, and taken as read.

**RESOLVED** that the minutes of the Licensing Committee held on 31 January 2023 be received.

## STRATEGIC SCRUTINY COMMITTEE - SPECIAL - 12 DECEMBER 2022

The minutes of the Special Strategic Scrutiny Committee of 12 December 2022 were presented by the Chair, Councillor Hannaford, and taken as read.

In respect of **Minute No. 32 (Community Infrastructure Levy: Partial Review Consultation)**, the Portfolio Holder for City Development undertook to respond to a

Member's query as to whether the Executive would be supporting a public examination of evidence rather than just receiving written submissions.

**RESOLVED** that the minutes of the Special Strategic Scrutiny Committee held on 12 December 2022 be received.

7 **STRATEGIC SCRUTINY COMMITTEE - 19 JANUARY 2023**

The minutes of the Strategic Scrutiny Committee of 19 January 2023 were presented by the Chair, Councillor Hannaford, and taken as read.

**RESOLVED** that the minutes of the Strategic Scrutiny Committee held on 19 January 2023 be received.

8 **CUSTOMER FOCUS SCRUTINY COMMITTEE - 2 FEBRUARY 2023**

The minutes of the Customer Focus Scrutiny Committee of 2 February 2023 were presented by the Chair, Councillor Vizard, and taken as read.

In respect of **Minute No. 7 (Review of Exeter City Council's Homelessness Service – Report of the Homelessness Task and Finish Working Group)**, Councillor M. Mitchell, the Chair of the Task and Finish Working Group, reported that the Group had met with a number of witnesses who were practitioners in this field, working either locally in Exeter or regionally and nationally, the Group making a number of recommendations relating to external bodies and to City Council responsibilities. He thanked the Portfolio Holder for Communities and Homelessness who had attended a number of the sessions, Councillor Denning who had requested the review and the Housing Team for their contributions. A report back on progress to the Scrutiny Committee would be made in six months.

A Member welcomed in particular recommendation 10 to work with Devon County Council's Children's Services to ensure the Homelessness Prevention Worker function is able to help young people earlier and prevent them becoming at risk of homelessness wherever possible, including young people leaving care. Many young people on leaving care were placed in unsatisfactory houses in multiple occupation and to help with their finances, he advocated free travel for care leavers to be extended up to the age of 21.

The Chair moved and Councillor Sutton seconded the recommendations and following a vote, the recommendations were carried unanimously.

**RESOLVED** that the minutes of the Customer Focus Scrutiny Committee held on 2 February 2023 be received and, where appropriate, adopted.

9 **COMBINED STRATEGIC SCRUTINY AND CUSTOMER FOCUS SCRUTINY COMMITTEE - 9 FEBRUARY 2023**

The minutes of the Combined Strategic Scrutiny Committee and Customer Focus Scrutiny Committee of 9 February 2023 were presented by the Chair for the meeting, Councillor Hannaford, and taken as read.

**RESOLVED** that the minutes of the Combined Strategic Scrutiny Committee and Customer Focus Scrutiny Committee held on 9 February 2023 be received.

10

**EXETER HARBOUR BOARD - 15 DECEMBER 2022**

The minutes of the Harbour Board of 15 December 2022 were presented by the Chair, Councillor Williams, and taken as read.

**RESOLVED** that the minutes of the Harbour Board held on 15 December 2022 be received.

11

**STRATA JOINT SCRUTINY COMMITTEE - 5 JANUARY 2023**

The minutes of the Strata Joint Scrutiny Committee of 5 January 2023 were presented by Councillor Knott, one of the City Council's three representatives on the Committee, and taken as read.

**RESOLVED** that the minutes of the Strata Joint Scrutiny Committee held on 5 January 2023 be received.

12

**STRATA JOINT EXECUTIVE COMMITTEE - 17 JANUARY 2023**

The minutes of the Strata Joint Executive Committee of 17 January 2023 were presented by Councillor Bialyk, and taken as read.

In respect of **Minute No. 6 (Strata Business Plan)**, the Leader, in response to a Member's query on the progress of achieving the Business Plan's Net Zero ambitions, undertook to provide a written response.

The Chair moved and Councillor Sutton seconded the recommendation and following a vote, the recommendation was carried.

**RESOLVED** that the minutes of the Strata Joint Executive Committee held on 17 January 2023 be received and, where appropriate, adopted.

13

**EXECUTIVE - 10 JANUARY 2023**

The minutes of the Executive of 10 January 2023 were presented by the Leader, Councillor Bialyk, and taken as read.

In respect of **Minute No. 6 (Exeter City Living Business Plan Progress Update)**, the Leader moved, and Councillor Wright seconded an amendment to the recommendation for the words "in due course" to replace the words "on 4<sup>th</sup> April 2023 and the Council meeting on 18<sup>th</sup> April 2023" at the end of the recommendation. In response to a Member's query, he advised that, as a result of changes in the construction environment, it had not been possible to report on the originally intended dates but that work on the Business Plan was progressing.

The Leader moved and Councillor Wright seconded the recommendation, as amended, and following a vote the amended recommendation was carried as set out below.

**RECOMMENDED** that Council agree that the timeline for the submission of the Exeter City Living Business Plan 2023/24 be moved for Council consideration to Executive and Council meetings in due course.

In respect of **Minute No. 7 (2023/24 Budget Strategy and Medium Term Financial Plan)**, the Leader moved and Councillor Wright seconded the recommendation and following a vote, the recommendation was carried.

In respect of **Minute No. 10 (Local Council Tax Support Scheme 2023)**, and in response to a Member's reference to the need to lobby for further changes to the Council Tax Exemption Scheme, in particular to seek to achieve additional support for care leavers, he undertook to raise the issue at the next meeting of the Devon Districts Forum and to report to Executive.

The Leader moved and Councillor Wright seconded the recommendation and following a vote, the recommendation was carried unanimously.

**RESOLVED** that the minutes of the Executive held on 10 January 2023 be received and, where appropriate, adopted.

14

### **EXECUTIVE - 7 FEBRUARY 2023**

The minutes of the Executive of 7 February 2023 (with the exception of minute numbers 17, 18, 19 and 20 which had been considered at the Extraordinary Council meeting immediately preceding this meeting) were presented by the Leader, Councillor Bialyk, and taken as read.

In respect of **Minute No.16 (Urgent Matter – Response to the Draft East Devon Local Plan Update Consultation)**, the Leader, in response to a Member's query, advised that discussions were ongoing with the Leaders and senior officers of neighbouring authorities regarding the implications of large scale housing developments on the fringes of Exeter. Another Member remarked that he had forwarded his concerns regarding the impact these developments would have on the city's infrastructure and services to the neighbouring authorities.

In respect of **Minute No. 21 (Exeter Council Tax Premiums 2024/25)**, the Leader, in response to a Member's query, stated that there were currently 505 empty properties on which the Council could charge a premium.

The Leader moved and Councillor Wright seconded the recommendations and following a vote, the recommendations were carried unanimously.

In respect of **Minute No. 22 (One Exeter – Annual Review)**, the Leader moved and Councillor Wright seconded the recommendation and following a vote, the recommendation was carried.

In respect of **Minute No. 23 (Annual Pay Policy Statement 2023/24)**, the Leader moved and Councillor Wright seconded the recommendations and following a vote, the recommendations were carried unanimously.

In respect of **Minute No. 24 (Gender Pay Gap Report)**, the Leader moved and Councillor Wright seconded the recommendations and following a vote, the recommendations were carried unanimously.

In respect of **Minute No. 25 (Exeter Homelessness and Rough Sleeping Prevention Strategy 2023-2027)**, the Leader, in response to a Member's queries, advised that the minutes of the proposed Homelessness Housing Forum would be published if appropriate and that, where funding was available, it would be used to progress many of the initiatives set out in the Action Plan.

The Leader moved and Councillor Wright seconded the recommendation and following a vote, the recommendation was carried unanimously.

Councillor Wright declared a non-pecuniary interest and left the meeting during consideration of the following item.

In respect of **Minute No. 26 (National Portfolio Organisation Funding 2023 to 2026)**, the Leader, in response to a Member's question relating to the impact of the reduction in funding to organisations, advised that it was regrettable that some bodies would not now be supported, but that the Council remained committed to supporting arts and culture as part of its overall offer to the city. He stated that the organisations who continued to be supported understood the rationale behind the funding decisions.

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

In respect of **Minute No. 27 (Parking Tariffs 2023)**, the Leader, in response to a Member's query, undertook to investigate a potential discrepancy in the chart within the report to Executive, and advised that the decisions on the tariffs had already been agreed.

In respect of **Minute No. 30 (One Exeter – Cost Reduction Proposals)**, the Leader moved and Councillor Wright seconded the recommendations and following a vote, the recommendations were carried.

In respect of **Minute No. 31 (City Centre Parking)**, the Leader moved and Councillor Wright seconded the recommendations and following a vote, the recommendations were carried unanimously.

In respect of **Minute No. 32 (Vaughan Road Development Site)**, the Leader moved and Councillor Wright seconded the recommendations and following a vote, the recommendations were carried unanimously.

**RESOLVED** that the minutes of the Executive held on 7 February 2023 be received and, where appropriate, adopted.

15

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

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

Council Tax exemptions and discounts.

Request Exeter City Council to lobby both of our local Members of Parliament, the Local Government Association and the Department for Levelling Up, Housing and Communities to require central Government to include in future annual Local Government financial settlements full reimbursement to Local Authorities, Police and Crime Commissioners and Fire and Rescue Services for losses of council tax income due to nationally legislated exemptions and discounts.

In presenting his Motion, Councillor M. Mitchell made the following points:-

- the Motion aimed to restore some fairness within the Council tax regime, so that Councils could determine spending priorities in their areas. Successive Governments had viewed Council Tax as the main source of local government funding with Councils increasingly required to compete with other local



- authorities for Government funding for projects. As a result, some Councils had used other income sources such as establishing property companies;
- although Governments over the years had introduced exemptions and discounts through a Council Tax support scheme, each local authority was impacted differently. An example was the Government reimbursing local authorities for the loss of council tax on the annexe or 'granny flat.' Exeter had just six such annexes with a total of £7,632 income recovered. In East Devon there were 107 such annexes or granny flats exemptions and accordingly the District Council received a greater amount;
  - one of the principles behind the Motion was that each local authority should be fully reimbursed by the Government for the losses of council tax income due to nationally determined exemptions and discounts;
  - in Exeter there were currently 7,500 exempt properties and the loss of Council Tax from these amounted to approximately £13 million a year to the precepting authorities. Over 20,000 people in Exeter received discounts largely the 25% single occupier discount and the total sum involved is nearly £9 million, and 4,450 individuals are assisted by the means tested local support scheme which equates to £7 million;
  - whilst there was an element of Government grant funding formula, it was not a recognisably accountable system; and
  - an equitable Council Tax system should be a means to ensure proper accountability.

The Portfolio Holder for Communities and Homelessness Prevention, in supporting the Motion, referred to previous lobbying for reforms of the Council Tax system. Introduced some 20 years ago it was no longer fit for purpose and, whilst it was appropriate that there continued to be exemptions for those needing support, there should be greater Government support for local authority financing.

Councillor Jobson, as leader of an opposition group, stated that the Government should also be lobbied in respect of commercial operators of Houses in Multiple Occupation (HMO's) and Purpose Built Student Accommodation (PBSA) whose properties were occupied by students who were one of the exempt classes. In respect of HMOs, a change in the system might encourage some landlords to rent to a wider range of tenants than students.

The Leader, stated that he would be supporting the Motion and advised that Council Tax exemptions had originally been put in place to support families sending their children to university and living away but that it was now a scheme that was being abused.

Councillor M. Mitchell, in concluding, hoped that the premise of the Motion would offer a practical and deliverable system to improve local authority accountability. He agreed with the Member's comments in respect of commercial operators.

Councillor M. Mitchell commended the Motion to Council.

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

16 **NOTICE OF MOTION BY COUNCILLOR READ UNDER STANDING ORDER NO.**

**6**

Councillor Read, seconded by Councillor Rees, moved a Notice of Motion in the following terms:-

### **The Council notes:**

In July 2019 Exeter, along with hundreds of other Councils, declared a climate emergency. This declaration was strengthened in April 2021 by including biodiversity. The Rivers Trust says 'Rivers are in the forefront of our climate and nature crisis. For habitats to adapt and recover from climate shocks, we need healthy rivers'. The Council has an obligation to protect its rivers and the City Council's Harbour Board has, as one of its core values "We will lead in environmental stewardship of the Port." The Exe Estuary has the highest protection status afforded to it and is designated a Site of Special Scientific Interest and a Special Protection Area because it supports internationally important populations of birds such as the Slavonian Grebe and the Avocet, as well as Dunlin, Oystercatcher, Blacktailed Godwit and more.

The issue of sewage pollution of rivers and the sea is rightly high on the public and political agenda as the Environment Agency recently revealed that not one English waterway, including rivers, lakes, estuaries and coastal waters is in good ecological and chemical health at present. Pollution from water treatment plants and agriculture are the key sources of the damage. Meanwhile the Environment Agency recently shockingly announced that the target to clean up the majority of England's rivers, lakes and coastal waters has been pushed back 36 years, from 2027 to 2063. To date, only stretches of two rivers in the UK have been granted bathing status, a section of the River Wharfe and of the Thames.

### **This Council resolves to:**

1. Recognise that there is clear evidence of poor water quality in the Exe due to cumulative impact of multiple sewage discharge events or 'sewage overload'.
2. Ask Exeter City Council to request from South West Water that an evidence base is compiled that assesses the cumulative impact of sewage discharge on ecological river health, and in addition the impact of polluted water on wildlife and biodiversity along the banks of the river should be monitored.
3. Ask Exeter City Council to invite the Chief Executive of South West Water plus senior representatives from the Environment Agency and Natural England/Natural Resources Wales to attend a meeting to answer questions on the current levels of sewage discharge.
4. Ask Exeter City Council to contact the Department for Environment, Food and Rural Affairs (DEFRA) and the regional director of the National Farmers' Union for clarification on action being taken by local farmers to prevent agricultural waste flowing into the river.
5. Ask Exeter City Council to request that South West Water from this date onwards, in its planning consultation responses for major development, to clarify which treatment works will be managing the sewage; whether it has the information available to assess the impact on the number or duration of sewage discharges into local rivers or seas, and if it does have this information to share it (noting that this can only be requested not required).
6. Request Exeter City Council to lobby both our local Members of Parliament, the Local Government Association and the Department for Levelling Up, Housing and Communities to ban sewage discharges into swimming areas and where protected wildlife lives.

In presenting her Motion, Councillor Read made the following points:-

- the River Exe was an enormous asset to Exeter and was recognised to have a huge benefit to the health and wellbeing of Exeter's residents and of great importance to wildlife;
- the Exe catchment area has 77 sewage pumping stations taking away wastewater from homes and businesses. It has both separate (foul or surface water) and combined (foul and surface water) networks. When there was severe rainfall, storm overflows of both types act as built-in pressure relief valves and allow flows to be discharged into rivers and seas. Storm overflows were permitted by the Environment Agency;
- there were 299 overflows in the Exe catchment area and 167 Event Duration Monitors installed to monitor spill frequency. South West Water's Level 2 Draft Drainage and Wastewater Management Plan for the Exe 2020-2025 did not provide details about the volume of raw or treated sewage discharged into the waterways. Also, this report provided the number of 'pollution events' but no details on the impact on wildlife. In addition to this, agricultural runoff, badly managed septic tanks, road runoff and misconnected domestic drains all impacted adversely on the health of rivers in general and the Exe specifically;
- there was very little data published by South West Water on biological monitoring of the health of the Exe. An Exeter City Council report on 'Naturalising Exeter's Rivers' produced in October 2021 focused on the Northbrook stream, which flowed directly into the Exe. A baseline survey found that water quality in the stream is damaged by sewage entering it from misconnections, storm overflows and leachate from the landfill site. The Environment Agency agreed to monthly monitoring of the Northbrook from May 2022 and this sort of survey was needed for the whole of the Exe catchment as a matter of urgency;
- in 2021 at Dunsford Road there were 44 discharges into the River Exe over 62 hours; at Countess Weir there were 47 discharges over 123 hours and at Lower North Street there were 71 discharges into the Higher Leat over 214 hours;
- there was no way of knowing the volume of sewage discharged. Moreover, there were also many overflows of treated and untreated sewage and domestic misconnections which are not measured or recorded at all. In addition, there was frequent spillage into the river from agricultural chemicals;
- the Environment Act 2021 made it a statutory obligation for the Environment Agency to monitor water quality up and downstream of sewer overflows and make annual reports on storm overflow discharges. South West Water had over 1,600 storm overflows to monitor and so at present they are concentrating on Combined Sewage Overflows that spill more than 10 times a year. They had agreed a target with the Environment Agency to reduce spill frequency below this by 2045;
- the population of the Exe catchment in 2020 was 283,000 and was projected to grow to 373,000 by 2050. The catchment was also impacted by the influx of tourists during the summer, with an increase of 37,000 or 13 % over the existing resident population. Planning applications needed careful scrutiny so that the projected discharge of sewage is taken into account in all new developments; and
- Exeter deserves a clean, biodiversity-rich river, canal and estuary with healthy populations of many different species of birds, a thriving mussel industry, returning salmon and lots of people coming to the area for ecotourism. This would create new jobs and income for the area. Reducing and eventually eliminating sewage from the river could be an important step on this journey.

Councillor Rees, in seconding the Motion, welcomed the shared vision for a clean and healthy River Exe and hoped that the actions proposed would lead to an improvement in the river's biodiversity and help reverse the decline in the quality of the water.

Councillor Williams, as the Portfolio Holder for Recycling, Waste Management and Waterways, supported the Motion and referred to an event she had attended in 2022 entitled "Our Water: From the City to the Sea" involving a number of groups campaigning for cleaner water.

Councillor D Moore, as co-leader of an opposition group, welcomed the Motion and referred to the provision in the Flood and Water Management Act 2010 in respect of the adoption of drainage systems. She emphasised the importance of ensuring that the planning system was sufficiently robust to ensure the right connections for surface water to run off into public sewers as part of conditions for housing developments before construction commenced.

A Member, in supporting the Motion, referred to a failed amendment prior to the passing of the Environment Act 2021 to place a legal duty on water companies in England and Wales to undertake improvements to the sewerage systems.

Councillor Read, in concluding, thanked Members for their support stating that she looked forward to the responses from the bodies identified and suggested that the issue could be considered at a future Scrutiny Committee.

Councillor Read commended the Motion to Council.

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

## 17 **APPOINTMENT OF NEW PERMANENT CHIEF EXECUTIVE AND HEAD OF PAID SERVICE**

Following on from his announcement at the Extraordinary Council meeting on 20 December 2022 regarding the Senior Management Change Proposal and the update provided to Executive on 7 February 2023, the Leader reported the process to recruit, select and appoint to the new permanent post of Chief Executive and Head of Paid Service.

In response to Members' queries he confirmed that the process had been discussed with representatives of the Local Government Association and that the Selection Committee would be balanced in accordance with the Local Government and Housing Act 1989.

**RESOLVED** that, subject to successful selection and any handover, the following planned schedule of activity and associated timelines for the appointment of the new Chief Executive and Head of Paid Service be noted:-

- Internal Advert - 8 February 2023, closing on 28 February 2023;
  - a Selection Committee will be formed;
  - Selection Day - 7 March 2023;
  - Selection Committee recommendation to Executive on 8 March 2023;
  - Chair of Selection Committee recommendation to Council on 13 March 2023;
  - Ratification at Extraordinary Council meeting on 13 March 2023;
  - Offer, Acceptance and Appointment in the week commencing 13 March 2023;
- and

- New Chief Executive and Head of Paid Service starts 1 April 2023.

In the event a successful appointment not being made as a result of this process, the Selection Committee would make a proposal as to an alternative way forward.

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

The Lord Mayor reported that no questions had been received from Members.

(The meeting commenced at 8.10 pm and closed at 9.50 pm)

Chair

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## **EXTRAORDINARY MEETING OF THE COUNCIL**

Monday 13 March 2023

### **Present:-**

The Right Worshipful the Lord Mayor, Councillor Mrs Yolonda Henson (Chair)  
Councillors Atkinson, Bennett, Bialyk, Branston, Denning, Ellis-Jones, Hannaford, Harvey, Holland, Jobson, Leadbetter, Mitchell, K, Mitchell, M, Moore, D, Morse, Newby, Packham, Parkhouse, Pearce, Read, Rees, Snow, Sparling, Sutton, Vizard, Wardle, Williams, Wood and Wright

6

### **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Allcock, Asvachin, Ghusain, Knott, Lights, J. Moore, Oliver and Warwick.

7

### **LOCAL AUTHORITY HOUSING FUND**

The Leader reported that the Department of Levelling Up, Housing and Communities (DLUHC) had made £500 million available to Local Authorities to purchase housing for those households who had come to the UK from Ukraine and Afghanistan through the Ukraine Family Scheme and Homes for Ukraine Scheme and the Afghan Resettlement Scheme. Exeter City Council had provisionally been identified as eligible for £1,842,378 capital grant funding to purchase 15 homes.

It was permissible to bid for less than 15 properties which would reduce the level of grant received but which would negate the need for any potential borrowing by the City Council. It was therefore proposed that the Council does not take on additional borrowing and accepts a reduced allocation of £1,086,378 in DLUHC grant funding to purchase eight properties to be held in the Housing Revenue Account and that a bid be submitted on this basis by the deadline of 15 March 2023.

The Portfolio Holder for Customer Services and Council Housing and the Portfolio Holder for Communities and Homelessness Prevention welcomed the report, noting that once the resettlement needs had been met, the longer term use of the houses would be for local authority determination e.g. housing and homelessness relief.

The Leader moved and Councillor Wright seconded the recommendations and following a vote, the recommendations were carried unanimously.

### **RESOLVED that:-**

- (1) the Council not take on additional borrowing and accepts a reduced allocation of £1,086,378 in DLUHC grant funding to purchase eight properties to be held in the Housing Revenue Account;
- (2) the Council's capital contribution is funded through £1,537,906 of available Section 106 funds and from a £265,740 Homes For Ukraine (H4U) grant contribution from Devon County Council;
- (3) the Council identifies and purchases suitable properties to let for eligible households using introductory tenancies for the first year and fixed term tenancies for up to five years;

- (4) the rents be set as per the recommended rental funding model as set out in the table within the circulated report;
- (5) the Memorandum Of Understanding (MOU), as set out in Appendix 1 of the report, be signed and returned to the DLUHC by the 15 March 2023 deadline confirming the Council's participation in the programme and allow payment from DLUHC; and
- (6) the Council grant delegated authority to the Director of City Development and Housing and the relevant Portfolio Holder to proceed with the acquisitions and to amend the number of properties purchased in line with the agreement above, including where additional Government grants may become available (providing no capital borrowing is involved).

8 **APPOINTMENT OF NEW PERMANENT CHIEF EXECUTIVE AND HEAD OF PAID SERVICE**

The Leader reported that, following interview, the Selection Committee on 7 March 2023 had recommended the appointment of Bindu Arjoon, the Deputy Chief Executive, as the new permanent Chief Executive and Head of Paid Service from 1 April 2023. Members noted that Executive Members had ratified the Selection Committee's recommendation.

The Leader moved and Councillor Wright seconded the recommendation and following a vote, the recommendation was carried unanimously.

**RESOLVED** that the recommendation of the Selection Committee and Executive be ratified and Bindu Arjoon be appointed as the permanent Chief Executive and Head of Paid Service of Exeter City Council from 1 April 2023.

9 **PUBLIC QUESTIONS**

It was noted that no public questions had been received.

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

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

How will you engage with the County Council, to ensure that they understand the impact of the £1.5 million planned cuts to the homeless prevention services, which will have a significant impact on our Council's ability to achieve its goals in this area? What more can we all do to reverse these planned cuts?

The Leader requested that the Portfolio Holder for Communities and Homelessness Prevention respond to the question.

**Response**

- the County Council were consulting on the proposed cuts, having already set and approved the budget in February and there was fear amongst the City Council's partner agencies that there would be a severe impact on the most vulnerable in the city;



- engagement was being undertaken through a number of channels;
- direct discussions were being held between Exeter City Council Members and Devon County Council Members regarding potential impact as further pressure on the County Council was necessary;
- cross-District engagement was being undertaken through the District Housing Partnership who reported to Team Devon (a Districts and County Council Chief Executive Officer meeting) and a comprehensive cross-District impact assessment, was being collated;
- Exeter-specific feedback and impact assessment was being prepared for a data audit of households being supported under the direct Devon County Council contract as well as sub-contracting arrangements with Exeter City Council. This included support to Exeter City Council temporary accommodation plus the 11-bed hostel for rough sleepers at Howell Road. This included collating cases where there was a discernible impact on individuals with disabilities, health issues and reducing inequalities; issues aligning with Devon County Council statutory responsibilities. The information would be incorporated into the Team Devon report and also considered by Exeter City Council to contribute to and counter the Devon County Council Impact Assessment;
- Exeter had requested data returns and impact assessments from its three providers delivering the contract in the city and was supporting them to make their respective and collective representations to Devon County Council. Meetings with senior officers were also being scheduled to assess information alongside viability and mitigation options;
- Devon County Council did not seem to have considered the impact that the cuts would have on Adult Social Services; and
- Exeter's homelessness partner agencies met on 13 March 2023 to agree a collated response to the consultation with a view to maximise a one-voice feedback from both Voluntary, Community and Social Enterprises and statutory partners.

*Councillor Rees, asked a supplementary question as to the level of engagement that had occurred with Devon County Council colleagues and how the level of engagement could be increased to reduce the impact of the cuts?*

The Portfolio Holder for Communities and Homelessness Prevention advised that a representative of Devon County Council had not been in attendance at the meeting earlier in the day. He referred to the YMCA not having been consulted by the County Council on the proposals and only hearing of the cuts via Devon Live which was indicative of the level of consultation that had occurred. A co-ordinated response by the District Councils and partner agencies was therefore vital.

(The meeting commenced at 6.00 pm and closed at 6.21 pm)

Chair

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## PLANNING COMMITTEE

Wednesday 8 February 2023

### Present:-

Councillor Emma Morse (Chair)  
Councillors Asvachin, Bennett, Bialyk, Branston, Jobson, Lights, Mitchell, M, Moore, D, Newby and Snow

### Apologies for Absence

Councillors Foale, Hannaford and Sutton

### Also Present

Deputy Chief Executive, Service Lead City Development, Assistant Service Lead - Development Management (Major Projects), Principal Project Manager (Development Management) (CC), Principal Highway Development Management Officer, Planning Solicitor and Democratic Services Officer (HB)

1

### MINUTES

The minutes of the meeting held on 10 October 2022 were taken as read, approved and signed by the Chair as correct.

2

### DECLARATIONS OF INTEREST

Councillor M. Mitchell declared an interest in Minute No. 4.

3

### PLANNING APPLICATION NO. 22/0537/OUT - LAND AT ST. BRIDGET NURSERY, EXETER

The Principal Project Manager (Development Management) (CC) presented the outline planning application for the demolition of existing buildings and structures and the phased development of up to 350 dwellings and associated infrastructure and open space. (All matters reserved except access).

The Principal Project Manager (Development Management) (CC) described the location of the site through photos, aerial views, an illustrative layout plan and drawings and its relationship to the adjacent road network.

The report also setting out the following key elements:-

- the principle of development;
- access and impact on local highways;
- parking;
- noise from A379;
- impact on trees, biodiversity and air quality;
- affordable housing;
- contaminated land;
- archaeology;
- flood risk and surface water management;

- sustainable construction and energy conservation;
- CIL/Section106, and
- Development Plan, Material Considerations and Presumption in favour of sustainable development.

The Principal Project Manager (Development Management) (CC) advised that:-

- the proposal was to develop up to 350 dwellings on the site, including 35% affordable homes, together with supporting infrastructure and open space, following the demolition of the existing buildings and structures;
- whilst an illustrative layout plan had been submitted, it was for information purposes only, and the final layout of the scheme, together with all other detailed design considerations, including open space and landscaping, would be subject to future reserved matters applications; and
- in assessing the outline application and access the proposal was considered to be a sustainable development when balancing the Development Plan policies, National Planning Policy Framework 2021 (NPPF) policies, including the presumption in favour of sustainable development in paragraph 11, National Planning Practice Guidance (NPPG), and the constraints and opportunities of the site; and
- the recommendation was for approval, subject to a Section 106 Agreement and the conditions as set out in the report.

The Principal Project Manager (Development Management) (CC) provided details on highway matters:-

- in terms of access, a new road was proposed through the site, with alterations at both the western and eastern sides;
- vehicle access to the site would be from Rydon Lane onto the new main street with closure of access through Old Rydon Lane from the west. Exits from the site would be at the Rydon Lane access point and a new access onto Old Rydon Lane (heading east) which would become a one-way street;
- two secondary access points would be created onto Old Rydon Lane, as well as use of the existing access point (exit only). The section of Old Rydon Lane between these access points would be downgraded to a 'green lane'; and
- there could be a potential connection on the northeast site boundary to the adjoining undeveloped land and a pedestrian/cycle connection to the existing cycle route to the north to be secured in the Section 106 legal agreement to improve site permeability/connectivity.

The Principal Project Manager (Development Management) (CC) provided the following concluding points:-

- the site was allocated for residential in the Local Plan, the Core Strategy, the Newcourt Masterplan and the draft Exeter Plan;
- access points are not considered to generate significant safety concerns, with suitable capacity on Rydon Lane and improvements to Old Rydon Lane for vehicles, pedestrians and cyclists. Potential for access to the north-east in future would further improve this;
- affordable Housing of 35% to be secured via a Section 106 agreement;
- noise impacts may occur from Rydon Lane, however mitigation is proposed and is considered acceptable in principle, subject to further details at Reserved Matters;
- there were a number of trees on-site. Protection or mitigation measures will be dealt with at Reserved Matters; and

- flood risk can be managed on site through swales and basins with full design at Reserved.

The following responses were given to Members' queries:-

- the County Council transport team would examine the bus route through the estate as part of Reserved Matters to ensure that the route linked appropriately to other City bus routes and that there would be sufficient space within the estate to accommodate bus movements;
- similarly, pedestrian and cycle routes would be determined at Reserved Matters stage with linkage to the land to the north east in the event that this was also brought forward for development;
- as part of planning applications, the highway team examine traffic accident statistics over the previous five years which had shown three personal accident injuries in that period;
- the through road in the estate would relieve traffic pressure on Old Rydon Lane;
- the status of the land to the north east of the site was not part of this planning application and it was not the responsibility of the County Council highways team to negotiate with third parties;
- it was not possible to compare average traffic movements on similar junctions elsewhere in the County;
- the Highway Authority had been consulted on the proposal and, having assessed the submitted Transport Assessment and associated drawings, considered that the proposal would not generate severe impacts on the local network and had raised no objections to the development;
- the trees on the proposed main entrance and the two other entrances were of lower quality. Their future and final numbers would be determined at Reserved Matters stage as part of the landscaping scheme;
- the play areas to be provided would cater for all ages; and
- the proposed dwelling number of 350 was greater than the figure of 334 set out in the Local Plan and had been set to accommodate a mix of house types, appropriate garden size and green open space. This figure could change should there be on-site restrictions.

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

- appreciate the need to meet the five year housing supply target and that the site is allocated for development in the Local Plan and the Newcourt Master Plan;
- the proposal to alter the Old Rydon Lane and Rydon Lane junction and create a new road leading into the site will create dangerous traffic conditions;
- there have been two near fatal traffic accidents, one in the last four weeks and one three years ago;
- the proposal for a one way system into Holland Park will create a rat run elsewhere on the network;
- a suitable alternative would be to secure access onto the A379 at the Newcourt Way roundabout and the offer of the third party to accommodate this should be examined; and
- concern regarding the removal of condition 8 and its incorporation into the Section 106 Agreement relating to the requirement for agreement of any Traffic Regulation Order.

Responding to a Member, he detailed the route of the bus service through the local network and the Newcourt estate.

The Chair reported the following points made by Councillor Leadbetter who had apologised for being unable to attend the meeting under Standing Order No. 44 and wished to comment in his capacity as a County Councillor, asking that the application be turned down:-

- the views of the residents, who have the necessary local knowledge and have highlighted the dangers of using the access off Rydon Lane should be supported;
- there is another access available and offered up which has been provided for this development and the developer needs to facilitate this;
- it is unacceptable that residents of Old Rydon Lane will lose the ability to turn out of their road onto Rydon Lane; and
- this application should be refused, or deferred to allow further discussions on the road access.

The Principal Project Manager (Development Management) (CC) provided the following concluding points:-

- the proposed development was considered to be acceptable. The site fell within the Newcourt strategic allocation (Policy CP19), which had been proposed for around 3,500 dwellings (which this development will contribute towards), employment land and associated infrastructure. In effect, the principle of allowing housing on this site had already been established through the adoption of this policy. The proposal was also consistent with the Newcourt Masterplan (2010), which indicated residential development on this part of the strategic allocation area. Furthermore, whilst it carries very limited weight at present, the site was allocated for housing (334 dwellings) in the new Exeter Plan (unadopted); and
- the access proposals were considered to be acceptable, subject to securing additional links in a Section 106 legal agreement, to enhance the connectivity of the scheme to its surroundings. The Section 106 Legal Agreement must also secure 35% affordable housing and various other infrastructure.

Members expressed the following views:-

- whilst the principle of development is accepted there is much concern regarding the access points, the impact on the existing road network and road safety. It is not a car free development, the detail of pedestrian and cycle provision is unclear and there are also question marks regarding public transport. The developer should be asked to think again;
- Old Rydon Lane residents note the principle of development but have serious concerns regarding road safety;
- the offer from a third party to help secure a safer access onto the A379 should be considered;
- the status of Old Rydon Lane as a “green lane” will be finally lost with the provision of 350 dwellings;
- given the concerns around traffic safety, further consultation should be undertaken to examine alternative options for the highway network and the access to the site. Alternative options, if supported at outline stage, could be incorporated into the reserve stage application; and
- the offer to consult on the proposal put forward by the third party should also be taken up.

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

A motion to defer the application for a review of options for the highway network was moved and seconded, voted upon and carried unanimously.

**RESOLVED** that the planning application for the demolition of existing buildings and structures and the phased development of up to 350 dwellings and associated infrastructure and open space. (All matters reserved except access), be **DEFERRED** for further consideration of highway matters.

#### 4 **PLANNING APPLICATION NO. 21/1014/FUL - 68-72 HOWELL ROAD, EXETER**

Councillor M. Mitchell declared an interest and did not participate in the debate or vote on this matter. He spoke on this matter from the floor as a member of the public.

The Service Lead City Development presented the planning application for the demolition of the garage workshop and construction of four three-storey (plus basement) purpose-built student accommodation units, numbering 26 bedrooms.

The Service Lead City Development described the site's location through the site plan, an aerial view, a location plan, photos, floor plans and plans of the front and rear elevations and a contextual street scene showing the height of the building with the height of neighbouring properties. The site comprised a wide plot with a large, corrugated garage building over six metres in height, formerly used for vehicle repairs. The area was dominated by terraced housing, predominantly inhabited by students on this part of Howell Road, Danes Road and Hoopern Street. The site was in the Longbrook Conservation Area. The building did not positively contribute to the area.

For the original submission (comprising 29 beds), 54 public comments had been made in objection to the proposed development. A further 26 representations had been received following a re-consultation on the revised scheme for 26 beds. All but three were objections; two were neutral, and one letter of support from the immediate neighbour at 67 Howell Road superseded a previous objection. This was because the applicant had addressed concerns about the relationship between the properties, and the use was appropriate in this location.

The report also set out the following key elements:-

- the principle of development;
- impact on heritage assets and amenities;
- parking and accessibility;
- contamination;
- energy;
- scale, design, impact on character and appearance; and
- impact on ecology.

The Service Lead City Development advised that the key issues were:

- scale and massing;
- principle of student housing;
- amenity; and
- landscape.

It was considered that the proposal was compliant with Exeter Local Development Framework Core Strategy Policies CP5 - Student Accommodation, CP10 - Meeting Community Needs, CP15 - Sustainable Construction and CP17 - Design and Local Distinctiveness and to Exeter Local Plan First Review 1995-2011 policies AP1 - Design and Location of Development, AP2 - Sequential Approach, H1 - Search Sequence, H2 - Location Priorities, H5 - Diversity of Housing, T1 - Hierarchy of Modes, T2 - Accessibility Criteria, T3 - Encouraging Use of Sustainable Modes, T10 - Car Parking Standards, C1 – Development in Conservation Areas, EN2 - Contaminated Land, EN5 – Noise, DG1 - Objectives of Urban Design, DG2 - Energy Conservation and DG7 - Crime Prevention and Safety and to the NPPF.

The following responses were given to Members' queries:-

- Policy H5 of the Local Plan deals with accommodation for students stating that the scale and intensity of use should not harm the locality nor create an overconcentration in one area of the city which would change the character of the neighbourhood or create an imbalance in the local community;
- in the absence of a clear definition of a community imbalance in a neighbourhood, there would be a risk at an appeal of not being able to demonstrate community imbalance;
- there were three criteria in the St. James Neighbourhood Plan Policy C2 where student accommodation would be acceptable, being the presence of a gap in the residential provision, parking would not have an unacceptable effect on the area and where scale and massing were broadly similar to surrounding buildings. The proposal met all three;
- the area had a residents' parking scheme; and
- a similar scheme at Well Street had been refused but not challenged on appeal.

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

- am predominately here to protect and support the principles of the Exeter St. James Neighbourhood Plan;
- the report omitted several aspects that it has not covered and chosen not to state several issues;
- whilst the report says that the target of Policy CP5 of the Exeter Core Strategy to provide 75% of new student accommodation since 2012 has not been met, it does not set the context. The Planning Member Working Group report of 18 October 2022 stated that, although 64% of the additional student numbers are housed within Purpose Built Student Accommodation (PBSA), due to existing consents for PBSA's, mainly at the Universities Clydesdale site and the University itself projecting its student numbers will fall between now and 2026/27 the report demonstrates the 75% target will be met by 2024/25 at 75.4% and will increase to 79.8% in 2025/26 and 83.8% in 2026/27;
- once that 75% target is met, areas with a high proportion of student housing should be protected in favour of areas that do not. There is not, therefore, a justification for this accommodation in this location;
- concerning the Exeter Local Plan Policy H5 (b), which states that there should not be an over-concentration of student accommodation in an area to change its character or create an imbalance, the Planning Member Working Group report of October 2022 showed that 47% of properties within the St. James Neighbourhood Plan area was student housing, so there is an imbalance - yet the report states that the Council has not defined the Policy H5 (b) community imbalance;



- regarding the Supplementary Planning Document (SPD) Houses in Multiple Occupation agreed by the Council's Executive on 5 July 2011, the Council proposed to resist any further changes of use to Houses in Multiple Occupation (HMO) where the proportion of homes exempt from Council Tax already exceeds 20%. In other words, the Council will regard a proportion greater than 20% as an over-concentration of HMO use for Policy H5 (b);
- in the Executive report of January 2014, the adopted Supplementary Planning Document (SPD) identified that proposals for HMOs would be resisted where the proportion of properties exempt from Council Tax due to entire occupation by full-time students exceeded 20% in a ward or part of a ward covered by an Article 4 Direction that removed 'Permitted Development' rights for changes of use from Class C3 (family homes) to Class C4 (small HMO's for three to six persons);
- the recent Article 4 Review report referred to a 20% threshold, and the Inspector, regarding the appeal for 4 Dinham Road, referred to the vulnerability of the existing policies but did reference 20% as the level within the policy that causes imbalance. However, he highlighted that Dinham Road had not hit that threshold, so he allowed the appeal. According to the Planning Member Working Group report last year, Howell Road has 27% HMOs, with most of the HMOs concentrated adjacent to or near the proposed site, and the St. James Neighbourhood Plan area has 47% HMOs. Therefore it would be reasonable to expect an inspector to accept an imbalance already exists at this location;
- there is an over-concentration within the neighbourhood of St. James. Therefore this application should be rejected;
- the report only refers to the Neighbourhood Plan Policy C2 and therefore does not give the context of the Plan as a whole. It also gives a barrister's opinion provided by the applicant and arguably takes the Plan out of context. The Neighbourhood Plan was adopted via a referendum, with 91.6% in favour of its adoption. The overarching aim of the Plan is for a balanced community with the desire of the residents of St. James to have a diverse population which includes people at all stages of their lives and which is not dominated by a single group of the population. The City Council has defined 'balance' using the number of Council Tax exemptions in a given area as a proxy for HMO and student accommodation. When over 20% of properties in a defined area are Council Tax exempt, it is generally considered that additional HMOs would change the character of the area and undermine the maintenance of a balanced and mixed community; and
- the application should be refused as it will cause a further imbalance contrary to the Neighbourhood Plan's overarching aims, there is no further need for PBSA's within this locality and the application is contrary to the overriding purposes of the Exeter St. James Neighbourhood Plan.

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

- It is essential to defend the St. James Neighbourhood Plan as much as possible;
- Section 8(5) of the Planning and Compulsory Purchase Act 2004 states that where there are two conflicting policies, the precedent should be given to the latest document approved, and the last published document is the Neighbourhood Plan which was adopted after a referendum with support of over 93% in favour. Therefore the policies within the Neighbourhood Plan superseded the Local Plan. All the policies referred to in the Local Plan supporting the proposal should be disregarded entirely;
- the barrister's opinion cited by the applicant is only there to intimidate the Committee; it is not an independent opinion and should be disregarded;

- it is a windfall infill site, as referred to in Policy SD3 of the Neighbourhood Plan. The proposal for student accommodation runs roughshod over this policy - it is not affordable housing for residents or even high-quality residential property but a PBSA;
- a similar garage windfall infill site at Well Street was refused on the grounds of imbalance and was accepted by the developer without challenge, and
- the area is entirely imbalanced with excessive student accommodation and HMOs. As it is an exempted area within the Article 4 provision, it is already imbalanced, which is further exacerbated by this proposal.

Councillor M. Mitchell, speaking as a member of the public, made the following points:-

- am speaking in support of refusal;
- if approved, the application will undermine critical aspects of the Neighbourhood Plan and Policy 5H (b) of the Local Plan and would open the door for further recommended approvals in other wards;
- many in the community have objected in detail to the application;
- much in the report is an opinion and should be subjected to critical analysis;
- there is a statement on the application form that states that the area is dominated by student housing; however, Howell Road is made up of long-term residents and students and is, therefore, a mixed community;
- nine buildings adjacent to this site are HMOs, so the number of students in that small area will be doubled with a consequence for community balance in the area;
- the community is not opposed to the re-development of the site but to the nature and impact of the proposal, particularly concerning community balance and conflict with the Neighbourhood Plan;
- two applications in the area should be considered - the 2016 planning application regarding the garage site at Well Street for 95 students was refused, citing Policy 2C (a) of the Neighbourhood Plan and 5H (b) of the Local Plan with no appeal. That decision should be relevant to this application;
- the other site is in Hoopern Street, a former Victorian School and then a warehouse. Four two-bed infill terraced houses were granted planning permission in 2018 with two positive comments and no objections because it was compliant with both the Neighbourhood Plan and the Local Plan; and
- as with other areas, more housing is required but not for students.

He responded as follows to Members' queries:-

- this is within a large area covered by residential parking, but no spare parking capacity exists on this street. The application seeks parking spaces on the road at the front of the site, but this will impact adversely on fire engines from the Fire Station, effectively making the area from Horseguards to Prison Lane a one-way street; and
- there are many cars in the area but few bikes, and parking is already a critical issue for residents.

Ms Connett, speaking against the application, made the following points:-

- the report had serious flaws, and the recommendation was unsound;
- the application did not meet the requirements of Policy C2 of the St. James Neighbourhood Plan;

- the application was non-compliant with National Planning Policy Framework and, therefore, was in breach of the Planning and Compulsory Purchase Act 2004;
- it failed to consider the Neighbourhood Plan in reaching its recommendation or to acknowledge the claims of the Exeter St. James Forum, as a statutory consultee, that the application was non-compliant with four Development Plan policy clauses;
- it quoted from a barrister's opinion on Policy C2, obtained by the applicant, but there was no mention of this opinion in any of the published documentation;
- the report claimed that the applicant had demonstrated compliance with all three clauses, abrogating the duty of the Planning Authority to present its unbiased professional assessment;
- it appears the barrister may have misread the policy wording in reaching a flawed conclusion, but the report failed to address this;
- the report quoted the barrister's 'frightener', a warning of costs following appeal should the application be refused; and
- to meet legal requirements and avoid further endangering St. James's fragile social sustainability, the application should be rejected.

Mrs Jones, speaking in support of the application, made the following points:-

- the St. James Neighbourhood Plan, made in 2013, 10 years ago, accepted that student accommodation would be required in this area, given it is so close to the University;
- a planning barrister, following objection to the proposal from residents stating that it is contrary to Policy C2 of the Neighbourhood Plan, had concluded the development site was an infill site that would be restored by the development and was not contrary to Policy C2 as the development is not in an "intact" street but in a street which is not intact as it contains a gap;
- the report states that no harm has been evaluated as arising and, instead, only positive planning benefits are concluded, particularly as the current site does not make a positive contribution to the neighbourhood;
- the appeal decision reinforces the barrister's view in respect of an application in St. David's where the Inspector held "local opposition... is not itself sufficient grounds to withhold planning permission" for student accommodation;
- the scheme is not a barometer for the wider debate about the University, students and the city;
- Section 62 of the National Planning Policy Framework (NPPF) supports the objective of supplying housing, including student accommodation;
- since the original submission, the number of student bed spaces has been reduced, and the size, bulk and massing have also altered. The applicant has accommodated every change that the planning department has asked for;
- the neighbour closest to the scheme supports the application and accepts it would be an improvement to the street scene; and
- the scheme will allow for removing the double yellow lines in front of the site for additional parking or short-term delivery bays as the Highways Authority see fit.

She responded as follows to Members' queries:-

- the applicant first approached the planning department during the Lockdown, and there were no objections until the documentation had been made public;
- concerning contributing to a mixed and balanced community, Section 62 of the NPPF lists several dwelling types, one of which is student accommodation;
- the developer's approach was to consider the need for PBSAs generally in the area; and

- the proposal was not discussed with the Bury Meadow Residents' Association or the St James Neighbourhood Forum.

The Service Lead City Development advised that there was no St James Neighbourhood Plan policy to justify refusal on the grounds of community imbalance. Policy SD3 of the Neighbourhood Plan referred to affordable housing development in respect of an infill site, not student accommodation. Whilst Policy H5 of the Local Plan was relevant, relying on the St. James Neighbourhood Plan was not possible. He reiterated this advice following a query by a Member on the policies that should be relied on in determining the application.

The Planning Solicitor advised that consideration had been given to the letter from the barrister for the applicant and that its content agreed with the references in the report to the policies in both the St. James Neighbourhood Plan and the Local Plan.

It was noted that the Devon and Somerset Fire and Rescue Service had not objected to the proposal.

Members expressed the following views:-

- Policy SD3 of the St. James Neighbourhood Plan seeks affordable housing on windfall infill sites. The Plan's vision is for a balanced community, and as the student percentage has increased from 48% to 60%, there is an imbalance;
- it would be appropriate to test policy, particularly around community balance;
- the barrister's advice should be disregarded, and the determination on the application should have regard to the decisions on the Well Street and Hoopern Street applications;
- one of the prime reasons for the Neighbourhood Plan coming into being was the concern regarding community balance. The Hoopern Street application had been supported because community balance would be improved, but putting 26 students in 11 square metre shoeboxes would further disrupt the balance in the neighbourhood and cause further loss of amenities to the residents;
- Policy SD3 should not be ignored and should indicate to a developer that affordable housing on this infill site would help address the imbalance issue and would be supported by residents;
- the area benefits from an active Residents' Association, which the developer should have consulted. This showed a lack of understanding of the local community;
- if the application is approved, a condition should be added that no parking permits be issued;
- students dominate too many wards in the city, and the application should be refused;
- the application should be supported as additional family homes are needed, and students also need to be housed, so housing, in whatever format, should be welcome;
- having a view on community balance is not an anti-student stance as they play an essential part in and contribute to local communities;
- the higher proportion of HMOs and PBSAs in a community results in a transient population, making it challenging to develop a community spirit;
- the ward Councillors and the chair of the St. James Neighbourhood Forum have made it clear that the objective of the Neighbourhood Plan is to foster a balanced community, and this objective is also set out in Policy H5 of the Local Plan;
- planning policies should seek to create areas that are suitable for both short-term and long-term residents regardless of status and role in society; and

- it is a good design, but the developer should be encouraged to seek an alternative proposal.

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

Members were minded to refuse the application, and accordingly, it was moved that the Service Lead City Development be requested to report back to the next meeting of this Committee with the full technical reasons for refusal. The motion was seconded, voted upon and carried.

**RESOLVED** that the application be **DEFERRED** for the Service Lead City Development to report reasons for refusal to the next meeting.

The meeting adjourned at 19:32 and re-convened at 19:43.

5                    **PLANNING APPLICATION NO. 22/0770/FUL - BUCKERELL LODGE HOTEL, TOPSHAM, EXETER**

The Service Lead City Development presented the planning application to construct 62 Retirement Apartments (Category II Type Sheltered Housing) with communal facilities and car parking (revised plans).

The Service Lead City Development described the location of the site through the site location plan, an aerial view, photos, floor plans and elevations, explaining that the site was bounded to the north, east and west by residential properties of a domestic scale, mainly confined to one and two storeys. The surrounding area was primarily residential. The site was currently occupied by Buckerell Lodge, which until recently had been operating as a hotel. The hotel had gone into administration following a difficult period due to the COVID-19 pandemic.

The report also sets out the following key elements:-

- the principle of development;
- scale, design, impact on character and appearance;
- impact on amenities;
- impact on landscape or heritage assets
- access and parking; and
- affordable housing.

The Service Lead City Development provided the following additional detail:-

- revisions had been made to a previously refused scheme following consideration by the Design Review Panel;
- planning consent was being sought to demolish the existing building and construct a three-storey U-shaped building with a flat roof across the north-eastern half of the site;
- the development would provide 62 units of accommodation as older persons' homes for 'retirement living'. In total, there would be 23 two-bed apartments and 39 one-bedroom apartments. A communal lounge area would be provided on the ground floor. Communal amenity space would be provided at the front and rear of the building;

- the site utilises the existing access from Topsham Road. To the eastern boundary would be the proposed car park, with 40 spaces offered, including two accessible parking spaces and an electric buggy store;
- the financial contribution of £52,475 to primary and secondary healthcare was broken down as £16,128 and £36,347, respectively, and
- an additional condition to be added on the request of Devon County Council as the Lead Flood Authority for detailed design to be provided of surface water drainage.

The following responses were given to Members' queries:-

- an illustrative plan showing the relationship with the neighbourhood has been provided. It showed a drop-down of the western elevation to reflect the topography and a reduced impact on neighbours. The relationship with neighbours complied with design guidance in respect of any adverse effect relating to overbearing and overlooking; and
- changes to the earlier scheme included setbacks and different materials and were acceptable to the Design Review Panel.

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

- While the loss of a hotel on this site was regrettable, this is not pertinent to the decision. The Buckerell Lodge site is a valuable haven of trees, biodiversity and wildlife, but it has previously been developed, and it is generally accepted that it is a suitable site for homes. The St. Leonard's community is not against the development of this site but seeks an appropriate development that is not harmful to the area;
- is the application for 62 private flats in a three-storey building, replacing an existing low-rise building, an appropriate development, and the scale and massing do not differ to any significant extent from the original proposal previously refused;
- one of the reasons for the refusal of the initial application was the lack of affordable housing provision. While it is good that a sum of money has been agreed as a contribution towards affordable homes elsewhere, this is not the same as providing affordable homes on this site;
- the Devon Wildlife Consultant states, "*Schedule 14 of the Environment Act 2021 will require a minimum 10% Biodiversity Net Gain (BNG) as a condition of planning permission in England*". The development will likely result in a minor net gain in biodiversity on the site. Mitigations and enhancements must not be minimal or a potential loss over time through lack of ongoing management;
- the proposal does not protect the character and amenities of the neighbourhood;
- the original refusal cited the following - "*The proposal is contrary to Objective 9 and policies CP4 and CP17 of the Exeter Local Development Framework Core Strategy, saved policies DG1(c), DG1(g), DG1(h), DG1(i), DG4(a) and DG6(a) of Exeter Local Plan and Exeter City Council Supplementary Planning Document: Residential Design 2010 because as a result of the size, massing, position and external appearance of the building, and the layout of the site, the proposed scheme would:- i) present an unduly large, unsympathetic and poorly designed form of development that would not fit comfortably within its plot or with the character of the local area; and, iv) represent an overdevelopment of the site to the detriment of the character and appearance of the local area;*"

- the Urban Design and Landscaping comments obtained by the Council amplify the objections to the massing and character of the proposed development;
- the replacement building has a larger footprint than the existing one, meaning that at its western end, it is substantially closer to eight existing dwellings on Barrack Road and one dwelling on Topsham Road, and the vertical massing means that the overall impact is greater three-dimensionally than that of the existing, pitched roofed building;
- the Urban Design and Landscaping consultant agrees with the *objection...in respect of the massing and general scale of the building. For me, the biggest question remaining is still about the overall scale of the building in relation to the site and neighbouring buildings.*”;
- a reduction of just three units and a minor alteration in architectural design address does not address the original objections. This development, if approved, would cause substantial harm to the visual and environmental amenities of the site, as well as to neighbouring homes and this part of the city;
- having first refused an application on substantive material grounds, then subsequently accepting following the smallest of concessions sends the wrong message;
- the proposal runs contrary to the Council’s Core Strategy and Local Plan, and
- the Committee should demonstrate a continuing commitment to appropriate development around Topsham Road and to mitigating and minimising harm by refusing the application on the grounds of it being unsuitable and unsympathetic scale and overdevelopment in relation to the site, the neighbourhood and adjacent homes.

Mr Beacham speaking against the application raised the following points:-

- am also representing neighbours, my wife and myself, having been residents of a property neighbouring the Buckerell Lodge Hotel since 1976 and having worked myself as Director of Heritage Protection at English Heritage and involved in many large-scale developments of sensitive historic sites in major English cities including with Exeter City Council and Land Securities to achieve the re-development of Princesshay;
- the Buckerell Lodge Hotel site is an important survival of Exeter’s historical development, being one of a string of villas set in spacious landscaped grounds erected along the road from the city towards Topsham from the 18th Century onwards. Their defining character was that the building was subservient to its generous sylvan setting, which was richly planted. Some sense of a ‘villa in a wood’ is conveyed in the Lodge element of the name and its connection with the internationally important Royal Veitch Nurseries;
- the objection is to the scale and its detrimental effect on both the intrinsic character of the site and the neighbourhood. Achieving the number of residential units proposed requires a predominantly three-story structure occupying almost the full width of the site at its northern high point, up-ending the historic hierarchy, the proposed new structure dominating its setting rather than being subservient to it, adversely impacting its neighbourhood of modest single and two storied houses;
- the City Council’s refusal letter of 21 January 2022 stated that the scheme would present an unduly large, unsympathetic and poorly designed form of development that would not fit comfortably within its plot or with the character of the local area and it would also represent an over development of the site to the detriment of the character and appearance of the local area. Nothing has changed, and
- the reduction in residential units from 65 to 62 has a marginal effect. The core issue remains that the excessive scale of the proposed development is

inappropriate for this important site. Therefore, the principal grounds of the City Council's original refusal must stand.

He responded as follows to Members' queries:-

- whilst Buckerell Lodge was not listed, it did not necessarily mean that it did not have developable value as a site; and
- the impact on the neighbourhood is understated as many adjacent properties are bungalows and semi-detached properties in Barrack Road, and the properties to the rear in Buckerell Avenue will face the three-storey element of the development instead of a green canopy.

Mr Bendinelli, speaking in support of the application, made the following points:-

- the proposal has been carefully considered by the applicant following positive discussions with the Design Review panel after which it was refined in its detailing as well as reducing its footprint and massing;
- the report concludes that the proposal is considered to be a sustainable development when balancing the development plan policies, National Planning Policy Framework 2021 policies, paragraph 11, National Planning Practice Guidance (NPPG), and the constraints and opportunities of the site;
- benefits include an affordable housing contribution of £345,555 plus CIL of £312,747 and a Health Care Contribution of approximately £52,000;
- the proposal would meet the requirement of Policy H5 of the Local Plan and Policy CP5 of the Core Strategy in that it would meet a particular housing need for an ageing population. It will offer greater security and convenience and reduced feelings of isolation and vulnerability and will improve independence, health and well-being of residents;
- most residents will have family and friends in the locality and can remain an important part of the local community;
- there will be a reduced demand on public sector resources and health services. Residents have better and health and well-being and spend fewer nights in hospital, reducing impact upon NHS resources; and
- it would release under occupied family homes and help boost local supply and help meet the Council's five year housing land supply.

He responded as follows to Members' queries:-

- the lifts are located to the right hand side of the main entrance;
- it is a typical design for a facility of this nature and is referenced in the Planning Officers' Society's Retirement Accommodation Guide;
- the internal corridor with units to the side is a standard design and advice has been taken from independent architects;
- the building design was refined after the earlier refusal and further modifications taken on board after consideration by the Design Review Panel. The top floor had been changed quite significantly and a reduction in units reduced the overall floor space by 330 square metres;
- the figure of £345,555 for affordable housing was reached after a viability assessment;
- it is a Category 2 Sheltered accommodation comprising self-contained flats and with a house manager on site from 9:00am to 5:00pm with a Care-line System;
- a University of Oxford study has shown that occupants show improved health and well-being with a NHS saving of £3,500 per individual. Whilst the entry age is 60, generally those in late 60's and 70's are the typical cohort after bereavement or ill-health;



- it is a quality, stand-alone design surrounded by houses. An ancillary plan shows the relationship with the street scene;
- McCarthy and Stone are lead providers of this type of facility which was not a care home and the units are some 15% larger than 10 years ago; and
- typically 50% of residents come from within a five mile radius, 70% within 20 miles with the remainder from further afield but quite often with family and friends connections in the area.

The Service Lead City Development concluded that the proposal was considered to be a sustainable development when balancing the development plan policies, National Planning Policy Framework 2021 (NPPF) policies, including the presumption in favour of sustainable development in paragraph 11, National Planning Practice Guidance (NPPG), and the constraints and opportunities of the site. A Section 106 legal agreement and conditions were necessary to secure affordable housing, infrastructure contributions and other aspects of the development to make it acceptable in planning terms. He emphasised that the reasons for approval now included the support of the urban designer who opposed the initial scheme and that it would be difficult to ignore the strong reasons in support of approval.

Members expressed the following views:-

- given the housing needs of the city and the general shortage of affordable homes, the provision of houses in whatever format was to be welcome. Provision for the elderly possessed the added advantage of freeing up homes in the city, as many of the residents would have downsized; and
- whilst the Buckerell Lodge Hotel had been part of an earlier, well-presented historical development within large, landscaped grounds, and its loss would be regrettable, the site itself following demolition of the hotel was suitable for development with the proposal put forward an acceptable alternative.

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

The recommendation was moved and seconded voted upon and carried.

**RESOLVED** that, subject to a Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) to secure the following:-

- a financial contribution towards affordable housing provision of £345,555; and
- a financial contribution to primary and secondary healthcare of £52,475.

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

The Director City Development be authorised to **GRANT** planning permission for the construction of 62 Retirement Apartments (Category II Type Sheltered Housing) with communal facilities and car parking (revised plans), 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

(as explained and listed in the attachments to the agent's email dated 5 January 2023) as modified by other conditions of this consent.

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

3) 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. After that, the materials used in the development construction shall correspond with the approved samples in all respects.

**Reason:** To ensure that the materials conform to the visual amenity requirements of the area.

4) Unless otherwise agreed in writing, 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 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, after that, 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 the interests of amenity.

5) In the event of failure of any trees or shrubs planted in accordance with any scheme approved by the Local Planning Authority to become established and to prosper for five years from the date of the completion of the 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 the interests of amenity.

6) 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 drawing 1519-KC-XX-YTREE-TREEPROTECTIONPLAN01REVB.PDF. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development that is 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 approval is granted, the 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.

7) 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 the interests of amenity.

8) Pre-commencement condition: No development (including ground works) or vegetation clearance works shall occur until a Construction Method Statement has

been submitted and approved in writing by the Local Planning Authority. The Statement shall provide for the following:

- 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 (including, but not limited to, the measures recommended in Section 7 of Tetra Tech's Air Quality Assessment (reference no: 784-B027972, date: April 2021).
- 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 7:30 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 the 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 appropriately considered and addressed at the earliest possible stage.

9) Pre-commencement condition: No part of the development hereby approved shall be commenced until adequate areas shall have been made available within the site to accommodate operatives' vehicles, construction plant and materials in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority and retained for the construction period.

**Reason for the pre-commencement condition:** To ensure that adequate on-site facilities are available for the construction traffic attracted to the site. This information is required before development commences to ensure that the impacts of the development works are appropriately considered and addressed at the earliest possible stage.

10) Unless otherwise agreed in writing, the development hereby approved shall not be brought into its intended use until secure cycle parking facilities for residents and visitors have been provided in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. After that, the said cycle parking facilities shall be retained for that purpose at all times.

**Reason:** To ensure that cycle parking is provided in accordance with Exeter Local Plan Policy T3.

11) If, during demolition/development, contamination not previously identified is found to be present at the site, then the Local Authority shall be notified as soon as practicable, and no further development (unless otherwise agreed in writing with the Local Planning Authority), shall be carried out until the developer has submitted an investigation and risk assessment, and where necessary a remediation strategy and verification plan, detailing how this unsuspected contamination shall be dealt with. Before the occupation of any part of the development, a verification report

demonstrating the completion of the works in the approved remediation strategy shall be submitted to and approved by the Local Planning Authority.

**Reason:** In the interests of the amenity of the occupants of the buildings hereby approved.

12) Before the occupation of any dwelling hereby approved, details of the provision for nesting swifts shall be submitted to and agreed upon in writing by the Local Planning Authority. Upon written approval of the details, the scheme shall be fully implemented as part of the development and retained after that.

**Reason:** In the interests of preserving and enhancing biodiversity in the locality.

13) Unless otherwise agreed in writing the development shall be carried out in accordance with the submitted Energy Statement - March 2021 which demonstrates that a 19% reduction in CO2 emissions over that necessary to meet the requirements of the 2013 Building Regulations for the relevant parcel of the site can be achieved. The measures required to achieve this CO2 saving shall then be implemented on the relevant parcel of the site. Within three months of the practical completion of any dwelling/building, 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.

14) Each unit of the residential accommodation hereby permitted shall be occupied only by persons 60 years old or over and the occupants' partners over 55 years old.

**Reason:** The scheme is designed for a specific age group and is unsuitable for unrestricted occupation.

15) The noise mitigation and ventilation recommendations in Tetra Tech's Noise Assessment (reference no.: 784-B027972, date: May 2022) shall unless otherwise agreed in writing with the LPA, be implemented in full before the occupation of the development and maintained after that.

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

16) No external lighting shall be installed on the site or the building hereby permitted unless details of the lighting have previously been submitted and approved in writing by the Local Planning Authority (including location, type and specification). The particulars shall demonstrate how the lighting has been designed to minimise impacts on local amenities and wildlife (including isoline drawings of lighting levels and mitigation if necessary). The lighting shall be installed in accordance with the approved details.

**Reason:** To ensure lighting is well designed to protect the area's amenities and wildlife.

17) No part of the development hereby approved shall be brought into its intended use until the Travel Plan measures outlined in the submitted document 205605-TRAVEL PLAN-V3 have been provided in accordance with details that shall be submitted to, and approved in writing by, the Local Planning Authority.

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

18) No part of the development hereby approved shall be brought into its intended use until the vehicular parking and turning facilities have been provided in accordance with the approved plans. After that, they shall be retained for that purpose at all times.

**Reason:** To provide safe and suitable access in accordance with Paragraph 32 of the National Planning Policy Framework.

Further **RESOLVED** that B, the Director 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 by 16 July 2023 or such extended time as agreed in writing by the Director City Development.

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

- a financial contribution towards affordable housing provision of £345,555; and
- a financial contribution to primary and secondary healthcare of £52,475.

the proposal is contrary to Exeter Core Strategy Policies CP7 & CP18, and Exeter City Council Affordable Housing Supplementary Planning Document 2014.

## 6 LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS

The report of the Director City Development was submitted.

**RESOLVED** that the report be noted.

## 7 APPEALS REPORT

The schedule of appeal decisions and appeals lodged was submitted.

**RESOLVED** that the report be noted.

## 8 SITE INSPECTION PARTY

**RESOLVED** that the next Site Inspection Party will be for all Planning Committee Members and will held on Tuesday 14 March 2023 at 9.30 a.m.

(The meeting commenced at 5.30 pm and closed at 8.30 pm)

Chair

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## PLANNING COMMITTEE

Monday 20 February 2023

### Present:-

Councillor Emma Morse (Chair)

Councillors Sutton, Asvachin, Bennett, Bialyk, Branston, Foale, Hannaford, Jobson, Lights, Mitchell, M, Moore, D, Newby and Snow

### Also Present

Director of City Development, Service Lead City Development, Assistant Service Lead - Development Management (Major Projects), Planning Solicitor, Principal Highway Development Management Officer and Democratic Services Officer (HB)

9

### DECLARATIONS OF INTEREST

Councillor D. Moore declared a disclosable pecuniary interest in Minute No. 10.

10

### PLANNING APPLICATION NO. 21/1564/OUT - FORMER POLICE STATION AND MAGISTRATES COURT, HEAVITREE ROAD, EXETER

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

The Assistant Service Lead – Development Management (Major Projects) presented the outline planning application with all matters considered in detail except landscaping, for the demolition of the existing buildings and construction of mixed-use development comprising Purpose-Built Student Accommodation (PBSA) (Sui Generis) and Co-Living (Sui Generis) with associated infrastructure. (Revised plans received)

The proposal involved the demolition of all existing buildings comprising the former Heavitree Road Police Station and Magistrates Court, clearance of the site and re-development to provide a mixed Co-Living and PBSA scheme in two separate building blocks with associated access, parking and infrastructure. The former would comprise 315 studio apartments and the latter 640 rooms including a mixture of studio rooms and cluster flats.

The Assistant Service Lead - Development Management (Major Projects) reported that, at the Planning Committee held on 10 October 2022, Members had resolved to defer a decision on the application in order to allow the applicant to revise the proposals to address the issues that had been raised by Members and the technical reasons for refusal that had been drafted. This was subject to an extension of time being agreed, taking the revisions to a Design Review Panel and carrying out public consultation on the revisions. Accordingly, revised plans and supporting documents had been submitted on 6 January 2023 following a review by the Design Review Panel on 22 November 2022. Public consultation on the revisions had been carried out between 12 January and 5 February 2023. Statutory and non-statutory consultees had also been re-consulted on the amended plans.

The Assistant Service Lead - Development Management (Major Projects) reported the following summary of the changes made since the previous reports:-

- the number of rooms in the PBSA building reduced from 677 to 640;
- the number of rooms in Co-Living building reduced from 358 to 315;
- the sixth floor of the Co-Living building removed;
- part of the fifth floor of PBSA building removed to the west;
- the floor to ceiling heights reduced in both buildings to reduce overall height;
- both buildings setback further away from Heavitree Road;
- privacy film applied to Co-Living ground/first floor windows facing Higher Summerlands;
- the central wing of the PBSA building removed creating one, larger courtyard instead of two;
- the Co-Living courtyard elevated from lower ground to ground floor improving daylight;
- the amount of external landscaped space increased from 5,600 square metres to 7,200 square metres;
- the amount of communal amenity space in Co-Living block increased from 2.5 square metres per room to five square metres per room, which accords with the Greater London Authority's draft guidance on Large-Scale Purpose-Built Shared Living (January 2022); and
- five existing trees along Heavitree Road retained: T10 (11m Silver Birch), T14 (7.5m Hawthorn), T16 (15m Silver Birch), T17 (16m Beech) and T20 (14m Silver Birch).

The Assistant Service Lead - Development Management (Major Projects) provided further detail of the revised proposal through floor plans, elevations and illustrative images from different viewpoints from Heavitree Road and St. Lukes Campus which also showed reductions in height and massing.

The Assistant Service Lead - Development Management (Major Projects) in conclusion advised that the revised proposal was a high quality design that had responded appropriately to the issues raised by Members and therefore planning permission was recommended, subject to the completion of a s106 legal agreement to secure obligations and conditions as set out in the Update Sheet.

The Assistant Service Lead - Development Management (Major Projects), in response to Members' queries, advised that:-

- a zone for a bus lane had been discussed during the earlier iterations of the scheme but dropped from subsequent schemes. However, there was space for it to be provided and should a scheme be proposed it would need to be considered by this Committee because of the potential impact on landscaping;
- the courtyard had been moved from the lower ground floor to the ground floor with associated changes in the available light for the rooms;
- apart from the five trees referred to in the report, all other trees would be removed, although the developer had indicated that additional trees would be provided which would be brought forward as part of reserved matters;
- it was estimated that the footprint was greater than the buildings currently on the site which were low density in terms of space and of a poor urban design;
- the Co-Living development would be brought forward on the same principle as the two other Co-Living developments in the city and would include prioritisation for essential local workers including health, education and retail for the affordable units; and



- the relationship of the Co-Living building to the existing houses in Higher Summerlands was considered acceptable, as it is a front-to-front relationship and the 25 degree rule for right to light was complied with.

Responding to Members' queries, the Director City Development advised that:-

- the site was initially within the Eastgate Liveable Exeter site but had been superseded by the City Point development;
- there was a stipulation that 20% of the Co-Living units would be below market level; and
- Co-Living accommodation provided homes for people to live in and PBSA units provided temporary accommodation for students.

The Director City Development provided the following concluding points in support of the recommendation which was for approval, subject to a Section 106 Legal Agreement and the conditions as set out in the report and details within the update sheet:-

- additional time had been granted to address issues with consideration by the Design Review Panel on four occasions and discussions with officers resulting in significant changes to the articulation and sense of scale;
- Exeter was a prosperous city, but was in need of more housing which would also help support its growing economy. The units were targeted at students and young professionals and were designed by top UK based architects with a strong international track record with good practice followed;
- a landscaping scheme would be considered at Reserved Matters which would soften the appearance of the building with additional trees provided;
- it optimises a brownfield site in a strategic and highly sustainable location opposite St. Lukes Campus, five minutes from the city centre and on a major bus route;
- it would significantly improve the appearance of a major gateway into the city which was presently an eyesore; and
- the Civic Society had withdrawn its objections.

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

- what is still proposed are two monolithic blocks, monotonous in design, out of all proportion in scale and massing, with little outside amenity for residents, a high impact on the amenity of the area that would cause harm to the character of this part of the city;
- there have been few adjustments since the earlier scheme and the provision of outside amenity space, especially for the public, remains poor, the setting back from Heavitree Road is minimal and does little to address the issue of scale, visual amenity and harm to the character of the area. This application still proposes nearly 1,000 units which would bring huge additional burden to the area's public amenities;
- it does not fit the Liveable Exeter vision which is about a bold and imaginative high quality, sustainable development in a garden city environment, and homes for the broader population. It would however make an ideal Liveable Exeter site;
- the provision of more affordable homes in Exeter should not be at the expense of suitable scale and design, or to the detriment of an area;
- this part of Newtown and St Leonards is a residential area and not a city centre site designated in the current Local Plan. While suitable for a sensitive residential development, it is not appropriate for a high-density development;

- it casts a shadow over neighbours in Higher Summerlands and St. Matthews Close and clashes uncomfortably with the St. Luke's campus site and surrounding conservation areas;
- the loss of trees remains a serious concern to residents and to the Council's Tree Manager who sustains his objection;
- the Design Review Panel had queried why *"After a long design development phase of two years, the alignment of the two blocks remained unclear with the break between the two buildings and its alignment with onward connections unresolved. Also queried were: "the levels of daylight that would be afforded to the courtyards as this would affect the amenity experience"*;
- the application contradicts guidance in the Local Plan Policy H5, and the Core Strategy around appropriate scale, massing, character, skyline and overdevelopment of particular types of accommodation;
- the Council's Heritage Officer has maintained his view that this would harm the setting of the locally listed St Lukes Chapel building;
- it fails to meet the guidance of the National Planning Policy Framework requiring developments to add to the overall quality of the area, be visually attractive as a result of good architecture and effective landscaping, is sympathetic to the local character and history, maintains a strong sense of place, using the arrangement of streets, spaces, building types and materials and optimises the potential of the site to accommodate and sustain an appropriate amount and mix of development;
- the development is still too dominant and harmful;
- there have been 118 public objections in total; and
- this site is too prominent, too crucial to get wrong and lumber the ward with a beast of a development.

Mr Kitchin, speaking against the application, raised the following points:-

- it is a dysfunctional and unhealthy development and should be finally refused on the basis that it contravenes four keystone elements within Council planning documents on 15 occasions;
- it also contradicts the principles of the new Exeter Local Plan, the future vision for the city, on 23 occasions;
- regarding massing, there has only been one metre drop in total height, floor space has marginally increased and the building is now eight stories high in places;
- it will not function as affordable living as The Gorge next door, a Co-Living development will cost £950 per person, beyond a nurse's salary and affordable only to the likes of high income foreign students. It will not address Exeter's housing crisis;
- liveable space is not provided on site. The student courtyard will never receive an hour of sunlight during term time and the green space on the site is more than halved;
- there will be a loss of the Heavitree Road facing embankment feature, and hence likely with it, the loss of all trees on site. The important Higher Summerlands green space with the existing mature tree barrier is lost. The new Co-Living development will now be pressed up against these residents and will have no effective green barrier for the first 20 years of growing, then after that no cover for five months of the year;
- there is now a mental health policy for the site. It is a mockery, telling people to do more exercise or try voluntary work. There is nothing about the loss of wellbeing in the surrounding community. The development will force a whole swathe of society to go against the basic principles of healthy living;

- the development is city centre creep, sandwiched between two residential conservation areas and destroying the attractive nature of a key historic and civic gateway; and
- the Council Leader quotes in the new Exeter Local Plan, “We will ensure quality of life and well-being are at the heart of all decisions it’s about living better in Exeter.”

Responding to a Member’s query, he believed that the rental for the adjoining Gorge development was not affordable to many, including nurses.

Mr Howells, speaking in support of the application, raised the following points:-

- representing Student Roost, the joint applicants with Devon and Cornwall Police and Nixon Property;
- at the Planning Committee meeting on 10 October 2022 the principle of the development was accepted; and the erection of a mixed Co-Living and PBSA scheme was considered acceptable. The proposal had been revisited in respect of height, massing, design, siting, landscaping, amenity impacts on surrounding properties, internal and external amenity and tree loss with further discussions with officers and consultees and revised proposals had been considered by Design West at a Design Review Panel meeting held on 23 November 2022. There is now a general endorsement from the Design Review Panel;
- the footprint of the buildings have been set-back even further from Heavitree Road to 14.5 metres, increasing distance to St. Luke’s College to 48 metres;
- the storey heights have also been reduced by up to one metre. The Co-Living building has been reduced by one storey with the top floor omitted and the PBSA building has been reduced by one storey across 40% of its west frontage, reducing scale and creating a greater step in line with the topography of Heavitree Road;
- concerns about impact on the amenity of adjacent properties have been addressed. This is also supported by an assessment of daylight and sunlight provision which confirms that the properties on Higher Summerlands will not be adversely effected by the proposals;
- the amendments made to the setting and scale of the proposals improve daylight in the communal courtyards. Moreover, the communal courtyard in the Co-Living building had been elevated to the ground floor which, combined with the omission of the top-storey, will reduce the sense of enclosure;
- the communal courtyard in the PBSA building has also been redesigned as a single large courtyard increasing this external amenity area by 77 square metres to 1.2 metres per room;
- the buildings being set-back along Heavitree Road also increases the on-site open external landscaped area from 5,600 square metres to 7,200 square metres;
- a significant change is the increase in all room sizes in the Co-Living element of the proposals. These rooms now meet the available standards and are consistent with the other Co-Living schemes granted approval in Exeter;
- the internal communal amenity space for the Co-Living building has doubled from 2.5 square metres per room to five square metres per room, which meets available standards and exceeds the existing Co-Living schemes in Exeter;
- as the buildings have been set back, more trees along the Heavitree Road frontage are now being retained. In addition, a generous re-planting strategy of around 84 new trees is indicated. This change will also increase the open landscaped area to the front of the site, in turn enhancing the amenity and biodiversity value of the site; and

- significant changes have been made to the scheme which directly addresses the concerns. The proposals will bring back into beneficial use a key gateway site, meeting an identified need for student and residential uses at a sustainable location. The changes made to the scheme mean that the proposals offer the highest quality scheme of its kind in the city.

He responded as follows to Members' queries:-

- there will be varying degrees of available sunlight to the units as well as the courtyards, although these will also benefit from shading;
- Co-Living has proved very popular in other cities particularly for graduates and young professionals where there is a real demand for this type of property and they are let very quickly. 20% of Co-Living will be at affordable levels;
- there will be no summer time occupation of the PBSA units; and
- although not aimed at students, the Co-Living blocks could accommodate students.

Members expressed the following views:-

- there are responsibilities to neighbouring residents and, with 118 objections, there is still a significant impact on surrounding buildings. There is a significant loss of trees and the speakers opposing the application have been very compelling;
- there is poor sunlight provision for many of the units including those along the corridor settings with a likely associated impact on mental health. There is poor amenity space for both blocks and there are too many people in too small a space;
- it was a poor application at the outset and little has changed and it will remain unaffordable to many on lower wages as well as students themselves. The reduction in height does not go far enough;
- there is a pressing need for housing amongst a cross section of society in Exeter and, by providing accommodation for both students and young professionals, will free up badly needed houses for others, especially families elsewhere in the city. The application should be supported as additional family homes are needed, and students also need to be housed, so housing, in whatever format, should be welcome;
- it is a city centre site and will be developed and, whilst the design might not be acceptable to all, the provision of much need housing should be the paramount consideration. There will be many who will be attracted by this type of accommodation being preferable to flats or bedsits in poor conditions. Market conditions will ensure that rents will settle at levels that are affordable should some of the units prove difficult to rent; and
- do not support the application as the proposal is overbearing, not in keeping with the area and with inappropriate scale, massing and mix of design.

The Chair moved the recommendation for approval which was voted upon and lost and the application was deemed refused.

The Chair left the meeting at this point and, during her absence, the meeting was chaired by the Deputy Chair, Councillor Sutton and each of the six reasons for refusal below were voted upon and carried.

**RESOLVED** that outline planning permission with all matters considered in detail except landscaping, for the demolition of the existing buildings and construction of mixed-use development comprising Purpose-Built Student Accommodation (Sui Generis) and Co-Living (Sui Generis) with associated infrastructure. (Revised plans

received), be **REFUSED** for the following reasons, each of which were voted upon separately and carried:-

1. The proposed development would harm the character of the area, including the streetscenes along Heavitree Road and Gladstone Road, and the setting of the locally listed St Luke's College buildings, by virtue of the heights and massing of the two buildings, which would be of a far greater scale than the majority of buildings in the area, and their siting in close proximity to the streets making them feel even more imposing on their surroundings. The proposed development is therefore contrary to Policy CP17 of the Core Strategy, which requires all proposals for development to complement or enhance Exeter's character and local identity, saved Policies H5 and DG1 of the Exeter Local Plan First Review 1995-2011, and paragraphs 130 and 197c) of the NPPF (2021).
2. The proposed development would harm the amenity, privacy and outlook of the adjacent residential properties, particularly in Higher Summerlands, due to the height, scale and massing of the proposed buildings on the site and their siting in close proximity to the properties taking into account their designs. The proposed development is therefore contrary to saved Policies H5(a) and DG4(b) of the Exeter Local Plan First Review 1995-2011, and paragraph 130f) of the NPPF (2021).
3. The proposed development would have a limited amount of external amenity space for use by the high number of residents of the two buildings and the external amenity space proposed in the form of the internal courtyards would be poor quality with a sense of feeling enclosed and with reduced levels of daylight due to the scale of the surrounding buildings. It is also considered that the proposed development would provide a poor living environment for residents that would have would have a negative impact on their health and well-being. The proposed development is therefore contrary to saved Policy DG4(b) of the Exeter Local Plan First Review 1995-2011 and paragraph 130e) and f) of the NPPF (2021).
4. Notwithstanding the applicant's agreement to pay £436,435 for the maintenance and upgrade of off-site public open spaces serving the development (to be spent on upgrades to Exeter City Council parks) and £111,735 for the maintenance and upgrade of off-site play areas serving the development (to be spent on the installation of outdoor adult fitness equipment) in accordance with the consultation response from the Public and Green Spaces team of Exeter City Council to mitigate the impact of additional demand on off-site Exeter City Council public spaces, the proposed development would have a negative impact on public spaces in the locality of the site, in particular Belmont Park approximately 400 metres north of the site, due to the additional use and demand of these spaces by residents of the proposed development and limited amount of on-site external amenity space provision. The proposed development is therefore contrary to Policy CP10 of the Core Strategy, which protects facilities that meet Exeter's community, social, health, leisure and recreational needs, and saved Policy DG4(a) of the Exeter Local Plan First Review 1995-2011 stating that residential development should be at the maximum feasible density taking into account site constraints and impact on the local area.
5. The proposed development would result in the loss of a significant number of trees on the site including several category A and B trees which contribute to the amenity of the locality and biodiversity of the site. Without a detailed

landscaping scheme as part of the application, there is a lack of certainty that the loss of these trees will be adequately and appropriately compensated for to maintain or enhance the amenity and biodiversity value of the site. The indicative information submitted with the application in this regard does not demonstrate that this can be satisfactorily achieved. Therefore the proposed development is contrary to Policy CP17 of the Core Strategy, saved Policies H5(a), LS4 and DG1(c)(h) of the Exeter Local Plan First Review 1995-2011, and paragraphs 130 and 131 of the NPPF (2021).

6. In the absence of a s106 legal agreement to secure the following:

- 20% of the co-living units (i.e. 63) will be affordable private rented (5% of which will be wheelchair accessible) and priority will be given to essential local workers;
- Habitats Mitigation = £326,097.45 (in relation to the co-living development only);
- NHS Devon ICB contribution = £244,480.00 (£163,840 for PBSA and £80,640 for co-living);
- Public open space contribution = £436,435.00 (£292,480 for PBSA and £143,955 for co-living);
- Play (outdoor adult fitness equipment) contribution = £111,735.00 (£74,880 for PBSA and £36,855 for co-living);
- Student Management Plan for PBSA block; and
- Co-living Management Plan/Monitoring for Co-living block.

the proposal is contrary to Exeter Local Development Framework Core Strategy 2012 Objectives 1, 3, 5, 6, 8 and 10, and policies CP7, CP10, CP16 and CP18, Exeter Local Plan First Review 1995-2011 saved policies L4, LS2, LS3 and DG4, Exeter City Council Affordable Housing Supplementary Planning Document 2014 and Exeter City Council Public Open Space Supplementary Planning Document 2005.

The meeting adjourned at 19:10, the Chair re-joining  
and the meeting resuming at 19:21

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**PLANNING APPLICATION NO. 21/1940/OUT - LAND ADJACENT TO  
NEWCOURT ROAD, TOPSHAM, EXETER**

The Assistant Service Lead – Development Management (Major Projects) presented the outline planning application for demolition of existing structures and construction of up to 30 no. residential units and associated infrastructure (Means of access to be determined with scale, layout, appearance and landscaping reserved for future consideration).

The report also set out the following key elements:-

- principle of development;
- access and impact on local highways;
- affordable housing;
- noise;
- archaeology;
- impact on air quality;
- contaminated land;

- impact on trees and biodiversity;
- flood risk and surface water management;
- sustainable construction and energy conservation;
- CIL/Section 106; and
- Development Plan, material considerations and presumption in favour of sustainable development.

The Assistant Service Lead – Development Management (Major Projects) described the location of the site through photos, aerial views and an illustrative site layout plan, the photos showing in particular the views of Newcourt Road, the location of existing and proposed footpaths and current parking provided and views into the site from the existing access. In setting out the historical planning context, he provided the following additional detail:-

- the proposal was to develop the site for up to 30 dwellings, 35% of which will be affordable housing, and associated infrastructure. The application has been submitted in outline with all matters reserved except access. Vehicular access would be provided from Newcourt Road towards the south of the site, with adjoining two metres wide footways;
- recently granted permissions had been for 16, 27 and 7 dwellings respectively with a further dwelling granted for the larger of these sites and a single dwelling granted further south along Newcourt Road, the majority having been implemented;
- Newcourt Road was a no through road with vehicular access from Denver Road, 680 metres southeast of the site. The road had no footways adjacent to the site or to the south for approximately 170 metres;
- an existing pedestrian, cycle link linking Newcourt Road southwards to Topsham Road;
- the site was proposed to be allocated for housing together with the adjacent field to the southeast in the new Exeter Plan; and
- as an outline application, the developer will be required to submit further proposals to the Exeter Design Quality Partnership (EDQP) before submitting reserved matters details for formal approval.

The Assistant Service Lead - Development Management (Major Projects) referred to two late objections, both of which objected to the application because of the impact on the safety and functionality of Newcourt Road and because, in their view, the Traffic Assessment provided by the applicant misleadingly referred to the 2018 traffic survey which was taken before a number of housing developments along Newcourt Road were approved and developed. The Assistant Service Lead - Development Management (Major Projects) advised that the applicant's traffic assessment was acceptable to the County Council's Highways Officer.

The following responses were given to Members' queries:-

- standard consultations had been undertaken with South West Water who had not objected and had not raised concerns with the issue of foul sewage;
- a footpath would be constructed in front of the development of 16 properties and would connect to the adjoining footpath leading to Topsham Road;
- the Highways Officer had not objected to the application and, because there was not a high level of traffic on Newcourt Road compared with other roads, the absence of a footpath on some sections was not considered to impact adversely on safety. The cumulative impact of developments had also been taken into account;
- the intention was to provide a play park for the wider area;

- the cars shown on Newcourt Road in front of the site for seven dwellings most likely related to construction work being undertaken; and
- whilst it was possible to seek from the developer additional improvements to Newcourt Road, this could not be imposed on a third party such as Devon County Council.

Mr Fitzpatrick, speaking against the application, raised the following points:-

- Newcourt Road is a narrow single-track country-style lane with extremely restricted blind corners and no footways on the majority of it, with a single entry/exit on to Denver Road and is much used by school children cycling to school, by cycling commuters and by walkers across Newcourt and Exeter;
- the road is already dangerous and clogged at peak times. Children on scooters and in prams share the same few metres of tarmac with cars and vans and heavy goods vehicles and traffic is gridlocked. Garden walls are hit repeatedly. Housing in Newcourt Road has increased by more than 50% in the last three years with more planned;
- the projected traffic numbers from the developers are unrealistic - eight movements in each peak out of 76 new cars, that is, only four in and four out at the busiest hour of the day. More problematic, is the base total of existing traffic. This eight is added to data of a handful of intermittent hours on a damp day in 2018, crucially before all the new developments were built. Two sample surveys show a much more substantial base load of vehicles using the road. The totals are well beyond the County Council Highways' projections which is data that cannot be relied on;
- the application should be deferred and more evidence obtained. It would be irresponsible and negligent to proceed with the outdated developer evidence; and
- development would destroy one of the last pieces of visual amenity, make the road unsafe, go against City Council strategy, crush sustainable travel, rip out ecology, ruin the character of the area, and pile more pressure on roads, schools, doctors on top of the significant wave to come. If refused or deferred a clearer picture on housing targets will have emerged.

He responded as follows to Members' queries:-

- the concerns regarding safety relate to the zero visibility along a number of stretches, many existing houses open out directly onto Newcourt Road and pedestrians, including those with prams and young children, are pushed back by the force of the traffic;
- the evidence provided by the applicant is unreliable as it references the 2018 traffic survey and there has therefore been no extrapolation of the cumulative impact of additional housing since that time;
- there is no speed watching group for the road and, although the speed limit is not enforced, the reality is that, because of the nature of the road, speeds rarely exceed 20mph;
- whilst traffic calming measures can restrict speed, road humps might lead to cars veering closer to the margins of the road, thereby increasing hazards for the public; and
- the nearest play areas are those near the railway station and on the Topsham Recreation Ground.



Mr Lovell, speaking in support of the application, raised the following points:-

- the City Council has a clear aim to make Exeter a Net Zero Carbon City and has adopted progressive policies to achieve that aim. The homes proposed in this application support that goal and will be built as Zero Carbon Homes. These will be amongst the greenest homes built anywhere around Exeter;
- Heritage Homes are a local housebuilding company with a track record for delivering high quality sustainable homes and a steady supply of building land is needed in and around the City, with planning permission available in a timely manner, in order to provide employment for more than 200 local people. Approval of this application will assist greatly to secure their continued employment.
- with regard to highways, a very last minute objection has been submitted with unsubstantiated and misleading figures purporting to show traffic movements in Newcourt Road;
- the information submitted has not been produced by a qualified traffic consultant and do not add up correctly. The information submitted has counted pedestrian and cyclists as vehicle movements which is incorrect;
- the report sets out reasons why the application should not be refused on Highways grounds. There is good visibility along Newcourt Road and, even after this development is built, the vehicle usage of the road will stay within both National and Devon County Highways standards for a Shared Surface Access Road.
- Devon County Highways have confirmed categorically that they have no highways safety issues with this application. Nevertheless, in response to a request from the Planning Officer, a pavement had been added around the access to the site and along the entire frontage, inside of the retained hedge, in order to future-proof Newcourt Road for any further future development.

He responded as follows to Members' queries:-

- because of a dip in the Newcourt Road levels some of the developments were not directly connected to the foul sewage network and therefore foul sewerage was pumped to this network;
- negotiations had been undertaken with adjacent land owners regarding foul sewerage provision and future foul drainage would be provided for other developers to connect; and
- play facilities could also be provided within the development as part of the undertaking to provide play facilities in the wider area, recognising that these would be brought forward within reserved matters.

The Principal Highway Development Management Officer responded as follows to Members' queries:-

- there had been no accidents in the last five years, the period within which the Highways Team assessed road networks, although minor scrapes and bumps may occur but are not recorded;
- with pavements to the front of recent developments, only small sections of the road do not have a pavement. Newcourt Road is designated a shared surface access road including pedestrians and cyclists;
- the vehicle movements along the road are less than half national planning policy guidelines and, accordingly there were no highway safety issues and no requirement for traffic calming measures;
- account has been taken of the cumulative impact of successive housing developments; and

- the Highways team look at am and pm figures and the figures provided within the applicant's traffic assessment are acceptable and also take account of future assessments.

Members expressed the following views:-

- welcome the commitment to Net Zero provision;
- Devon County Council should be requested to provide a traffic management scheme;
- it is surprising that the Highways Authority have not introduced a traffic management plan in light of the cumulative housing developments and this issue can be raised at the Exeter Highways and Traffic Orders Committee; and
- welcome the provision of affordable housing and the commitment to provide a pavement and it is hoped that other developments will similarly ensure pavement provision.

The recommendation was for approval, subject to a Section 106 Legal Agreement and the conditions as set out in the update sheet with an informative to be added advising that the applicant would be expected to make arrangements to provide future foul drainage to facilitate connection to other developments. A Member asked that Devon County Council be requested to review road safety urgently in light of the developments and to come up with a long term solution. The Chair advised that the matter was also to be taken up by the Devon County Council Member of the Exeter Highways and Traffic Orders Committee.

The recommendation was moved and seconded voted upon and carried.

**RESOLVED** A that, subject to a Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) to secure the following:-

- 35% affordable housing (at least 70% social rent, 25% First Homes and any remainder as intermediate) plus a financial contribution for any fraction of a dwelling should the percentage of affordable housing not equate to a whole number – this will be calculated at reserved matters stage;
- £511 per dwelling towards construction and maintenance of new play provision in locality;
- £607 per dwelling for additional healthcare services provided by Royal Devon University Healthcare NHS Foundation Trust;
- £584 per dwelling to provide additional capacity at local healthcare facilities in accordance with the comments by NHS Devon Clinical Commissioning Group CCG; and
- £1,359.51 per affordable dwelling to mitigate the impact of the development on the Exe Estuary Special Protection Area (SPA) and the East Devon Pebblebed Heaths Special Area of Conservation (SAC) and SPA.

All Section 106 contributions to be index linked from the date of the decision.

the Director City Development be authorised to GRANT outline planning permission for demolition of existing structures and construction of up to 30 no. residential units and associated infrastructure (Means of access to be determined with scale, layout, appearance and landscaping reserved for future consideration) and, subject also to the following conditions:

### 1. Reserved Matters

Details of the layout, scale, appearance and landscaping (hereinafter called the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

**Reason:** To safeguard the rights of the local planning authority in respect of the reserved matters. This information is required before development commences to ensure that the development is properly planned with appropriate regard to the reserved matters.

### 2. Standard Time Limits – Outline Planning Permission

Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted must be begun not later than two years from the final approval of the last of the reserved matters to be approved.

**Reason:** To comply with Section 92 rule 2 of the Town and Country Planning Act 1990 as amended.

### 3. Approved Plans

The development hereby permitted shall be carried out on the land outlined in red on drawing number 1671/P100 ('Site Location Plan for Illustrative Purposes only') and shall not be carried out otherwise than in accordance with the plans listed below, unless modified by the other conditions of this consent:

- Proposed shared use site access (205226/PD01 D)

**Reason:** To ensure compliance with the approved drawings.

### 4. Surface Water Management

Prior to or as part of the Reserved Matters, the following information shall be submitted to and approved in writing by the Local Planning Authority:

- a) Soakaway test results in accordance with BRE 365, groundwater monitoring results in line with Devon County Council groundwater monitoring policy and evidence that there is a low risk of groundwater re-emergence downslope of the site from any proposed soakaways or infiltration basins.
- b) A detailed drainage design based upon the approved Flood Risk Assessment & Drainage Strategy Report Ref 19040 - B dated May 2022 and the results of the information submitted in relation to (a) above
- c) Detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted.
- d) Proposals for the adoption and maintenance of the permanent surface water drainage system.
- e) A plan indicating how exceedance flows will be safely managed at the site.
- f) Evidence there is agreement in principle from South West Water.

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

**Reason:** The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The condition should be pre-commencement since it is essential that the proposed surface water

drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

### ***Pre-commencement Details***

#### **5. Archaeology**

No development related works shall take place within the site until a written scheme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include on-site work, and off site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

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

#### **6. Arboricultural Method Statement and Tree Protection Plan**

No development (including ground works) or vegetation clearance works shall take place until an Arboricultural Method Statement and Tree Protection Plan have been submitted to and approved in writing by the Local Planning Authority. This information shall be prepared in accordance with BS 5837:2012 ('Trees in relation to design, demolition and construction'), or any superseding British Standard, and include details of tree/hedgerow protection fencing, which must be erected prior to the commencement of the development and retained until the completion of the development. No vehicles, plant or materials shall be driven or placed within the areas enclosed by the fences. The approved Arboricultural Method Statement and Tree Protection Plan shall be adhered to throughout the construction of the development.

**Reason:** To protect the trees and hedgerows on and adjacent to the site to be retained in the interests of the amenities of the area and biodiversity, in accordance with saved Policy LS4 of the Exeter Local Plan First Review and the Trees in Relation to Development SPD (September 2009). These details are required pre-commencement as specified to ensure that trees and hedgerows to be retained are not damaged by building operations or vegetation removal, including their biodiversity interests.

#### **7. Updated Ecological Surveys**

No development (including ground works) or vegetation clearance works shall take place until an Ecology Report has been submitted to and approved in writing by the Local Planning Authority. The report shall include the results of an updated Extended Phase 1 Habitat Survey and any protected species surveys that are recommended to be undertaken following this, and recommendations for avoiding/mitigating any impacts on protected species. It shall also include the results of a bat survey of the two sheds in the south corner of the site adjacent to Newcourt Road and recommendations for avoiding/mitigating impacts should bats be found. The avoidance/mitigation measures shall be implemented in full.

**Reason:** To ensure there will be no harm to protected species based on up-to-date survey information given the application is in outline and there is likely to be a delay between granting permission and the start of development. This information is required pre-commencement as specified to ensure that construction activities will not harm protected species.

## 8. Construction and Environmental Management Plan (CEMP)

No development (including ground works) or vegetation clearance works shall take place until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall be prepared in accordance with clause 10 of BS 42020:2013 ('Biodiversity – Code of practice for planning and development'), or any superseding British Standard, and include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Mitigation Method Statements, in accordance with the recommendations of the approved Ecology Report under condition 7.
- d) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
- e) The location and timing of sensitive works to avoid harm to biodiversity features. This includes the use of protective fences, exclusion barriers and warning signs.
- f) The times during construction when specialist ecologists need to be present on site to monitor works to ensure compliance with the CEMP, and the actions that will be undertaken.
- g) Responsible persons and lines of communication.
- h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

The approved CEMP shall be adhered to and implemented throughout the construction period of the development strictly in accordance with the approved details.

**Reason:** To protect the biodiversity of the site including protected species, taking into account the recommendations of the submitted Ecological Impact Assessment. A CEMP is required before any development begins to ensure that appropriate mitigation measures are identified and carried out during the construction phase.

## 9. Construction Method Statement

Prior to the commencement of development a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:

### Highways

- Timetable of Works
- Any road closure
- Hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 08:00 and 18:00 Mondays to Fridays, 09:00 to 13:00 Saturdays and no such vehicular movements on Sundays or Bank/Public Holidays.
- The number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits.
- The compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases.
- Areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or

delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority.

- Hours during which no construction traffic will be present at the site.
- The means of enclosure of the site during construction works.
- Details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site.
- Details of wheel washing facilities and obligations.
- The proposed route of all construction traffic exceeding 7.5 tonnes.
- Details of the amount and location of construction worker parking.
- Photographic evidence of the condition of adjacent public highway prior to commencement of any work.

#### Environmental Health

- Measures to monitor and control the emission of dust and dirt during construction.
- No burning on site during construction or site preparation works.
- Measures to monitor and minimise noise/vibration nuisance to neighbours from plant and machinery.
- No driven piling, unless prior written agreement has been given by the Local Planning Authority.
- Construction working hours between 08:00 and 18:00 Mondays to Fridays, 09:00 to 13:00 Saturdays and at no time on Sundays or Bank/Public Holidays only.

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

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

#### 10. Waste Audit Statement

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

**Reason:** To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document. These details are required pre-commencement as specified to ensure that building operations are carried out in a sustainable manner.

#### 11. Acoustic Design Statement

Prior to the commencement of the development hereby permitted, an Acoustic Design Statement shall be submitted to and approved in writing by the Local Planning Authority, including an assessment of overheating conditions. Any mitigation measures required for any of the dwellings shall be fully implemented prior to the occupation of the dwellings concerned and maintained thereafter.

**Reason:** To ensure sustainable acoustic and thermal comfort for the occupiers of the dwellings. This information is required pre-commencement as specified to ensure that any mitigation measures necessary are accounted for in the detailed design and construction of the development.

(Advice: The Professional Practice Guidance Note (ProPG): Planning and Noise for New Residential Development May 2017 (ANC, IoA and CIEH) describes the expected content and approach of an Acoustic Design Statement. The ANC/IoA guidance 'Acoustics Ventilation and Overheating: Residential Design Guide' provides methods by which the overheating assessment can be conducted.)

### ***During Construction***

#### 12. Unexpected Contamination

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

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

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

### ***Pre-specific Works***

#### 13. Bird Nesting Season

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

**Reason:** To protect nesting birds in accordance with saved Policy LS4 of the Exeter Local Plan First Review and paragraphs 179 and 180 of the NPPF (2021).

#### 14. Energy Performance Standard

Prior to the construction of the foundations of any dwelling hereby permitted, the Design SAP calculation(s) of the dwelling(s) shall be submitted to and approved in writing by the Local Planning Authority, which shall demonstrate that the dwelling(s) will achieve a 19% reduction in CO2 emissions in relation to the level required to meet the 2013 Building Regulations, or if the dwellings are constructed to the 2022 Building Regulations that a reduction in CO2 emissions at the levels (or higher) set out in Part L of the 2022 Building Regulations will be achieved. The measures

necessary to achieve this CO2 saving shall thereafter be implemented. No dwelling shall be occupied until the As-Built SAP calculation of the dwelling has been submitted to and approved in writing by the Local Planning Authority to confirm that the CO2 reduction has been achieved.

**Reason:** To ensure the dwelling(s) will achieve the energy performance standard required by Policy CP15 of the Core Strategy, taking into account the Written Ministerial Statement on Plan Making (25 March 2015) requiring local planning authorities not to exceed the equivalent of the energy requirement of Level 4 of the Code for Sustainable Homes, in the interests of reducing greenhouse gas emissions and delivering sustainable development. (Advice: Please see Paragraph: 012 ID: 6-012-20190315 of the National Planning Practice Guidance on Climate Change for background information.)

#### 15. Biodiversity Enhancement

Prior to the construction of any dwelling hereby permitted (except the foundations), a Biodiversity Enhancement Plan (BEP) shall be submitted to and approved in writing by the Local Planning Authority, taking into account the recommendations of the submitted Extended Phase 1 Habitat Survey & Preliminary Ecological Appraisal (November 2021). The biodiversity enhancement measures in the approved BEP shall be fully implemented as part of the development and retained at all times thereafter.

**Reason:** To enhance biodiversity on the site in accordance with paragraph 9.28 and Appendix 2 of the Residential Design Guide SPD, and paragraph 180 of the NPPF (2021).

#### 16. Nesting and Roosting Boxes

Prior to the construction of any dwelling hereby permitted (except the foundations), details of the provision for nesting birds and roosting bats in the built fabric of the dwellings shall be submitted to and approved in writing by the Local Planning Authority (with a minimum overall average ratio of 1 built-in nest/roost site per dwelling – provision can be more concentrated on dwellings in more suitable locations). The approved details shall be fully implemented as part of the development and retained thereafter.

**Reason:** To enhance biodiversity on the site in accordance with paragraph 9.28 and Appendix 2 of the Residential Design Guide SPD, and paragraph 180 of the NPPF (2021).

#### 17. External Lighting

No external lighting shall be installed on the site unless details of the lighting have previously been submitted to and approved in writing by the Local Planning Authority (including location, type and specification). The details shall demonstrate how the lighting has been designed to minimise impacts on local amenity and wildlife (including isoline drawings of lighting levels and mitigation if necessary). The lighting shall be installed in accordance with the approved details.

**Reason:** To ensure lighting is well designed to protect the amenities of the area and wildlife.

#### ***Pre-occupation***

#### 18. Highways 2

Prior to the occupation of any dwelling hereby approved, provision shall be made within the site for the disposal of surface water so that none drains onto the County



Highway, in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

**Reason:** In the interest of public safety and to prevent damage to the highway.

#### 19. Highways 3

Prior to the occupation of any dwelling hereby approved, the access, visibility splays and access drainage shall be provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority and shall be maintained as approved thereafter.

**Reason:** To ensure that adequate facilities are available for the traffic attracted to the site.

#### 20. Travel Plan

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

**Reason:** To encourage travel by sustainable means, in accordance with saved Policy T3 of the Exeter Local Plan First Review and the Supplementary Planning Document (March 2013).

#### 21. Travel Pack

Prior to the first occupation of any dwelling hereby permitted, a travel pack shall be provided informing the 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 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.

#### 22. Cycle Parking

No dwelling shall be occupied until cycle parking has been provided for the dwelling in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The parking shall accord with the minimum parking standards for residents in Table 2 of the Sustainable Transport SPD and be designed in accordance with the guidance contained therein. The cycle parking shall be maintained at all times thereafter.

**Reason:** To encourage cycling as a sustainable mode of transport in accordance with saved Policy T3 of the Exeter Local Plan First Review and the Sustainable Transport Supplementary Planning Document (March 2013).

#### 23. Car Parking

No dwelling shall be occupied until the car parking for the dwelling and access thereto has been provided and made available for use. The car parking provided shall be in accordance with the details set out in the Residential Design Guide SPD (including number of spaces, access and size) and shall be maintained at all times thereafter and kept permanently available for the purpose of car parking.

**Reason:** To ensure that adequate car parking is provided and maintained for the dwellings, in the interests of highway safety and to protect the amenities of the neighbourhood.

#### 24. Charging Points

Prior to occupation of any dwelling hereby approved a rapid charge Electric Vehicle charging point shall be provided for the dwelling at a level of 1 space per dwelling with off-street parking and 1 per 10 spaces for unallocated parking. The charging points shall be maintained at all times thereafter.

**Reason:** To mitigate environmental impacts from traffic emissions in accordance with Policy CP11 of the Core Strategy, taking into account good practice guidance in Land-Use Planning & Development Control: Planning for Air Quality (IAQM, January 2017) and paragraph 112e) of the NPPF (2021).

Further **RESOLVED** that B the Director 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 by 20 August 2023 or such extended time as agreed in writing by the Director City Development.

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

- 35% affordable housing (at least 70% social rent, 25% First Homes and any remainder as intermediate) plus a financial contribution for any fraction of a dwelling should the percentage of affordable housing not equate to a whole number – this will be calculated at reserved matters stage;
- £511 per dwelling towards construction and maintenance of new play provision in locality;
- £607 per dwelling for additional healthcare services provided by Royal Devon University Healthcare NHS Foundation Trust;
- £584 per dwelling to provide additional capacity at local healthcare facilities in accordance with the comments by NHS Devon Clinical Commissioning Group CCG; and
- £1,359.51 per affordable dwelling to mitigate the impact of the development on the Exe Estuary SPA and the East Devon Pebblebed Heaths SAC and SPA

the proposal is contrary to Exeter Core Strategy 2012 policies CP7, CP10, CP16 and CP18, Exeter Local Plan First Review 1995-2011 saved policy L4, and Exeter City Council Affordable Housing Supplementary Planning Document 2014 and Exeter City Council Public Open Space Supplementary Planning Document 2005.

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#### **PLANNING APPLICATION NO 21/1710/FUL - EXWICK CHANGING ROOMS, WESTERN ROAD, EXETER**

The Service Lead, City Development, presented the planning application for demolishing an existing building to provide a new Sports Pavilion and All-Weather 3G Pitch.

The Service Lead City Development described the location of the site through the site location plan, an aerial view and photos, floor plans and elevations, explaining that site was located west of Exeter city centre and the River Exe on land owned by the City Council, which was leased to Exeter College. The application site and wider

landholding were bisected by the main railway line that runs through Exeter, with a pedestrian underpass providing access via a public footpath.

The report also set out the following key elements:-

- the principle of development;
- community facility and sports pitch provision;
- green infrastructure and valley parks;
- landscape and ecology;
- pedestrian and cyclist accessibility;
- flood risk and drainage;
- noise; and
- sustainability.

The Service Lead City Development provided the following additional detail:-

- the application proposed the demolition of the existing Exwick Changing Room building and the erection of a new Sports Pavilion, together with the surfacing of an existing rugby pitch to provide an 'all-weather' 3G Pitch;
- the contemporary pavilion building would offer replacement changing facilities, a classroom, a sports laboratory and a gym;
- the previously proposed pavilion had been located on the top and directly in front of the Exeter Flood Defence Scheme. The proposed building was now to be offset from the Exeter Flood Defence Scheme embankment, and
- the location of the proposed all-weather, floodlit 3G rugby pitch has been moved northwards. Instead of proposing development on existing playing fields, the application proposed to install a 3G rugby pitch on an existing rugby pitch at Flowerpots Fields, allowing the existing playing fields to the south to be retained and unaltered and would be enclosed with security fencing and floodlighting;

The following responses were given to Members' queries:-

- given the size of the application site in the context of the much larger Riverside Valley Park, it was not felt that the fence would harm the character of the Valley Park and formal recreation was permitted in the Valley Park;
- the proposed cycle parking provision met the standards set out in the Supplementary Planning Document;
- the materials within the 3G pitch were to the highest current standards for a facility of this nature but could be replenished at a future date;
- detailed information had been provided on lighting to include integral solar time control to reduce the impact on neighbouring properties; and
- the pavilion had been sited so as not to interfere with the flood prevention measures.

Mr Strang, speaking in support of the application, raised the following points:-

- Exeter College had been again rated as Outstanding by Ofsted, with Inspectors praising strong links with partners across the city, an example being Exwick Community Sports Hub, providing facilities for football and tennis both for the college and for local clubs;
- hundreds of members of sports clubs and organisations would benefit; for example, Exwick Cricket Club and the Exeter Saracens and Exeter Athletic rugby clubs;
- the existing changing rooms were at the end of their useful life. Improved facilities would be provided for the college, the community and the city, with a

new gym, changing rooms, and other facilities. The all-weather 3G rugby pitch would enhance on-site facilities close to the new pavilion and the existing Exwick sports hub.

- the proposal responds to the feedback from the City Council, the Environment Agency, Sport England, the Rugby Football Union and neighbours;
- the footprint of the Pavilion has been reduced and moved away from the Exeter Flood Defence Scheme. The 3G pitch now covers an existing rugby pitch instead of the playing fields to the south, so the current cycle and walking routes are maintained, and
- it is only because the College was an Outstanding college that it was able to secure Government support to help meet the growing need for new facilities in the city.

Mr Strang responded as follows to Members' queries:-

- the Exwick Community Sports Hub had taken over the former Civil Service Club. Like the existing Exwick hub, use would be shared by the College and community sports clubs and overseen by the Sports Hub Advisory Board. The Advisory Board was established so that all constituent Members would have a say in the running of the facilities with not one organisation dominating;
- Exeter City Community Trust, who were members of the Sports Hub Advisory Board, would help ensure the facilities were available out of hours for the wider community, and a very broad range of people across the community were involved, from youngsters the age of three to four to the over 60's;
- consideration would be given to increasing the number of Sheffield steel cycle parking hoops above the ten currently proposed, and
- regarding the 3G pitch, rubber crumb infill was no longer viable because of escaping pollutants. The infill material, carpet material and base were to the highest current standards with a life expectancy of 20-25 years. The College was committed to sustainable measures in all areas.

Members expressed the following views:-

- the response of the College to initial issues raised during the consultation period had been very reassuring, reflecting the positive relationship the College had with the City Council and the local community;
- there had been a smooth transition from the role of the old Civil Service Club, and, whilst there had been social media comments regarding parking, this was more associated with neighbouring roads;
- the sizeable surrounding area already facilitated walking and cycling, and the lighting associated with the facilities would help mitigate anti-social behaviour; and
- conditions are suggested for increasing the number of cycle parking hoops and possibly providing an equivalent or more environmentally sustainable 3G pitch for the future.

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

Subject to an additional condition requiring an increased number of Sheffield steel cycle parking hoops, the recommendation was moved and seconded, put to the vote and carried unanimously.

**RESOLVED** that, subject to a modified condition requiring an increased number of Sheffield steel cycle parking hoops, planning permission be **GRANTED** for the demolition of an existing building to provide a new Sports Pavilion and All-Weather 3G Pitch, 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 starting 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 9 November 2022 (including drawings numbers 1643-PL02G, 03H, 04E, 05F, 06F & 10A) as modified by other conditions of this consent.

**Reason:** To ensure compliance with the approved drawings.

3) Pre-commencement condition: Before commencement of any part of the site, the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00 am and 6:00 pm Mondays to Fridays inc.; 9.00 am to 1.00 pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the local planning authority in advance;
- (e) the number and size of vehicles visiting the site in connection with the development and the frequency of visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes unless the local planning authority has given prior written agreement;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works;
- (j) details of proposals to promote car sharing amongst construction staff to limit construction staff vehicles parking off-site;
- (k) details of wheel washing facilities and obligations;
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes;
- (m) Details of the amount and location of construction worker parking; and,
- (n) Photographic evidence of the condition of adjacent public highways before the commencement of any work.
- o) The erection and maintenance of securing hoarding, if appropriate.
- p) Measures to monitor and control the emission of dust and dirt during construction.
- q) No burning on-site during construction or site preparation works.
- r) Measures to monitor and minimise noise/vibration nuisance to neighbours from plant and machinery.
- s) 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 the pre-commencement condition:** In the interests of local amenities and safety.

4) Pre-commencement condition: No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:

(a) A detailed drainage design based upon the approved Flowerpots Sports Pitch Drainage Strategy (Report Ref. E06079 - TN001, Rev. P2, dated 4 November 2022).

(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 adopting and maintaining the permanent surface water drainage system.

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

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

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

5) 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 the pre-commencement condition:** In the interests of health. This information is required before development commences to ensure that any remedial works are appropriately considered and addressed at the appropriate stage.

6) Pre-commencement condition: No development approved by this permission shall be commenced until a scheme to minimise flood damage to the proposed development by utilising flood-resilient construction techniques to an appropriate level has been submitted and approved in writing by the Local Planning Authority. The scheme shall be implemented and maintained in accordance with the approved details.

**Reason for the pre-commencement condition:** To minimise the damage to the building from flood events.

7) Pre-commencement condition: Unless otherwise agreed in writing, no development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks

associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:
    - all previous uses
    - potential contaminants associated with those uses
    - a conceptual model of the site indicating sources, pathways and receptors
    - potentially unacceptable risks arising from contamination at the site.
  2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
  3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  4. A verification plan providing details of the data that will be collected to demonstrate that the works set out in the remediation strategy in (3) is complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

**Reasons for the pre-commencement condition:** To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 174 of the National Planning Policy Framework.

8) Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved shall be constructed in accordance with the Bespoke Sustainability Framework dated November 2022 prepared by Eco Doodle. Reason: To ensure that the proposal complies with Policy CP15 of the Council's adopted Core Strategy and in the interests of delivering sustainable development.

**Reason:** To ensure that the proposal complies with Policy CP15 of the Council's Adopted Core Strategy and in the interests of delivering sustainable development.

9) 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. After that, the materials used in the development construction shall correspond with the approved samples in all respects.

**Reason:** To ensure that the materials conform with the visual amenity requirements of the area.

10) 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 building shall be occupied, or approved use commence 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, after that, 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 the interests of amenity.

11) 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 five years from the date of the completion of the 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 the interests of amenity.

12) The Tree Protection Plan and Arboricultural Method Statement and plan submitted in support of the application shall be adhered to in full, subject to the pre-arranged tree protection monitoring and site supervision detailed in the Tree Protection Statement (ref: JG/B475/1022), by a suitably qualified tree specialist.

**Reason:** to protect retained trees within or near the site.

13) 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 and approved in writing by the LPA. The predicted noise levels shall be submitted before the development's commencement and demonstrated by measurement before the occupation of the development.

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

14) The use hereby approved shall not be carried on other than between the hours of 0830 to 2200 on any day and shall not be carried on at all on public or Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

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

15) No part of the development hereby approved shall be brought into its intended use until secure cycle parking facilities have been provided in accordance with the approved details. After that, the said cycle parking facilities shall be retained for that purpose at all times.

**Reason:** To ensure that cycle parking is provided in accordance with Exeter Local Plan Policy T3.

16) The approved development shall not be brought into use until space has been laid out within the site in accordance with the approved drawings for cars to be parked for vehicles to turn so that they may enter and leave the site in forward gear.

**Reason:** To ensure adequate parking is available to accommodate the vehicles attracted to the site.

17) Before the occupation of any building now approved, details of the provision for nesting swifts shall be submitted to and approved in writing by the Local Planning Authority. Upon written approval of the details, the scheme shall be fully implemented as part of the development and retained.

**Reason:** In the interests of preserving and enhancing biodiversity in the locality.



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**LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS**

The report of the Director City Development was submitted.  
**RESOLVED** that the report be noted.

14

**APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

**RESOLVED** that the report be noted.

15

**SITE INSPECTION PARTY**

**RESOLVED** that the next Site Inspection Party will be held on Tuesday 14 March 2023 at 9.30 a.m. to which all Committee Members are invited.

(The meeting commenced at 5.30 pm and closed at 9.00 pm)

Chair

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## PLANNING COMMITTEE

Monday 27 March 2023

### Present:-

Councillor Emma Morse (Chair)  
Councillors Sutton, Asvachin, Bennett, Bialyk, Hannaford, Lights, Mitchell, M, Moore, D,  
Newby and Snow

### Also Present

Director of City Development, Service Lead City Development, Principal Project Manager (Development Management) (CC), Planning Solicitor, Principal Highway Development Management Officer and Democratic Services Officer (HB)

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### MINUTES

Subject to the amendment of the bullet points at the top of page 13 in respect of Min. No. 4 by the replacement of the word “application” by the word “report” in the first bullet point and the addition of the words “the report” at the beginning of the second and third bullet points, the minutes of the meeting held on 8 February 2023 were taken as read, approved and signed by the Chair as correct.

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### DECLARATIONS OF INTEREST

Councillor M. Mitchell declared an interest in Minute No. 22.

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### PLANNING APPLICATION NO. 22/0537/OUT - LAND AT ST. BRIDGET NURSERY, EXETER

The Principal Project Manager (Development Management) (CC) presented the outline planning application for the demolition of existing buildings and structures and the phased development of up to 350 dwellings and associated infrastructure and open space. (All matters reserved except access).

The Principal Project Manager (Development Management) (CC) advised that the application had been deferred at the meeting of this Committee on 8 February 2023 to allow for further discussions on potential improvements to two aspects, the junction between Old Rydon Lane and Rydon Lane and a connection through third party land to the Ikea roundabout. Discussions were subsequently held with the applicant and statements were put in on their position on each aspect.

He provided the following updates:-

- in relation to the Rydon Lane junction the intention was to improve the proposed raised table through an increased steepness and use of coloured bricks to make it visually prominent and encourage vehicles to slow down on approach. This junction was considered to be safe and suitable for access as submitted and these alterations were an additional benefit to this part of the development;
- in relation to a connection to the north east to the Ikea roundabout it was again noted that Highways had stated that the access was acceptable as submitted

and the north-east access would not be required for this scheme to be considered acceptable in highway terms;

- a planning note had been submitted by the applicant commenting on this and advising that the costs of creating the access onto third party land was significant due to a ransom strip and would impact on the overall viability of the scheme to meet all Section 106 obligations; and
- the area to the north-east was third party land and fell outside the development land of the red line of this application.

In conclusion, it was considered that the site would provide suitable and safe access, as well as permeability north/south through the provision of cycle and pedestrian links. Whilst a connection to the north east would be beneficial, it involved third party land that was outside the remit of the application and a connection to the site boundary in that area was proposed.

The recommendation following the deferral and further discussions was for approval, subject to a Section 106 Legal Agreement and the conditions as set out in the report.

The following responses were given to Members' queries:-

- there would be a bus route through the estate but the final design was not known at present. Sufficient space would be provided within the estate to accommodate bus movements to include turning areas. A two way flow for buses would not be possible through the entirety of the estate; and
- a condition was included to provide a link to the adjoining undeveloped land

Neil Thorne spoke in support of the application. He raised the following points:-

- the proposal was considered to be as sustainable development in accordance with the National Planning Policy Framework (NPPF) and that the principal of residential development had been confirmed because of its allocation in the Local Plan;
- vehicular access to the north east was not necessary to make the application acceptable, with the application presenting a suitably safe and acceptable access strategy;
- the site was considered accessible, with bus stops on Newcourt Way and a 14 minute walk from Newcourt railway station, and had a wide range of local facilities;
- all matters had been agreed with the Highway Authority;
- there were significant benefits to the local area in terms of affordable housing of 35%, delivering up to 122 affordable homes, as well as benefits through the Section 106 and CIL contributions;
- benefits also include new direct pedestrian/cycle connections across the site, to improve the permeability of the whole Newcourt area; financial contributions towards parking restrictions; and safety improvements for all road users at the Rydon Lane/Old Rydon Lane junction and a mobility hub on site; and
- access road and pedestrian and cycle connections would be provided to the north east boundary of the scheme which would enable a future connection when the third party landowner comes forward with their application; and

He responded as follows to Members' queries:-

- the Newcourt Master Plan sets out the transport strategy for the area which included a requirements for bus stops in the area. The nearest bus stop from the

centre of the development area was 500 metres and bus networks evolve over time and accommodated future changes. The estate road would be 6.5 metres wide to allow for buses at the appropriate speed;

- it was a sustainable development and was not car dependent and there were a number of local amenities close by. There would be a mobility hub on site open to existing and new residents, providing an electric car club, e-bike hire, EV charging and cycle parking;
- the 500 metre distance from the site centre to the nearest bus stop was well within required standards and there were a number of other bus stops in the area; and
- the detailed Transport Assessment confirms that there were no inherent safety concerns in the local area, including at the Rydon Lane/Old Rydon Lane junction. The proposals provided improvements for all road users at the junction, most notably for pedestrians and cyclists and the development does not constitute a severe impact;

Members expressed the following views:-

- Members' previous concerns had been addressed and it was recognised that the developer had no control over local transport provisions;
- the connection to the edge of the site which could accommodate any future development on adjacent land was welcomed; and
- the provision of additional housing in accordance with the site allocation for residential use in the Local Plan, the Core Strategy, the Newcourt Masterplan and the draft Exeter Plan was welcome together with the Section 106 contributions such as play and public open space provision.

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

**RESOLVED** that, subject to an additional condition requiring that the primary road be suitable for bus traffic and subject to a Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) to secure the following:-

- 35% affordable housing (at least 25% First Homes, 70% social rented and the remaining balance as intermediate);
- £607 per dwelling (up to £212,450) for additional healthcare services provided by Royal Devon University Healthcare NHS Foundation Trust;
- £719.79 per dwelling (up to £251,927) for Special Education provision by Devon County Council Children's Services;
- £584 per dwelling (up to £204,288) to provide additional capacity at local healthcare facilities in accordance with the comments by NHS Devon CCG;
- £15,000 to Devon County Council for parking restrictions;
- £1,359.51 per affordable dwelling to mitigate the impact of the development on the Exe Estuary SPA and the East Devon Pebblebed Heaths SAC and SPA;
- Unencumbered vehicle and pedestrian/cycle link to the north-east site boundary;
- Pedestrian/cycle links to existing pedestrian/cycle path running adjacent to the northwest site boundary;
- Public open space and play provision in accordance with the comments from the Public & Green Spaces Team.

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

The Director City Development be authorised to **APPROVE** outline planning permission for the demolition of existing buildings and structures and the phased

development of up to 350 dwellings and associated infrastructure and open space. (All matters reserved except access), subject also to the following conditions:-

1. Reserved Matters

Details of the layout, scale, appearance and landscaping (hereinafter called the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

**Reason:** To safeguard the rights of the local planning authority in respect of the reserved matters. This information is required before development commences to ensure that the development is properly planned with appropriate regard to the reserved matters.

2. Standard Time Limits – Outline Planning Permission

Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of five years from the date of this permission and the development hereby permitted must be begun not later than two years from the final approval of the last of the reserved matters to be approved.

**Reason:** To comply with Section 92 rule 2 of the Town and Country Planning Act 1990 as amended.

3. Approved Plans

The development hereby permitted shall be carried out on the land outlined in red on drawing number 200909 L 01 01 ('Location Plan') and shall not be carried out otherwise than in accordance with the plans listed below, unless modified by the other conditions of this consent:

- A379 / Old Rydon Lane Junction Layout And Primary Street Site Access (47450/5505/SK06 Rev A)
- Old Rydon Lane – Eastern Site Access With Downgraded Old Rydon Lane And Change of Priority With Primary Street (47450/5505/SK02 Rev B)

**Reason:** To ensure compliance with the approved drawings.

4. Replacement Tree Planting

The application(s) for approval of landscaping details shall include replacement tree planting on the site to compensate for the loss of trees for access.

**Reason:** In the interests of biodiversity, visual amenity and screening taking into account the submitted Tree Constraint Plans 05520 TCP 24.11.20 Sheets 1 to 3 and Ecological Impact Assessment.

5. Landscaped Earth Bund

The application(s) for approval of landscaping details shall include a landscaped earth bund to mitigate the impact of noise generated by traffic on the A379 west of the site in accordance with the recommendations of the submitted Environmental Noise Assessment (AASW, September 2020).

**Reason:** In the interests of residential amenity and to provide an attractive, green edge to the site for users of the A379.

6. Lighting Design Strategy – Dark Areas

The application(s) for approval of the reserved matters shall include a Lighting Design Strategy to maintain “dark areas” on the site incorporating:

- A map showing the “dark areas” that will be maintained on site.
- An evidence based assessment of light levels of the development, including buildings, vehicle headlamps and street lighting, comprising a written report and accompanying drawings of the site with the levels of predicted illuminance and light spill in and adjacent to the “dark areas” shown by appropriate isolines.
- Evidence to demonstrate that a light spill no higher than 0.5 lux will be achieved within the “dark areas”.
- Where c) is achieved either fully or in part through landscaping, details of the landscaping and its management to ensure it will maintain the “dark areas” in perpetuity. These details shall be incorporated into the details of landscaping and Landscape and Ecological Management Plan (LEMP) where applicable.

The Lighting Design Strategy shall be implemented and maintained as approved.

**Reason:** To prevent disturbance to bats taking into account the submitted Ecological Impact Assessment.

## 7. Surface Water Drainage

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:

- Soakaway test results in accordance with BRE 365 and groundwater monitoring results in line with our DCC groundwater monitoring policy.
- A detailed drainage design based upon the approved Sustainable Drainage Strategy and Level 2 Flood Risk Assessment 515-FRA2 V2 (dated 31 January 2022) and the results of the information submitted in relation to (a) above
- Detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted.
- Proposals for the adoption and maintenance of the permanent surface water drainage system.
- A plan indicating how exceedance flows will be safely managed at the site.
- Evidence there is agreement in principle from South West Water for the new connection 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) - (f) 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.

### ***Pre-commencement Details***

## 8. Road Traffic Order

Prior to commencement of development hereby approved a Traffic Regulation Order shall be submitted and approved by the relevant Highway Authority and a copy submitted to and approved in writing by Local Planning Authority.

**Reason:** To ensure safe and acceptable access routes can be secured in accordance with the approved plans.

## 9. Phasing Plan

Prior to the commencement of the development hereby permitted a phasing plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved phasing plan.

**Reason:** To ensure all parts of the development, including infrastructure, are delivered in an appropriate order. A phasing plan is required before development begins to confirm the order the development will be carried out.

## 10. Updated Ecological Surveys

No development shall take place on each phase of development or use of any part of the wider site in association with the construction, until an Ecology Report for the relevant phase or area has been submitted to and approved in writing by the Local Planning Authority. The reports shall include updated ecological surveys for the phases and recommendations for mitigation to address the ecological constraints.

**Reason:** To make sure that the mitigation is still appropriate given the development will be delivered in phases over a long period of time. This is in accordance with current government guidance on protected species and development. These details are required pre-commencement as specified to ensure that appropriate mitigation measures are implemented during the construction phases based on the current ecological condition of the site.

## 11. Construction and Environmental Management Plan (CEMP)

No development (including demolition and ground works) or vegetation clearance works shall take place in any approved phase of the development until a Construction and Environmental Management Plan (CEMP) for that phase has been submitted to and approved in writing by the Local Planning Authority. The CEMPs shall be prepared in accordance with clause 10 of BS 42020:2013 ('Biodiversity – Code of practice for planning and development'), or any superseding British Standard, and include the following:

- Risk assessment of potentially damaging construction activities.
- Identification of "biodiversity protection zones".
- Mitigation Method Statements, in accordance with the recommendations of the approved Ecology Reports under condition 9.
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
- The location and timing of sensitive works to avoid harm to biodiversity features. This includes the use of protective fences, exclusion barriers and warning signs.
- The times during construction when specialist ecologists need to be present on site to monitor works to ensure compliance with the CEMP, and the actions that will be undertaken.
- Responsible persons and lines of communication.
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

The approved CEMPs shall be adhered to and implemented throughout the construction period of the development strictly in accordance with the approved details.



**Reason:** To protect the biodiversity of the site including protected species, taking into account the recommendations of the submitted Ecological Impact Assessment. A CEMP is required before any development begins to ensure that appropriate mitigation measures are identified and carried out during the construction phase.

#### 12. Archaeology

No development related works shall take place within the site until a written scheme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include on-site work, and off site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

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

#### 13. Contamination

No development shall take place on site until a full investigation of the site has taken place to determine the extent of, and risk posed by, any contamination of the land and the results, together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. The building(s) shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.

**Reason:** To protect the health and amenity of residents and visitors. This information is required before development commences to ensure that any remedial works are properly considered and addressed at the appropriate stage.

#### 14. Arboricultural Method Statement and Tree Protection Plan

No development (including ground works) or vegetation clearance works shall take place until an Arboricultural Method Statement and Tree Protection Plan have been submitted to and approved in writing by the Local Planning Authority. This information shall be prepared in accordance with BS 5837:2012 ('Trees in relation to design, demolition and construction'), or any superseding British Standard, and include details of tree/hedgerow protection fencing, which must be erected prior to the commencement of the development and retained until the completion of the development. No vehicles, plant or materials shall be driven or placed within the areas enclosed by the fences. The approved Arboricultural Method Statement and Tree Protection Plan shall be adhered to throughout the construction of the development.

**Reason:** To protect the trees and hedgerows to be retained in the interests of the amenities of the area and biodiversity, in accordance with saved Policy LS4 of the Exeter Local Plan First Review and the Trees in Relation to Development SPD (September 2009). These details are required pre-commencement as specified to ensure that trees and hedgerows to be retained are not damaged by building operations or vegetation removal, including their biodiversity interests.

#### 15. Construction Method Statement

Prior to the commencement of development in any approved phase a Construction Method Statement for that phase shall be submitted to and approved in writing by the Local Planning Authority. The Statements shall provide for:

- Timetable of Works
- Construction vehicle numbers, size, type and routing.
- Access arrangements to the site, including details of any new access being created.
- Traffic management requirements.
- Construction and storage compounds (including areas designated for car parking, loading/unloading and turning areas).
- The erection and maintenance of securing hoarding, if appropriate.
- Siting and details of wheel washing facilities.
- Cleaning of site entrances, site tracks and the adjacent public highway.
- Provision of sufficient on-site parking prior to commencement of construction activities and methods to promote car sharing to limit staff vehicles parking off-site.
- Post construction restoration/reinstatement of the working areas and temporary access to the public highway.
- Where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.
- Measures to control the emission of dust and dirt during construction.
- No burning on site during construction or site preparation works.
- Measures to minimise noise nuisance to neighbours from plant and machinery.
- Photographic evidence of the condition of adjacent public highway prior to commencement of any work;
- Hours of construction working hours and deliveries limited to 08:00 to 18:00 Monday to Friday, 08:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays unless alternative times have been agreed in writing with the Local Planning Authority.

The approved Statements shall be strictly adhered to throughout the construction period of the phase of the development to which they relate.

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

#### 16. Waste Audit Statement

Prior to the commencement of development in any approved phase, a Waste Audit Statement for that phase shall be submitted to and approved in writing by the Local Planning Authority. This statements 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 statements.

**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.

#### 17. Updated Acoustic Design Statement

Prior to commencement of each phase of the development the applicant shall submit for approval in writing by the LPA an updated Acoustic Design Statement, including assessment of overheating conditions. The Acoustic Design Statement should demonstrate good acoustic design, including achieving both sustainable acoustic comfort and sustainable thermal comfort. Any mitigation measures required shall be implemented in full prior to occupation of the development, and maintained thereafter.

**Reason:** In the interest of residential amenity and in accordance with recommendations set out in the submitted Environmental Noise Assessment. These details are required to ensure there is suitable residential amenity protection from noise impacts.

### ***During Construction***

#### **18. Unexpected Contamination**

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

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

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

### ***Pre-specific Works***

#### **19. Bird Nesting Season**

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

**Reason:** To protect nesting birds in accordance with saved Policy LS4 of the Exeter Local Plan First Review and paragraphs 179 and 180 of the NPPF (2021).

#### **20. Energy Performance Standard**

Prior to the construction of the foundations of any dwelling hereby permitted, the Design SAP calculation(s) of the dwelling(s) shall be submitted to and approved in

writing by the Local Planning Authority, which shall demonstrate that the dwelling(s) will achieve a 19% reduction in CO2 emissions in relation to the level required to meet the 2013 Building Regulations, or if the dwellings are constructed to the 2022 Building Regulations that a reduction in CO2 emissions at the levels (or higher) set out in Part L of the 2022 Building Regulations will be achieved. The measures necessary to achieve this CO2 saving shall thereafter be implemented. No dwelling shall be occupied until the As-Built SAP calculation of the dwelling has been submitted to and approved in writing by the Local Planning Authority to confirm that the CO2 reduction has been achieved.

**Reason:** To ensure the dwelling(s) will achieve the energy performance standard required by Policy CP15 of the Core Strategy, taking into account the Written Ministerial Statement on Plan Making (25 March 2015) requiring local planning authorities not to exceed the equivalent of the energy requirement of Level 4 of the Code for Sustainable Homes, in the interests of reducing greenhouse gas emissions and delivering sustainable development. (Advice: Please see Paragraph: 012 ID: 6-012-20190315 of the National Planning Practice Guidance on Climate Change for background information.)

#### 21. Materials

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

**Reason:** To ensure good quality design and local distinctiveness, in accordance with Policy CP17 of the Core Strategy, saved Policy DG1 of the Exeter Local Plan First Review and paragraph 130 of the NPPF (2021).

#### 22. Nesting and Roosting Boxes

Prior to the construction of any dwelling hereby permitted (except the foundations), details of the provision for nesting birds and roosting bats in the built fabric of the dwellings shall be submitted to and approved in writing by the Local Planning Authority (with a minimum overall average ratio of 1 built-in nest/roost site per dwelling – provision can be more concentrated on dwellings in more suitable locations). The approved details shall be fully implemented as part of the development and retained thereafter.

**Reason:** To enhance biodiversity on the site in accordance with paragraph 9.28 and Appendix 2 of the Residential Design Guide SPD, and paragraph 180 of the NPPF (2021).

#### 23. External Lighting

No external lighting shall be installed on the site unless details of the lighting have previously been submitted to and approved in writing by the Local Planning Authority (including location, type and specification). The details shall demonstrate how the lighting has been designed to minimise impacts on local amenity and wildlife (including isoline drawings of lighting levels and mitigation if necessary). The lighting shall be installed in accordance with the approved details.

**Reason:** To ensure lighting is well designed to protect the amenities of the area and wildlife.

#### ***Pre-occupation***

#### 24. Charging Points

Prior to occupation of any dwelling hereby approved a rapid charge Electric Vehicle charging point shall be provided for the dwelling at a level of 1 space per dwelling with off-street parking and 1 per 10 spaces for unallocated parking. The charging points shall be maintained at all times thereafter.

**Reason:** To mitigate environmental impacts from traffic emissions in accordance with Policy CP11 of the Core Strategy, taking into account good practice guidance in Land-Use Planning & Development Control: Planning for Air Quality (IAQM, January 2017) and paragraph 112e) of the NPPF (2021).

#### 25. Site Access

Prior to the first occupation of the development hereby permitted a phasing plan for delivery of site access shall be submitted and approved by the Local Planning Authority. The approved access and egress points set out in the approved phasing plan shall be delivered prior to first occupation of any dwelling, with the remaining points delivered in accordance with the approved phasing plan details. The site access and visibility splays shall be constructed, laid out and maintained for that purpose in general accordance with approved drawings 47450/5505/SK06A, 47450/5505/SK02B and 47450/5505/SK01B where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.6 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway ( identified as Y ) shall be 43 metres in both directions.

**Reason:** To ensure satisfactory access into the site and avoid the carriage of extraneous material or surface water onto the highway.

#### 26. Cycle Parking

No dwelling shall be occupied until cycle parking has been provided for the dwelling in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The parking shall accord with the minimum parking standards for residents in Table 2 of the Sustainable Transport SPD and be designed in accordance with the guidance contained therein. The cycle parking shall be maintained at all times thereafter.

**Reason:** To encourage cycling as a sustainable mode of transport in accordance with saved Policy T3 of the Exeter Local Plan First Review and the Sustainable Transport Supplementary Planning Document (March 2013).

#### 27. Car Parking

No dwelling shall be occupied until the car parking for the dwelling and access thereto has been provided and made available for use. The car parking provided shall be in accordance with the details set out in the Residential Design Guide SPD (including number of spaces, access and size) and shall be maintained at all times thereafter and kept permanently available for the purpose of car parking.

**Reason:** To ensure that adequate car parking is provided and maintained for the dwellings, in the interests of highway safety and to protect the amenities of the neighbourhood.

#### 28. Bin Storage Areas

No dwelling shall be occupied until refuse and recycling stores have been provided, in accordance with details previously submitted to and approved in writing by the

Local Planning Authority. The refuse/recycling stores shall remain in situ for their intended use at all times thereafter.

**Reason:** To accord with the Residential Design SPD (Chapter 8) and to ensure sufficient space is provided for the requisite number of receptacles.

#### 29. Travel Plan

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

**Reason:** To encourage travel by sustainable means, in accordance with saved Policy T3 of the Exeter Local Plan First Review and the Supplementary Planning Document (March 2013).

#### 30. Biodiversity Enhancement

Prior to the construction of any dwelling hereby permitted (except the foundations), a Biodiversity Enhancement Plan (BEP) shall be submitted to and approved in writing by the Local Planning Authority, taking into account the recommendations of the submitted Ecological Impact Assessment (SWE209 Version 2). The biodiversity enhancement measures in the approved BEP shall be fully implemented as part of the development and retained at all times thereafter.

**Reason:** To enhance biodiversity on the site in accordance with paragraph 9.28 and Appendix 2 of the Residential Design Guide SPD, and paragraph 180 of the NPPF (2021)

#### 31. Delivery of highways

Prior to first occupation of any dwelling hereby approved a phasing plan for highway shall be submitted in writing to, and approved by, the Local Planning Authority. This phasing plan shall set out delivery of all roads, footways, footpaths, drainage, statutory undertakers' mains and apparatus, junction, access, retaining wall and visibility splays. The works shall be completed in accordance with the approved timeframe unless otherwise approved in writing by the Local Planning Authority.

**Reason:** To ensure that the access arrangements are completed within a reasonable time in the interests of safety and the amenity of residents

#### 32. Club Car and Club-Bike

No part of the development hereby approved shall be brought into its intended use until details of club car parking and a club-bike stations, including delivery timescales, have been submitted to, and approved in writing by, the Local Planning Authority. The approved club car parking and club-bike stations shall be delivered in accordance with the approved timetable and retained at all times thereafter.

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

Further **RESOLVED** that B, the Director 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 by 16 July 2023 or such extended time as agreed in writing by the Director City Development.

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

- 35% affordable housing (at least 25% First Homes, 70% social rented and the remaining balance as intermediate);
- £607 per dwelling (up to £212,450) for additional healthcare services provided by Royal Devon University Healthcare NHS Foundation Trust;
- £719.79 per dwelling (up to £251,927) for Special Education provision by Devon County Council Children's Services;
- £584 per dwelling (up to £204,288) to provide additional capacity at local healthcare facilities in accordance with the comments by NHS Devon CCG;
- £15,000 to Devon County Council for parking restrictions;
- £1,359.51 per affordable dwelling to mitigate the impact of the development on the Exe Estuary SPA and the East Devon Pebblebed Heaths SAC and SPA;
- Unencumbered vehicle and pedestrian/cycle link to the north-east site boundary;
- Pedestrian/cycle links to existing pedestrian/cycle path running adjacent to the northwest site boundary; and
- Public open space and play provision in accordance with the comments from the Public & Green Spaces Team

the proposal is contrary to Exeter Core Strategy Policies CP7, CP9, CP16, CP17, CP18 and CP19, Exeter Local Plan First Review 1995-2011 saved policies L4 and 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.

The meeting adjourned at 18:10 and re-convened at 18:15.

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**PLANNING APPLICATION NO 22/1454/RES - LAND AT ALDENS FARM WEST, SHILLINGFORD ROAD, EXETER**

The Principal Project Manager (Development Management) (CC) presented the application for reserved matters seeking permission for 182 dwellings and associated infrastructure, layout, scale, appearance and landscaping relating to the Residential development approved under application 15/0641/OUT (Revised plans).

The report also setting out the following key elements:-

- the principle of development;
- requirements of 15/0641/OUT;
- quantum of development;
- site layout
- amenity;
- highway considerations;
- biodiversity;
- drainage;
- archaeology; and
- sustainable construction and energy conservation.

The Principal Project Manager (Development Management) (CC) advised that since the publication of the Planning Committee agenda, revised plans has been submitted. These were based on advice from the assessing officer and involving

minor alterations to dwelling details, garden layouts and the introduction of additional visitor parking spaces. He provided the following detail:-

- Aldens Farm was a Reserved Matters application for 182 dwellings following a 2015 Outline application that granted in September 2021 comprising a mix of 1, 2 and 4-bed dwellings including two blocks of flats on a 4.1 hectare site which is currently split into two fields, with hedgerow bordering each. To the West is Shillingford Road, which had vehicular access already approved as part of the Outline consent. To the north is Veitch Gardens and to the east is an additional site allocated for development as part of the south Alphington expansion. To the immediate south is Markham Lane and land under Teignbridge Council, which was undergoing significant development;
- an additional objection had been received bringing the total to 75, the primary objection being the density of development and subsequent impacts on the surrounding area
- the indicative plans and the initial access assessment showed 116 dwellings which had led to expectation of a much lower level of development in this area;
- the scheme would have a total site density of 43.75 dwellings per hectare (dph) which was considered in keeping with that of development in the surrounding area. The Alphington Development Brief, which covers this and a wider area, makes reference to density, noting that levels of 30 dph would be the minimum expected, with lower densities at the north and southern parts of the site. The closest sites to this development were immediately to the south across Markham Lane, split into two parcels, one for 94 dwellings at a site density of 35.2dph and one for 163 dwellings at a density of 40.4dph. Density levels in the Design Brief state 20 dph for areas of Vestry Gardens, Chudleigh Road and Steeple Drive and 54 dph for areas of Lichgate Road and Tower Walk;
- on balance, it was considered that the level of density was similar to that of the surrounding area and was acceptable in principle;
- a revised Transport Assessment was submitted based on the new dwelling numbers and the Highway Authority found that the proposed access was still suitable for this increased number of dwellings with suitable capacity on the surrounding highway network;
- revised plans had changed the appearance of a number of buildings with a reduction in height of a number of plots and revised car parking arrangements. In line with a condition and Section 106 requirement, 10% of the site would be public open space;
- the bordering hedgerow would be improved as part of this scheme, with the only removal to create the access points. The central hedgerow would be retained and would become a dark corridor for bat use;
- there was a thought that a connection to Chudleigh Road would be made as part of this application. The relevant condition required that a road suitable for two way bus traffic be built up to the site boundary to join third party land allocated for future residential development;
- a footway will be installed along the western site boundary along Shillingford Road; and
- an existing Section 106 Agreement included a 30% Affordable Housing delivery, as well as contributions towards education, medical care and the local highway network.

The Principal Project Manager (Development Management) (CC) stated in conclusion that, whilst there was an increase in density compared to the indicative levels shown at outline stage, it had been demonstrated that the site could accommodate this increase. The development would provide an acceptable level of



amenity for occupants and was therefore recommended to the Committee for conditional approval.

The following responses were given to Members' queries:-

- outline permission had already been granted and it would not be possible to add contributions for special education needs and, seeking an overall re-design, would be costly to the developers;
- on balance, a density of 43.75 dph was not excessive;
- social housing provision was not limited to the identified flats but would be spread throughout the site;
- the number of bedrooms would be reflected through car parking provision which would be 1.4 per household on average and would include designated visitor parking bays. Car parking provision would be largely off street;
- the Locally Equipped Area for Play was not part of the drainage network;
- whilst the trees were not covered by TPO's, they would be retained; and
- 30% affordable housing provision had been agreed at outline stage through the Section 106 Agreement which did not include provision for linkage to District Heating as this could no longer be fulfilled.

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

- concerns were expressed at the outline stage regarding the dangerous traffic conditions caused by the narrowness of Shillingford Road and this remained the case with the safety of pedestrians and cyclists compromised;
- design and density were inappropriate for the local area and it was unacceptable to compare density with those of the neighbouring developments in Teignbridge;
- the proposed density was put forward to maximise profits and did not reflect housing developments in Alphington;
- the proposal did not comply with the design principles of the Alphington Development Brief and failed to respect the character and appearance of neighbouring residential properties;
- the Development Brief referred to dwellings not exceeding two storeys in height – this development had two and a half and three storey heights in some cases;
- the relationship with Markham Lane would be inappropriate;
- tree planting was inadequate;
- schools and the GP surgery were already oversubscribed and these as well as other community facilities would suffer increased pressure; and
- a re-design was required with lower density to more reflect Alphington Village.

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

- the area on the edge of Exeter had historical significance, particularly the location of Veitch Nursery and Markham's Lane, formerly Hangman's Lane, but much of the high quality agricultural land had been, or was being lost, to development;
- whilst more houses were needed, it was an excessively dense development with this part of Exeter, together with the land in Teignbridge, becoming an urban snowball for developers;
- local residents were genuinely concerned at the scale of the developments in the area and it was not simply a case of "not in my backyard". There were

significant biodiversity impacts and there would be yet more pressure on local amenities; and

- Shillingford Road required a dedicated pedestrian crossing.

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

- the Alphington Village Forum understood that more houses were needed and that two sites in the village had been approved some years ago. The Forum was not fighting against the principle of development, but against the effects it caused, taking into account the surrounding area, the capacity of the local roads, and the existing residents. The application nearly doubled the density previously approved;
- the Alphington Development Brief was produced as a Supplementary Planning Document in 2014. Tilia Homes appears to have ignored this document, as well as the 74 objections from residents as they are not included in their Consultee Response Tracker. They had responded to 56 objections made by official consultees, but there was not one response to the residents' objections. The new South West Exeter Local Centre would be at least a kilometre away;
- the Brief stated that the site must make an excellent contribution to the character and appearance of Alphington, but this would be impossible with 182 houses squeezed onto two small fields. It lacked a sense of place and did not integrate with existing development in the vicinity with a high density, tall blocks and tiny gardens, 22 of which were below the recommended size;
- there would be increased traffic congestion in the village with another 2,500 new houses being built nearby with no new infrastructure. Approximately 270 of these will be higher up on the same Shillingford Road, a narrow hill, just above the Tilia development, with another 900 houses further up this hill; and
- the Highways Authority did not look at the bigger picture, when all 6,000 new residents occupy their homes. The only bus service was unreliable and cycle paths did not and could not exist as the roads are too narrow and dangerous.

Ben Smith spoke in support of the application. He raised the following points:-

- within the Exeter City Council adopted Core Strategy 500 dwellings had been allocated south of Alphington. To date, outline approval had been granted for 234 plots, with 206 gaining a reserved matters approval, leaving 294 plots within the allocation. Reserved matters were sought for 182 dwellings with associated infrastructure, layout, scale, appearance and landscaping;
- there was a need for 1, 2 and 4 bed housing not only as affordable housing but housing that was also affordable by their design whilst still meeting the required standards as outlined within the Exeter Housing Needs Assessment;
- the scheme met the needs of the local population and, by providing 1, 2 and 4 bed homes, best use was made of the land providing 54 affordable houses and apartments;
- £4 million would be provided in Section 106 contributions and CIL payments;
- materials to be used would reflect the local area;
- the application met the required planning policy and the structure and design of the scheme followed the principles of the Framework Plan and Design and Access Statement;
- the County Ecologist, the Highways Officer and the Lead Local Flood Authority had not objected to the application; and
- the design of the scheme meets the local need, therefore the developer was in a position to provide 54 affordable dwellings, an increase of 19 over a scheme of 116 plots.

He responded as follows to Members' queries:-

- approval had already been granted for a pedestrian crossing;
- it would not be a 100% Net Zero development but would be built to current Building Regulation standards including energy saving measures;
- ecological measures would include the retention of the hedge through the centre of the site, landscaping, provision of public open space and a dark corridor for bats along Markham Lane. There would be a five metre buffer to the east of the hedgerow with no housing provided in this location;
- the developer had met with local residents including members of the Alphington Village Forum and the web site has been updated following re-consultations on changes to the plans. It was considered that the urban design reflected the character of the village and the surrounding vernacular with a mix of red brick and render; and
- the scheme had a total site density of 43.75 dph, which was considered in keeping with that of development in the surrounding area.

Members expressed the following views:-

- the application should be refused on grounds of excess density, inadequate spread of social housing throughout the site, a design being more suitable to a city centre location and concerns with issues relating to infrastructure;
- whilst the density proposed could be accepted, concerns remain relating to impact on biodiversity and ecology, the small size of the gardens, a failure to reflect the original Alphington Development Brief as well failing to address the impact on road safety;
- following revisions to the submitted information the proposal was considered to be acceptable in accordance with local and national policy;
- there were no planning reasons to refuse and the benefits outweighed the disadvantages;
- not everyone required large gardens;
- contributions per dwelling to local amenities would be beneficial; and
- Alphington was no longer a small village on the edge of Exeter.

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.

**RESOLVED** that planning permission for reserved matters application for 182 dwellings and associated infrastructure, layout, scale, appearance and landscaping relating to the Residential development approved under application 15/0641/OUT (Revised plans) be **APPROVED**, subject to the following conditions:-

### **Timescale**

The development hereby permitted shall be begun before the expiration of five years from the date of the issuing of the Outline permission. In the interest of clarity this is 24 November 2026.

**Reason:** To ensure compliance with section 91 - 93 of the Town and Country Planning Act 1990.

### **Approved Plans**

The development hereby permitted shall be carried out in accordance with the following approved plans:

- P22-1227-DE\_05 Rev I Site Location Plan

- P22-1227\_DE\_02 Rev AA Site Layout
- P22-1227\_DE\_04 Rev H Materials Plan
- P22-1227\_DE\_06 Rev G Affordable Tenure Plan
- P22-1227\_DE\_07 Rev G Building Heights
- P22-1227\_DE\_08 Rev G External Works
- P22-1227\_DE\_09 Rev G Refuse Strategy
- P22-1227\_DE\_10 Rev J Parking Strategy
- P22-1227\_DE\_11 Rev G Adoption Plan
- P22-1227\_DE\_11 Rev G Movement Plan
- P22-1227\_DE\_14 Rev D Illustrative Street Scenes
- 3262.100.1 Rev G Landscape GA Sheet 1 of 5
- 3262.100.2 Rev G Landscape GA Sheet 2 of 5
- 3262.100.3 Rev G Landscape GA Sheet 3 of 5
- 3262.100.4 Rev G Landscape GA Sheet 4 of 5
- 3262.100.5 Rev G Landscape GA Sheet 5 of 5
- 3262.100.6 Rev G Landscape GA Complete Site
- 0645-A-101-P2 Longitudinal Sections Sheet 1 of 2
- 0645-A-102-P2 Longitudinal Sections Sheet 2 of 2
- 0645-A-103-P3 Plot Levels
- 0645-A-104-P4 Preliminary Section 38 Plan
- 0645-A-105-P4 Kerbing and White Lining
- 0645-A-106-P3 Materials Plan
- 0645-A-107-P0 Road Construction Details
- 0645-A-120-P3 Drainage Strategy
- 0645-A-0121-P3 Surface Water Catchment Plan
- 0645-A-0122-P4 Flood Exceedance Routing Plan
- Play Area Proposal 03 February 2023
- P22-1227\_DE\_03J House Type Pack February 2023

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

### **Pre-Commencement**

#### **Construction Ecological Management Plan**

No development nor clearance works shall occur on the development hereby approved until a Construction Ecological Management Plan (CEcMP) has been submitted to and approved in writing by the Local Planning Authority.

The CEcMP shall include the following

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs in line with the submitted Arboricultural Method Statement 1031-AMS-MU (February 2023).

Reason: To ensure protection of biodiversity during construction. This is necessary as a pre-commencement condition to ensure suitable measures are in place prior to work starting on site.

## **Pre-Relevant Works**

### **Hedgerow and Scrub Removal**

No works relating to hedgerow or scrub removal shall occur until a license Dormouse license has been granted by Natural England. The works shall be undertaken in accordance with the details approved by Natural England.

Reason: To ensure suitable protection and mitigation for dormice.

## **Pre-Foundations**

### **Highway delivery**

Prior to works commencing on foundations details of phased delivery of Highway matters shall be submitted to and approved in writing by the Local Planning Authority. This shall set out the phasing process and areas of delivery for each phase.

Prior to each agreed phase commencing details, including drawings and delivery timetables for estate roads, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be submitted to and approved in writing by the Local Planning Authority.

These aspects shall be constructed and laid out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a suitable design of the streets and highway network.

## **Pre-Damp Proof Course**

### **Elevation Materials**

No works shall occur above foundation-level until details, including type and colour, of all external materials to be used on the elevations of the houses and flats hereby approved have been submitted to and approved in writing by the Local Planning Authority.

The development shall be undertaken in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure suitable materials in the interest of visual amenity and good design.

### **Boundary Treatments**

No works shall occur above foundation-level until details, including material and design, of all public and private boundary treatments are submitted to and approved in writing by the Local Planning Authority.

The boundary treatment shall be installed in accordance with the approved details prior to first occupation or use of the respective area.

Reason: To ensure appropriate design and material choice in the interest of visual amenity.

## **Pre-Installation**

### **Lighting**

No external lighting shall be installed on the site unless details of the lighting have previously been submitted to and approved in writing by the Local Planning Authority (including location, type and specification). The details shall include:

- a) A map showing the "dark areas" that will be maintained on site.
- b) An evidence based assessment of light levels of the development, including buildings, vehicle headlamps and street lighting, comprising a written report and accompanying drawings of the site with the levels of predicted

illuminance and light spill in and adjacent to the “dark areas” shown by appropriate isolines.

- c) Evidence to demonstrate that a light spill no higher than 0.5 lux will be achieved within the “dark areas”
- d) Where c) is achieved either fully or in part through landscaping, details of the landscaping and its management to ensure it will maintain the “dark areas” in perpetuity. These details shall be incorporated into the details of landscaping and Landscape and Ecological Management Plan (LEMP) where applicable.

The lighting shall be installed in accordance with the approved measures and retained in that manner at all times thereafter.

Reason: To ensure lighting is well designed to protect the amenities of the area and wildlife.

### **Pre-occupation Landscape Ecological Management Plan**

Prior to first occupation of any dwelling hereby approved a Landscape Ecological Management Plan (LEMP), including long term objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall be carried out as approved at all times thereafter.

Reason: To ensure biodiversity gain and that satisfactory landscaping works are provided and maintained.

### **Refuse Storage**

Prior to first occupation of any dwelling hereby approved full details, including location, design and materials of refuse and recycling stores shall be submitted to and approved in writing by the Local Planning Authority.

The refuse and recycling stores shall be installed in accordance with the approved details prior to occupation of each respective dwelling and retained solely for that use at all times thereafter.

Reason: To ensure suitable refuse and recycling storage in the interest of amenity and highway safety.

### **Cycle Storage**

Prior to first occupation of any dwelling hereby approved full details, including design and materials, of secure cycle storage at a ratio of 1 space for each 1-bed or 2-bed dwelling and 2 spaces for each 3-bed or more dwelling has been submitted to and approved in writing by the Local Planning Authority.

The approved cycle storage shall be installed prior to first occupation of the respective dwelling it serves and retained at all times thereafter.

Reason: To promote sustainable transport options for occupants.

### **Parking**

Prior to first occupation of each dwelling hereby approved the relevant vehicle parking spaces shall be provided in accordance with the approved details. Allocated spaces in shared parking areas shall be clearly marked with the relevant allocation details. All spaces shall be retained solely for that use at all times thereafter.

Reason: To ensure suitable parking provision for motor vehicles to reduce impacts on highway safety.

### **Drainage**

Prior to first occupation of any dwelling hereby approved the approved surface water management system shall be implemented in accordance with the approved details and brought into use.

The approved surface water drainage details are:

- 06545/FRA/0001 Rev4 Flood Risk Assessment and Drainage Strategy (February 2023)
- 06545-A-0101-P2 Longitudinal Sections Sheet 1 of 2
- 06545-A-0102-P2 Longitudinal Sections Sheet 2 of 2
- Storm Sewer Design Criteria 12-02-2023
- 06545-A-0120-P3 Drainage Strategy
- 06545-A-0121-P3 Surface Water Catchment Plan
- 06545-A-0122-P4 Flood Exceedance Routing Plan

Reason: To prevent flooding and provide suitable on-site surface water management.

### **Compliance**

#### **Gates**

All rear service alleys shown on the approved plans shall see the gates with locks installed prior to first occupation of the relevant dwelling(s).

Reason: To provide security to future occupants.

#### **LEAP**

The play area approved as part of this approval shall be installed in accordance with the details set out on approved drawing Play Area Proposal (dated 03 February 2023) unless otherwise agreed in writing with the Local Planning Authority. This area shall remain solely for this use at all times thereafter.

Reason: To ensure suitable play facilities are provided by this development.

#### **Silt Management**

The development hereby approved shall be undertaken in accordance with the details set out in the submitted Silt Management Plan 06545-WR-A-P1 (February 2023) at all times.

Reason: To limit impacts during the construction phase.

#### **Tree Replacements**

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 ensure long-term biodiversity net gain and mitigation from the scheme.

#### **Informatives:**

##### **Outline Conditions**

It is brought to the applicant's attention that outstanding conditions remain on the Outline decision notice 15/0641/OUT and that this application does not discharge any conditions except for those required at Reserved Matters stage. Separate application will need to be made to resolve those conditions.

##### **Negotiated Approval**

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.

### **CIL**

The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following commencement of development. Accordingly your attention is drawn to the need to complete and submit an 'Assumption of Liability' notice to the Local Planning Authority as soon as possible. A copy is available on the Exeter City Council website.

It is also drawn to your attention that where a chargeable development is commenced before the Local Authority has received a valid commencement notice (ie where pre-commencement conditions have not been discharged) the Local Authority may impose a surcharge, and the ability to claim any form of relief from the payment of the Levy will be foregone. You must apply for any relief and receive confirmation from the Council before commencing development. For further information please see [www.exeter.gov.uk/cil](http://www.exeter.gov.uk/cil).

### **European Marine Sites**

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)

The meeting adjourned at 19:10 and re-convened at 19:16.

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### **PLANNING APPLICATION NO. 22/1177/FUL - LAND ADJACENT TO GRAS LAWN AND FLEMING WAY, GRAS LAWN, EXETER**

The Principal Project Manager (Development Management) (CC) presented the application for the construction of two, one bedroom, two person dwellings with external space, landscaping and associated works.

- the application was for two dwellings in land adjacent to Gras Lawn and Fleming Way. It was a windfall, vacant site, fenced off and not publically accessible, bordered by a public footpath on one side and a pedestrian/cycle route on the other;
- it was proposed to create two, two-storey adjoined one-bed dwellings. Whilst appearing on a narrow site, the dwellings exceeded the Nationally Described Space Standards and would each have a private garden area. All habitable rooms were served by windows and would provide a good level of amenity to occupants;



- in terms of neighbour amenity, the buildings had been designed with narrow window openings on the front and rear elevations to reduce intervisibility with neighbouring properties. This was further assisted by high level boundary walls and the design of the surrounding area with trees and parking areas. It was also proposed to require first floor windows to be obscure glazed and remove the permitted development rights for additional windows;
- access was from the footpath/cycle route;
- the primary openings were on the side (east and west) elevations, reducing the size and amount needed on the front and rear that face towards other dwellings. There are still small windows, doors and rainwater goods on the front and rear elevations to add visual interest and the final details of these will be required via condition to ensure they are acceptable; and
- the development was proposed to be car free, with secure cycle storage for each property. This was considered acceptable considering the scale of development, limited occupation and position adjacent to cycle routes. The surrounding area was subject to permit parking and the Highway Authority would decide whether permits could be issued.

In conclusion, the proposal was considered to make a modest contribution to housing supply in the city. The one-bed dwellings proposed were underprovided in the area and would help to alleviate this shortfall. The design was suitable for such a unique site position and would provide suitable occupant amenity whilst avoiding significant impacts to neighbours. The proposal was therefore recommended to the Committee for conditional approval.

Members were advised that the site was not in a Conservation Area and that the hedge would be retained.

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

- thank-you all who visited the site, many being surprised by the narrow dimensions of the strip of land;
- 44 public objections, including from the Gras Lawn Residents' Association, was a very significant number for an application of this scale;
- the site provided important green visual amenity and some biodiversity value. The simplest visual aid was that it was narrower than this Rennes room;
- along the rear of the piece of land was a hedgerow and development would mean damage or loss to this valuable natural heritage. This was in addition to the loss of the green space itself which the Campaign to Protect Rural England had objected to. They had also shared residents' concerns about the break in the tree-lined green corridor and the loss of wildlife. While the Ecological Assessment Report and mitigation, including recommendations to retain a qualified ecologist is noted, if this were to be approved, it would not mitigate the overall loss of the spatial flow and amenity of the design of Gras Lawn and Fleming Way;
- small green spaces were of substantial value to the amenity of the neighbourhood and general wellbeing. The pedestrian and cycle path were also of critical visual and social value;
- the openness of this site detracted from potential anti-social behaviour and closing it would create a claustrophobic corridor or alleyway in its place;
- it was not a good design principle and given their location and the rental market, were unlikely to provide a genuinely affordable housing option. It was overdevelopment;

- the Gras Lawn Residents' Association had offered to work with the applicant to landscape and enhance the area, as it could be of community benefit;
- a lack of a five year housing supply had been cited. Whilst the applicant might have good intentions regarding environmental aspects of the construction, it was also important to consider what homes were actually like to live in. The design of these homes was dictated by the space on this extremely narrow site, and as such, were seriously compromised and feel barely adequate for happy living;
- residents have strongly expressed their view that the proposed dwellings were not in keeping with the surrounding brick-built houses and referred to Gras Lawn as a strong sense of place created by a formal, planned character;
- neighbours were concerned at the loss of privacy and did not feel that the design adequately expressed the impact the proposed dwellings would have in terms of overlooking, overshadowing and loss of light;
- the reasons for a planning refusal on this site in 2008 underlined the residents' points. In 2008, a 1.9 metre close boarded timber fence had been erected around the same area without planning permission. A retrospective application had been refused on the grounds that it "*would set an undesirable precedent for similar visually harmful boundary treatments in the vicinity*" and that the "*siting and constituent materials are intrusive features in the street scene which detract from the character and appearance of the area*".
- a subsequent decision by the Planning Inspectorate dismissed an appeal citing the Development Plan policy that "*new development should maintain and improve the quality of Devon's environment and that all designs should promote local distinctiveness and contribute to the amenity of the townscape.*" The Inspector had stated that there was one main issue in the appeal, namely "*the impact of this fence on the character and appearance of the surrounding residential area.*" The Inspector concluded that "*The fence that has been erected is highly visible both in the street scene and in longer range views down the footpath and in my opinion, it is seen as a harsh and completely alien feature. It also acts as an intrusive visual barrier. I therefore have no doubt that this structure has seriously harmed the character and appearance of this attractive residential area.*"; and
- given the Planning Inspector's statement about a mere 1.9 metre timber fence a two double-storey timber-clad houses would also be detrimental.

Caroline Millar spoke against the application. She raised the following points:-

- she represented the Gras Lawn Residents' Association and speaking on behalf of Gras Lawn and those affected in Fleming Way;
- thank you if you were able to visit the site, and for reading the many objections raised - all show tremendous opposition from local residents. Small spaces matter and this was an overdevelopment of a small space. The proposed dwellings were too big in mass and scale for the footprint of the site;
- because the site is so small and narrow, the design would have a significant overbearing impact - a two-storey, flat roofed block, with galvanised steel and corrugated zinc features, intrusively shoe-horned at the end of a tree lined avenue, an avenue that has enormous visual amenity;
- the Exeter Planning Policy states that developments should be sympathetic to the surrounding built environment. The design and materials used were unsympathetic, visually jarring, and out of character. The narrative in the Design and Access Statement that it makes the public space safer and more enjoyable was not an opinion shared by any residents. These dwellings would result in the loss of amenity to surrounding properties. In terms of privacy, all the first floor windows either looked into the properties at 33 or 68 Fleming Way, or they overlooked the various bedrooms and outside spaces of five Gras Lawn

properties. Those residents felt that obscured glass did not help as windows can be opened;

- in terms of loss of daylight and overshadowing, 33 and 68 Fleming Way would be particularly affected for several months of the year. The owners of 33 were having their own right to light survey done as their property was particularly affected;
- the PV panels would be visually intrusive to the Gras Lawn properties, and their reverse steel frame would be an eyesore to Fleming Way. An appeal to keep a 1.9 metre fence around the boundary had failed. The Planning Inspector's decision stated that it acted as "an intrusive visual barrier" and "this structure has seriously harmed the character and appearance of this attractive residential area"; and
- Exeter has plenty of decent accommodation where the internal living spaces are of meaningful size. Residents feel that, despite a housing shortage, there was no excuse for overdevelopment, or an unsympathetic design which resulted from an inadequate footprint, or loss of visual amenity for a great many people,

Nigel Grainge spoke in support of the application. He raised the following points:-

- having two, one bedroom, two person houses would modestly help to address housing need for small homes;
- there had been early consultation with neighbours and officers and there was a positive end-result after a thorough and caring process;
- space standards are generous with good sized gardens;
- the design was of a high standard, yet simple and understated. Its small scale defers to the adjacent Gras Lawn and Fleming Way housing;
- the east and west aspects are orientated away from the existing residential properties, so the primary windows and principal outlook from the main ground floor living areas and bedrooms above do not overlook nearby dwellings. Ground floor windows face into hedging, brick walls or other boundary features and so would not cause harm to privacy in neighbouring properties;
- the presence and design of these two houses would enhance natural surveillance where little exists: over the adjacent footpath and cycle route as well as the areas of nearby car parking;
- the development would not cause undue harm to wildlife habitats and could achieve a net gain in green infrastructure and biodiversity value; and
- a windfall site will be developed and no planning policy reasons for refusal have been identified.

He responded as follows to Members' queries:-

- the Design and Access Statement explained the design options;
- the aim was to deliver two 'net zero carbon homes' with a 'fabric first' approach with air sourced heat pumps, mechanical ventilation and photovoltaics, exceeding Building Regulations requirements;
- the width varies between 7 metres to 7.5 metres, narrowing to 4.5 metres at one end with an overall length of 37.5 metres;
- the gap from the building to the hedge varies between 2 metres and 2.5 metres;
- there would not be a need to build deep foundations;
- the materials would reflect the bark of neighbouring trees; and
- the use of timber frame and cladding with wood fibre insulation, not only minimised embodied carbon, but enabled off-site manufacture reducing disruption of site works and wastage of materials.

Members expressed the following views:-

- it was the right building but in the wrong place;
- support refusal on the grounds of the impact on the immediate area as it would not be appropriate for the neighbourhood, loss of privacy and light to neighbouring properties, poor design and inappropriate materials;
- it was a computer led development and there were ecological concerns including the impact on hedges during construction;
- the reasons for refusal had been well represented by the objector and the Councillor speaking under Standing Orders, the latter referring in particular to an Inspector's decision regarding an application for a fence which had been dismissed on appeal on the grounds of the impact it would have had on the character and appearance of the area. The reasons for dismissing the appeal on that occasion remain pertinent to this application; and
- the development should be refused on grounds of design and over development.

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

The recommendation to approve the application was moved, seconded voted upon and LOST unanimously.

The meeting adjourned at 20:06 and re-convened at 20:17.

Members were minded to refuse the application, and accordingly, it was moved that the application be deferred and the Service Lead City Development be requested to report back to the next meeting of this Committee with the full technical reasons for refusal. The motion was seconded, voted upon and carried unanimously.

**RESOLVED** that the application be **DEFERRED** for the Service Lead City Development to report reasons for refusal to the next meeting.

## 22 PLANNING APPLICATION NO. 21/1014/FUL - 68-72 HOWELL ROAD, EXETER

Councillor M. Mitchell declared an interest and did not participate in the debate or vote. He spoke on this matter from the floor as a member of the public.

The Service Lead City Development presented the planning application for the demolition of the garage workshop and construction of four three-storey (plus basement) purpose-built student accommodation units, numbering 26 bedrooms.

At the Planning Committee held on 8 February 2023, Members were minded to refuse the application. Accordingly, it was moved that the Service Lead City Development be requested to report back to the next meeting of the Committee with the full technical reasons for refusal based on the following concerns:

- using the site for student housing would lead to a further concentration of this use in this particular area of the city, resulting in an increased population imbalance within the local community; and
- Members wished the refusal reason to reflect the overarching aim of the St. James Neighbourhood Plan to create a vibrant community that ensures an appropriate balance between student and permanent resident populations.

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

- views in opposition to the application were clearly expressed at the 8 February 2023 meeting, reflecting the opposition to this development within the St. James Neighbourhood;
- data shows a clear imbalance of student numbers within the community which could equally be said for the city as a whole, with some 35,000 students out of a total population of 133,000; and
- the reference in the proposed refusal reason to students should refer instead to 18-25-year-olds.

The Service Lead City Development stated that the proposed refusal reason referred to student accommodation and not simply to students; a Member commented that the issue was concerning the type of tenure, not the age group, as students could be of any age.

Councillor M. Mitchell, speaking as a member of the public, made the following points:-

- Members have already come to a clear view requesting on 8 February 2023 a report on refusal reasons;
- the refusal reasons should relate to both the Local Plan and the St. James Neighbourhood Plan;
- regard should be had to the planning permission refused in respect of student accommodation on a garage site at 36-38 Well Street; it was based on Local Plan Policy H5(b) and Policy C2(a) of the St. James Neighbourhood plan;
- the refusal relating to the Howell Road application is mentioned in a generalised statement rather than a specific point;
- there is a strong local feeling regarding community balance; and
- Members should support both 5H(b) of the Local Plan and Policy C2 of the Neighbourhood Plan.

Ms Connett, speaking against the application, made the following points:-

- the Council was thanked for the consideration given to the Neighbourhood Plan (NP) and for voting not to accept the recommendation for approval;
- further consideration of specific NP policy clauses as reasons for the refusal was urged;
- the NP must be recognised in its statutory status as part of the Development Plan, and the report must include evidence of professional scrutiny against relevant NP policies, including consideration of the objections and claims of Exeter St. James Forum as a statutory consultee, with a rationale justifying officer conclusions in each case;
- no NP policy had even been considered when assessing this application;
- Policy C2(a) is particularly relevant;
- the Independent Examiner of the NP should not be doubted; he scrutinised and approved the wording of the draft Policies C1, 2 and 3 without amendment, satisfied that decisions on planning applications should be easy to predict where these clauses were relevant. He stated that the supporting text, other policies and the overarching aims of the Plan were expected to be used to help interpret specific policies;
- the preamble to C2 as well as the policy, showed non-compliance of this application to C2(a), and the applicant's barrister, therefore, must have misread the policy and overlooked the preamble;

- C1e does not permit the change of use of any property to HMO where it undermines the maintenance of a balanced and mixed local community. The Inspector stated that this policy was a sensible approach to the local issue of community balance and had no concerns with the wording;
- this application comprises four houses in multiple occupation according to the Government definition, and as there is an over-concentration already in the vicinity, the proposal is non-compliant with Policy C1(e); and
- for robustness and accuracy C2(a) and also C1(e) should be cited as additional reasons for refusal.

The Service Lead City Development summarised the three elements of Policy C2 and advised that these were not applicable in respect of this application as reasons for refusal. Instead, citing the overarching aims of the Exeter St James Neighbourhood Plan was appropriate. Reference should also be made to the Neighbourhood Plan forming part of the Local Plan.

Sam Williams, speaking in support of the application, made the following points:-

- I am the owner of the site at Howell Road;
- the site was recommended for approval at the Committee on 8 February 2023, but the decision was deferred for a reason for refusal to be provided. The sole reason was policy H5(b) of the Local Plan - the balance of communities;
- every time the Council had fought an appeal on the issue of imbalance and Purpose Built Student Accommodation (PBSA), it had lost;
- this month, the Council approved a 107-bed PBSA only 350 metres from the site, the report stating that the Council did not currently define community imbalance in any planning documents. An ongoing need for student accommodation had also referred to;
- in a planning appeal loss of 2019, the Secretary of State held that local opposition was not itself sufficient grounds to withhold planning permission for student accommodation in Exeter;
- the St. James Neighbourhood Trust only represented 1% of the ward. Many of the immediate neighbours to the site supported this application;
- decisions should reflect the needs of all residents in the ward and the city, including the needs of students;
- the report states that there are no negatives arising from the development, only positives and the development accords with all policies in the Neighbourhood Plan.
- the upcoming Article 4 review "expressly does not relate to PBSA";
- it was a good scheme resulting from years of collaboration with the planning department. Every change requested had been accommodated, and
- to allay concerns about the management, a warden's flat can be included, which would reduce overall numbers by one, and quarterly management meetings could be held with any neighbourhood group.

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

The recommendation was moved and seconded, put to the vote and carried.

**RESOLVED** that the planning application for the demolition of the garage workshop and construction of four three-storey (plus basement) purpose-built student accommodation units, numbering 26 bedrooms, be **REFUSED** as the use of the site for student housing would not be appropriate within the St James Ward as it would lead to a further concentration of this use in this particular area of the city, resulting in an increased imbalance of population within the local community, contrary to

Policy H5(b) of the Exeter Local Plan First Review 1995-2011 and the overarching aims of the Exeter St James Neighbourhood Plan.

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

The report of the Director City Development was submitted.

**RESOLVED** that the report be noted.

24                    **APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

**RESOLVED** that the report be noted.

25                    **SITE INSPECTION PARTY**

**RESOLVED** that the next Site Inspection Party will be held on Tuesday 11 April 2023 at 9.30 a.m. The Councillors attending will be Councillors M. Mitchell, Morse and Newby

(The meeting commenced at 5.30 pm and closed at 8.50 pm)

Chair

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## LICENSING COMMITTEE

21 March 2023

### Present:

Councillor Bob Foale (Chair)

Councillors Asvachin, Ellis-Jones, Holland, Newby, Parkhouse, Rees, Snow and Wright

### Apologies:

Councillors Warwick, Mitchell, K, Oliver, Vizard and Wood

### Also present:

Service Lead - Environmental Health & Community Safety, Principal Licensing Officer, Legal Advisor, Apprentice Solicitor and Democratic Services Officer (SLS)

### 12 **Minutes**

The minutes of the meeting held on 31 January 2023 were taken as read, approved and signed by the Chair as correct.

### 13 **Declarations of Interest**

No declarations of interest were made by Members.

### **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) 1976 AND TOWN AND POLICE CLAUSES ACT 1847**

### 14 **Exeter Licensed Vehicle Mystery Shopping December 2022 - Survey**

The Principal Licensing Officer presented the report, and referred to a series of mystery shopper test purchases commissioned by Exeter City Council, undertaken from Thursday 8 December to Sunday 11 December 2022. The survey included the hire of Hackney Carriages from ranks in Exeter and pre-booked Private Hire Vehicles made via telephone, mobile app and booking offices. The premise of the survey was to establish a snapshot of the customer experience in using Exeter's taxis. An overview of the observations from the mystery shopper exercise was attached as an appendix to the report. It was noted that the details of each test purchase undertaken would be presented as a Part 2 report, as part of the agenda.

The survey made the following observations:-

- Covid had an ongoing impact on the availability of drivers going forward;.
- the availability of both Hackney Carriage taxis on the ranks and private hire vehicles on the circuit was more restrictive than during previous surveys;
- the test purchases were made in such a way as to ensure the identity of the mystery shopper exercise was not revealed;
- a number of Hackney Carriage test purchases were for short distance journeys to verify passenger comments that drivers were reluctant to undertake shorter trips. It was noted that no requests for short distance journeys were refused, although a small number of drivers added an additional charge; and
- during one test purchase, the mystery shopper was unwilling to accept the request to share the taxi journey.

- there was one instance of a private hire test purchase trip made without pre-booking.

The Service Lead - Environmental Health and Community Safety responded to a comment on the limited number of taxi firms operating in Exeter and stated that whilst market forces prevailed, the experience in Exeter of individual private hire operators amalgamating into larger companies across a locality was reflected across the country. It was noted that currently, 64 operators were licensed with the City Council, many being sole drivers fulfilling school transport contracts for Devon County Council.

The Principal Licensing Officer also responded to the following questions:-

- the Member suggestion of the increased demand for taxis, could relate to the post Covid and Brexit experience, and the poor bus service in the city was noted;
- a separate report which included driver statistics was being prepared for the Department of Transport (DfT) and had identified 362 active licenced vehicles operating;
- although not relevant to Exeter, the mystery shop survey still included a reference to on line taxi operators, Ola who no longer had a presence and similarly Uber who had never operated in Exeter, as part of a national format;
- both male and female mystery shopper operatives were used. All taxi drivers were required to undertake safeguarding training within 12 months of driving with a further requirement to renew every five years. The training included awareness for vulnerable passengers and particularly lone females;
- Hackney carriages could be hailed, both from the street and the rank, an illuminated roof light indicating their availability;
- Devon County Council Highways Authority have sought the Licensing team's support to coordinate consultation with the taxi trade to upgrade or reinstate a number of taxi ranks in the city;
- Taxi Marshalls helped manage queues on the ranks during the busy Saturday evening; and
- recent initiatives including the installation of CCTV had improved standards in Hackney Carriages and future legislation may make this a requirement in Private Hire Vehicles.

The Service Lead - Environmental Health and Community Safety agreed that passenger safety and safeguarding was an important matter and both licensed taxi drivers, and other partners had a part to play in a contribution particularly in the night time economy. The Safety of Women at Night Charter (SwaN) was about to be relaunched, and the Licensing team would continue to work with representatives of the taxi trade.

A Member's comment that passengers may wish to use a taxi for varying reasons, including vulnerability was noted. All taxi drivers were invited to take part in Equality and Diversity training and he extended an invitation to Licensing Committee Members.

**RESOLVED** that the report be noted.

15 **Local Government (Access to Information) Act 1985 - Exclusion of Press and Public**

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

16 **Exeter Licensed Vehicle Mystery Shopping December 2022 - Survey Results**

The Principal Licensing Officer presented the report and stated that although a number of issues were raised, there were also many examples of good service offered by the taxi trade in Exeter.

The Chair also welcomed the report and agreed with fellow Members, that whilst there were a small number of issues to address, the taxi trade should be thanked for the service provided. The Principal Licensing Officer would pass on Members' comments.

**RESOLVED** that the report be noted.

The meeting commenced at 5.30 pm and closed at 6.20 pm

Chair

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## STRATEGIC SCRUTINY COMMITTEE

16 March 2023

### Present:

Councillor Rob Hannaford (Chair)

Councillors Leadbetter, Allcock, Asvachin, Atkinson, Knott, Mitchell, K, Read and Vizard

### Apologies:

Councillors Harvey, Jobson, Moore, J and Oliver

### Also present:

Director of Culture, Leisure and Tourism, Director of City Development, Service Lead - Active & Healthy People, Service Lead Net Zero & Business, Assistant Service Lead – Local Plan and Democratic Services Officer (SLS)

### In attendance:

Councillor Bialyk –	Leader
Councillor Parkhouse –	Portfolio Holder Leisure Services and Physical Activity
Councillor Wood –	Portfolio Holder Climate Change
Councillor D. Moore –	Attending for Minute 43 under Standing Order 20
Councillor M. Mitchell –	Attending for Minute 45 under Standing Order 44

#### 40 **Minutes**

The minutes of the meeting held on 19 January 2023 were taken as read, approved and signed by the Chair as correct.

#### 41 **Declaration of Interest**

No declarations of interest were made by Members.

#### 42 **Questions from Members of the Public Under Standing Order No.19**

In accordance with Standing Order No.19, the following question had been submitted by a member of the public, Mr Cleasby and was circulated in advance to Members of the Committee. Councillor Wood, Portfolio Holder Climate Change attended the meeting and gave the following response as set out in italics below:-

**Will the Council please set out how it sees the future role of Exeter City Futures?**

#### **Answer**

*The two secondments to Exeter City Futures of the Chief Executive & Growth Director and Director for City Transformation have come to an end. As a result, it was the right time to reflect on the work undertaken by the City Council to support the Net Zero Exeter 2030 Plan. A review was being undertaken on the City Council's involvement in, and the future of Exeter City Futures in overseeing the Net Zero Exeter 2030 Plan. Once the review has concluded, a report would be brought to the Executive. The work continued to reduce the City Council's carbon emissions, which was the subject of a report on the agenda of this meeting.*

### **Supplementary Question and Answer.**

Mr Cleasby sought further information on the timetable for the conclusion of the review.

*The Portfolio Holder Climate Change stated that it was anticipated the initial work would come forward soon.*

### **43 Questions from Members of the Council Under Standing Order No.20**

In accordance with Standing Order No.20, the following questions were submitted by Councillor D. Moore in relation to the Portfolios of Councillor Parkhouse and the Leader. The questions were circulated to Members of the Committee. The responses of the Portfolio Holders were set out in italics below:-

#### **Question from Councillor D Moore to the Portfolio Holder for Leisure & Physical Activity (Councillor Parkhouse)**

##### **Question**

Why, when we are all supposed to be more inclusive of everyone in society, do I as a disabled person, have to travel outside Exeter to other towns and cities if I want to attend a "Disabled Only" swimming session?"

In support of the question, Councillor Moore advised that she had asked the question on behalf of a resident who had visited St Sidwell's Point. She was aware that the resident had met with the Manager to discuss his experience "that there were a large number of disabled people in and around Exeter who would like to swim in the city pools but who would feel anxious, overwhelmed and even fearful of attending a public swim simply because the environment could be very busy and noisy at times. Additionally, people feel very conspicuous when they have to use a hoist or enter and exit the pool with assistance. The whole experience can very often trigger feelings of overwhelming anxiety, whereas in a "Disabled Only" swimming session the environment is much calmer, quieter and people don't feel judged or threatened when they are swimming with like-minded people."

##### **Answer**

*St Sidwell's Point has been designed from the beginning to be fully inclusive and not segregate users at certain times, based on ability. The facilities included fully accessible changing places and rooms, toilets and wheelchair lifts and steps into the pool, were all part of the many ways where the facility had gone above and beyond. The leisure team have listened to charities along the way for both the design of the building and facilitation of users.*

*Where there are other disabilities every effort was made to work to individual circumstances where practically possible. The staff have worked with users, who may feel anxious or had special requirements to adapt the service. The Centre Manager has worked with families on a one to one basis.*

### **Supplementary Question and Answer**

Councillor Moore asked if the service would be willing to work with the residents to improve their confidence whilst at St Sidwell's Point.

*The Portfolio Holder referred to the competing use of the facilities, but the team would follow up the request.*

### **Question from Councillor D Moore –to the Leader of thr Council (Councillor Bialyk)**

#### **Question**

Please can the Portfolio Holder provide and update on the repair of the Riverside Leisure Centre roof?

#### **Answer**

*Elected Members have approved a £2 million capital repairs budget for leisure from April. Immediate repairs and priorities will be worked through by officers, including an updated condition survey and coordination from the Corporate Property Unit. Work on the roof of the Isca Centre would commence as soon as was practically possible and as a priority. With regards to Riverside, Exeter City Council had applied for over £6 million in funding to address both Net Zero, increased energy costs and repair issues for the roofs of both the Riverside Leisure Centre and the Royal Albert Memorial Museum. The matter would be discussed by officers next week.*

#### **Supplementary Question and Answer**

Councillor Moore commented on water continuing to leak through the roof of the Riverside Leisure Centre and that remained an ongoing repair issue.

*The Leader responded and referred to the updated condition survey for the Riverside Leisure Centre and the opportunity to look at making the remedial works as well as achieving funding as part of the work to decarbonise the whole building. It was important to ensure that the public could continue to use the facility.*

#### **44 Portfolio Holder Report**

Councillor Parkhouse reported on the Leisure & Physical Activity areas of her Portfolio and detailed the issues relating to achieving the Council's published priorities, major ongoing programmes of work, issues impacting delivery, financial performance, budget requirements and potential changes being considered.

The Portfolio Holder reported on the following key areas which included:-

- the decision to bring leisure operations in house which had offered a strategic and joined up approach linking with the Council's Live and Move Strategy to deliver activity across the city.
- the teams were working to address pockets of inactivity in the city.
- the teams were working with Devon Wildlife Trust to improve accessibility and signage in both the Valley Parks and the 13 Mile Green Circle.
- the updated Playing Pitch Strategy would protect those green areas of the city. Consultation with over 100 local sports clubs had enabled mapping of pitches to identify current and future use.
- energy price rises had impacted on the leisure sector overall, and whilst not such an issue for St Sidwell's Point (SSP), there would be an impact on the other five sites in the city.
- the national shortage of swimming instructors and lifeguards was exacerbated in Exeter as many staff were university students who left the city during the busier holiday periods.
- every effort was being made to ensure the changes in staffing levels had minimal impact on the customer experience with the high quality service was maintained and managed within budget.

- a concessionary offer similar to the former X Card may be considered.
- the Council's Net Zero team had submitted an application to the Decarbonisation Fund in respect of the Riverside Leisure Centre and the Isca Centre, and were awaiting the outcome of the bid.
- well being programmes such as 'This Girl Can' had offered free sessions at the Wonford Leisure Centre for women and girls living in Wonford; a NHS Staff well-being programme tailored to the shift patterns of the workforce was immediately oversubscribed, and a new 12 week well-being programme will be open to the wider population to encourage more activity.

The Portfolio Holder responded to the following questions from Members:-

- the crèche had a significant cost implication, despite there being no similar provision in the city and all options were considered.  
The Director advised that the original modelling for the crèche was based on the expectation of a maximum of 2,000 sessions, but even at capacity, the running cost of £45 a session was unsustainable.
- a request would be made to the Service Lead Active and Healthy People to contact ward councillors for St David's around increasing activity levels in areas of deprivation to discuss initiatives.
- following discussions with the Director, the technology used at a small data centre at Exmouth pool would be discussed at a meeting with the Net Zero team.
- Northbrook Pool was a fantastic asset, but managing the opening hours with limited staffing capacity posed some challenges. A trial of different opening hours would take place at the end of March, and the May half term to identify the needs of the local community.

The Director responded to the following questions from Members:-

- bringing the leisure service in house, had certainly resulted in more control and a better service for the customer.
- rather than focusing only on using social media for marketing, push notifications, direct email marketing, the team on site and word of mouth were all used.
- the pilots for social prescribing courses had worked well. A member of staff in a social prescribing role had been employed.
- SSP could be offered as a venue through Visit Exeter and Visit Conference Exeter, but there had to be a balance of the facilities for all users.
- two local authorities nearby had continued to outsource their leisure provision and had a higher price point.
- consultation to deliver the staff and structural changes was still taking place..
- work was taking place with sports science students at Exeter College to help overcome some challenges with recruitment, but there was still a wider recruitment issue across the country.
- the energy was purchased in bulk with the support of the Council's Procurement Officer to attract a better rate, but they were aware of the LGA National Energy Category strategy.
- the Pyramids site had been sold, with the disposal from the asset coming to the Council.

The Portfolio Holder responded to advance questions received from Councillor Jobson, which were asked by Councillor Leadbetter in her absence. The responses were set out in italics below:-



## Leisure membership

1. Was the target of 10,000 memberships based on the amount required to pay staff costs, running costs, maintenance and repair and interest/capital payments on the debt incurred?

*The 10,000 figure quoted was an internal sales target for all six sites. It was based on competitor analysis and potential use on a single price membership (£25 for all sites) where casual use was allowed, there was no joining fee or exit fee. When the leisure service was brought in house a sector expert had been working with officers to review the wet side and dry facilities, and commercial activity. The teams work to targets in all areas. Annual membership was just one part of income to the leisure service across the six sites. Income also includes casual use, room hire, pool hire, food and beverage sales. The target was based on what membership it was thought the facilities could attract given the different dynamics. There was not a one size fits all across the six sites.*

2. If not, what no of memberships at current rates is required to pay such costs?

*Income was not just from monthly memberships. It was hard to model for a price rise, some people stop coming, so this also needs to be included. For the leisure service to be operationally cost neutral you would need to increase all income streams to cover the £2 million leisure currently requires – if there was no attrition the membership would be £50 to £100 to reach a break-even point even with the 10,000 membership numbers.*

3. It is understood that in excess of 12,000 memberships was achieved in the first year, in view of the recently imposed increased membership charges how short was this number of memberships from achieving a break even position?

*The leisure service including SSP was still in its first year so the final position was not yet known. There are no joining or exit fees or contract so membership numbers varied from month to month and the trends and patterns have not yet been established. Only part of the income comes from monthly memberships. All centres require a subsidy given the way the service was designed to provide access to people at an affordable price, in-house staffing and the huge increases in energy costs. In response to a further question on membership numbers, whilst there had been some attrition, the figures had levelled as other members had stayed for the spa facilities.*

## Potential changes to services/provisions being considered

1. If the crèche closes at St Sidwell's Point what assessment has been undertaken of the impact of that closure on a potential loss of memberships

*Officers had looked at the use of the crèche and modelled different variations of loss against probability. The crèche was a unique service but there had been a high level of subsidy required.*

2. What assessment has been undertaken as to whether the increase in Membership subscriptions will likely result in a reduction in the number of membership subscriptions.

*Modelling had been done and considered the impact of the cost of living increase on people's disposable income and the fact that Exeter Leisure does not charge a*

*joining fee or have a minimum contract. The modelling was commercially sensitive.*

3. The reports all talk of a £2 million subsidy from Exeter City Council to the Leisure Service – what does this subsidy cover – is it running costs/staff costs etc or the repayment of the debt or both?

*The subsidy included all expenditure associated with the service – such as running costs and now increased energy costs, and the high level of staff needed. Repayment of the debt came under another budget line.*

The Director added that in terms of bringing the service in house, the cost to the Council may have been less, but the cost to the consumer would be considerably higher.

The Portfolio Holder responded to an additional comment on the previous commitment made for free swimming lessons for children. The Director added that it had been anticipated that a commercial operator would run SSP. The impact of the impact and a shortage of qualified swimming instructors had resulted in a significant backlog and a post pandemic model of free lessons was no longer feasible. The Government was bringing in legislation for compulsory swimming lessons in schools and the Council anticipated working with schools to facilitate this. The Director also responded to a Member's question on subsidies for children in care, and care givers and confirmed that the Portfolio Holder had asked him to look at a model of concessionary membership as part of the service's budgetary work.

Members noted the report.

#### 45 **St. Sidwell's Point Project Contractual Arrangements**

The Director Culture, Leisure and Tourism presented the report, which followed a request from Councillor M. Mitchell and colleagues in the Progressive Group who sought further information on the contractual arrangements of the construction of St Sidwell's Point (SSP) in terms of any lessons to be learnt from managing such a large scale project.

Councillor M. Mitchell attended the meeting under Standing Order 44 and thanked officers for the excellent and detailed report, and wished to put the request for consideration in context. Following the experiences of the project, he proposed a Member Task and Finish Group to consider how as a local authority such large capital programmes could be managed effectively. He said that as Members they were mindful of ensuring accountability and matters of governance and he suggested a Task and Finish Group may offer the opportunity to consider a wide range of issues, including the structure of business plans, variability of costs, ensuring value for money, and managing any delays in the timetable.

The Director introduced Justin Pickford, who project managed and provided technical expertise throughout the entire period. He had worked with an exceptional external team working to a budgeted and resourced process. He noted the comments made and suggested that when the Wonford Health and Wellbeing Centre came forward, he would welcome any opportunity to incorporate the learning from SSP into that project.

Members made the following comments:-

- that such projects should be left to the appointed project manager.

- although being mindful of Member and officer time and commitments to convene a Task and Finish Group, the Member welcomed the opportunity to scrutinise the project.
- a Task and Finish Group would offer further guidance for any future projects.
- that some aspects of discussion of the management of future projects could be picked up in the work of the Exeter Development Fund Task and Finish Group.

Councillor M. Mitchell proposed a Task and Finish Group, which was seconded by Councillor Read and following a vote, the proposal was lost.

The Leader welcomed the report and reflected on the timetable, having chaired the cross party Leisure Complex and Programme Board, which oversaw the evolution of the project and which reported such to the Executive and Council.

Justin Pickford set out the key issues of the project as detailed in the report. He had worked on the scheme since its inception, with the appropriate level of professional support and specialist skills having been engaged, using standard industry recognised documentation to ensure there was no misunderstanding around the duties, roles and responsibilities. He highlighted four extraordinary changes within the contract which had been subsequently addressed:-

- the Section 278 highways works were far more extensive than originally anticipated, with resultant costs being higher than envisaged;
- the original building cladding material, although compliant with all building regulation was changed following the Grenfell fire;
- the Operator fit out works costs exceeded the allocated budget following the decision to bring the operator back in-house; and
- the effects of Covid 19 on the timetable, which had resulted in a separate settlement for the scheme.

He responded to a Member's question relating to the highway works and that in future, arrangements for the Highways Authority to carry out trial work beforehand would be suggested. There was recognition that it was important to ensure the right team and level of support was in place.

Councillor M. Mitchell thanked Mr Pickford for an excellent and informative report, but he suggested that it covered the project management aspects, rather than touching on Exeter City Council accountability and governance matters. He would be satisfied by an approach being made to the Exeter Development Fund Task and Finish Group to consider contractual and projects management issues as part of the consideration of future projects.

Strategic Scrutiny Committee noted the report and supported further discussion of project management be made at a future meeting of the Exeter Development Fund Task and Finish Group.

#### 46 **Live and Move Programme Update**

The Service Lead Active and Healthy People presented the report which provided an update for Members on work undertaken and planned under the Live and Move Strategy, across Exeter and Cranbrook, with the aim of increasing health inequality and physical activity. The report also provided an opportunity to highlight the Council's programme of work around physical activity and well-being in local communities as well as an update on the Sport England delivery pilot. The Strategy targeted 12 locations across the city, supporting those communities that suffer from

the poorest health outcomes and the highest level of inactivity across the city. The three specific outcomes were to:-

- increase everyday physical activity
- increase walking and cycling use, and
- physical activity to improve community connectivity.

The team were about to oversee an Active Lives survey for 2023 which Sport England used to obtain a tangible benchmark. A review of the 2022 survey had already helped identify the levels of physical activity of residents in the priority locations. The Service Lead Active and Healthy People would share the survey results, but he wished to highlight three significant things that they noted from last year's survey:-

- Exeter had a stronger bounce back from Covid, with good levels of physical activity, testament to the investment made with local partners such as Exeter City Community Trust.
- the narrowing of the gender gap in terms of more women and girls being physically active in Exeter than the national average. Campaigns such as 'This Girl Can' had helped to raise activity levels.
- investment in a local charity had resulted in an increase physical activity rates in the city's culturally diverse communities using the Wonford Sports Centre.

Other areas of note included:-

- field work for the next Active Lives survey would be launched shortly.
- the Council will be invited to submit an application to secure a long term place partnership with Sport England later this year. Their investment and support would enable the Strategy to extend beyond the 2025 date to continue until 2030.
- a report to create a Wonford Community Wellbeing Hub with a proposed design and future management model would be presented to a future Executive and Council meeting.
- work was due to take place in Newtown on a low traffic neighbourhood project with local consultation on a design for the public realm and walking and cycling infrastructure as well as creating a new outdoor community space.
- a new 12 week well-being and social prescribing programme working with the NHS, for more vulnerable residents to have opportunity to connect and access the facilities with a broader programme than just relating to physical long term conditions.
- consultation by Devon County Council relating to the local walking and cycling offer to increase those activities through relatively low cost infrastructure projects.
- work on the Green Circle had improved signage, and access with a digital app to track the route, as well as looking at ways to improving ownership of local sections.

The Service Lead Active and Healthy People responded to the following Members' comments:-

- the Live and Move team have been involved throughout the development of the LCWIP (the Local Cycling and Walking Infrastructure Plan) with colleagues from Planning and will make a formal response to the consultation. The Assistant Service Lead (Local Plan) advised that his team had worked with Devon County Council in preparing the LCWIP. It was an important transport policy document for the city, and may help to inform the routes and future development and the

location of some of the suggested priority routes. He made an offer to summarise comments received by a Member from the public, to capture those in the City Council's response.

- funding for the current Sport England Programme runs out in 2025, but it is anticipated that the Sport England delivery pilot will run into a longer term partnership, with bids being made up to 2030.
- the live surveys offered a wealth of data and information, and included a profile of age, gender, and levels of disability across the wards, which he was happy to share with Members
- applications could be made for placed based funding to offer a targeted resource to support programmes or develop ideas and activity coming through the community builders and community physical activity organisers.
- referencing activity levels the criteria for fairly active was 30 to a 150 minutes exercise and active levels were more than 150 minutes a week. The team will continue to invest in those areas of the city that identified will make a difference to the mainstream activity levels of the population across the whole of Exeter.

The Director stated that he had no further information on the Water Lane site, but the basic principles on active design and walking in terms of the Liveable Exeter sites would be adhered to. He invited Members to pass on any comments to the City Development and Live and Move teams.

The Chair thanked Officers for the report and proposed a further recommendation to support the aspirations for long term funding with Sport England.

Strategic Scrutiny Committee noted the following:-

- (1) progress made against the strategy, and its contribution towards key priorities in the City Council's Corporate Plan;
- (2) an update on progress be made to Strategic Scrutiny twice a year; and
- (3) support for the aspirations for long term funding with Sport England.

#### 47 **Exeter Plan: Outline Draft consultation: Initial reporting**

The Director introduced the report and referred to the extensive and inclusive public consultation in respect of the draft Local Plan. He thanked the Assistant Service Lead (Local Plan) and his team for their hard work in preparing for the consultation and their presence at a series of roadshows held throughout the city. The responses and level of engagement have created a good level of baseline data and the team were already preparing to commence the next consultation in October.

The Assistant Service Lead (Local Plan) provided an overview of the consultation carried out on the outline draft Exeter plan last autumn. A report would be presented to the Executive next month summarising the consultation which looked at 28 policies and sites. The team had made a significant effort over the 12 weeks extended consultation period. There had been a higher profile and digital presence, with a new engagement platform, 15 exhibitions as well as direct engagement with students from the University of Exeter and Exeter College as well as a number of community groups, press releases, banners, posters, digital screens, and an advertising campaign on Council vehicles being used.

There had been good levels of engagement with 1,500 individual respondents having provided more than 3,400 individual responses on a policy, site or issue; 700 comments were received as a result of a quick survey and more than 15,000 hits were made on the City Council's web site. More than 1,000 people attended the

exhibitions providing an opportunity for the team to engage with the community in some depth.

The key issues drawn from the consultation included:-

- Tackling climate change;
- Supporting development that would reduce the need to travel, and
- Providing good quality homes.

In general terms, over 50% of comments made were positive with clear support for brownfield development over green field sites as an overarching strategy. There was also support for other policies including the protection of valley parks, improvement of digital communication, particularly in relation to new development, and ensuring green infrastructure. There was no correlation between the scale of the 29 sites proposed and the number of responses.

Further detail on policy on a site by site basis would be published in the full consultation document, but the consultation undertaken had offered a good basis to move forward for the next draft of the Exeter Plan and future engagement.

The Assistant Service Lead (Local Plan) responded to the following Members' comments:-

- apart from the top three issues raised during the consultation, specific detail and statistics from the consultation would be included in the forthcoming report to the Executive.
- the quick survey on the development strategy resulted in a range of comments on a site by site basis which could explain why there was, in some cases, considerable local activity on particular sites and the team would take such comments on board.

Members welcomed the report with many comments including:-

- an appreciation of the effort made to engage with the public at a number of levels and with a more creative approach.
- affordable homes for local people, as well as quality homes were needed.
- turnout at the Beacon Centre roadshow was low and the Member hoped that such areas would be encouraged to participate in further consultation. The Member went on to comment on the demographic of respondents and suggested that younger people age groups had been less engaged in the consultation and if there were any plans to carry out consultation in schools, as the Plan would cover the generation that will inherit the city.
- whilst further detailed information from the forthcoming Executive report was awaited, a Member supported any opportunity to engage with the younger population.
- the consultation had noted the importance of having a safe and secure place to live, but capturing the comments of those with less of a voice should be recognised.
- there could be a greater level of engagement when larger developments were taking place, with consistent themes raised in relation to student accommodation, scale, design, affordability or the impact on services and infrastructure. The Member suggested there may be benefits in carrying out a similar consultation on a much smaller scale in such cases.

The Director appreciated the suggestion as it was important to be aware of local views and how to respond to a Local Plan. The next stage of the consultation will

pose a challenge, but will continue to shape the Plan to ensure it was effective and meaningful.

The Portfolio Holder City Development commented on the relatively low numbers from the consultation in Beacon Heath and would welcome looking at other ways to specifically engage groups within the community, as well as school students. The efforts to reach over 1,053 respondents should be congratulated and she was aware that the team continued to find ways to develop the consultation opportunities even further.

Strategic Scrutiny Committee noted the summary of the outline draft Exeter Plan consultation.

#### 48 **Working Towards Net Zero - Exeter City Council's Corporate Carbon Reduction Plan**

The Service Lead Net Zero and Business presented an update on the work of the Net Zero Team, and delivery of the City Council's Carbon Reduction Plan. The updated Plan included a mix of measures set out in the Council's Corporate Carbon Footprint Report produced in 2022, and actions in progress across all services to achieve a Net Zero Council. A summary of recent projects successfully delivered was also included within the report. The team were currently developing a separate methodology for the action plan to show low, medium and high priorities, which would give an emphasis of what action was needed to be undertaken as an immediate priority.

It should be acknowledged that delivery of the premise of Net Zero by 2030 for the City Council remained challenging. The Net Zero team continued to look at ways to create capacity, and they anticipated carrying out an exercise involving further research on the resources needed to deliver that for the City Council

The report highlighted some of the major projects of the team which included:-

- the completion of the Water Lane Smart Grid Project ;
- two members of staff have been delivering Carbon Literacy training across the City Council. This was an ongoing project, and the Council had already achieved bronze status with further plans to work towards a silver accreditation.
- a range of activity continued to reduce the Council's carbon emissions with the information and data available on a dedicated page on the City Council's web site .
- a review of the environmental accreditation scheme, Green Accord, included a relaunch at a Chamber of Commerce event at the beginning of April.

The Service Lead Net Zero and Business responded to the following Member's comments and questions:-

- she thanked the Member for comments on the attributes of an aerobic digestion plant and whilst there was no proposal to develop a facility, such as the one in the East Devon District Council area, it was not to say that such a facility could not be built in the future.
- an officer Task and Finish Group relating to procurement has been established to see how data relating to contracts could be collected. She would ask the Net Zero Project Manager to offer a more detailed response in relation to Scope 1, 2 and 3 emissions and whether the connected and partnership companies were covered.

- the team were working to establish a costed plan for delivering Net Zero and she anticipated further detail would be available at the next meeting of the Strategic Scrutiny Committee in June.

The Portfolio Holder Climate Change welcomed the detailed report including the various projects and activity being carried out by the Net Zero team. He responded to a Member's question on sourcing information and data and referred to the Council's web site as referenced earlier in the meeting and a suggestion of a more visual aid, a virtual thermometer to chart the Council's progress in this regard.

Strategic Scrutiny Committee noted the following:-

- (1) an acknowledgment that progress made but of the scale of the challenge that remained;
- (2) the Carbon Reduction Plan, which was an evolving document, to be reviewed on a six monthly basis, to monitor progress, identify change and evaluate actions needed to deliver Net Zero; and
- (3) that in order to deliver Net Zero by 2030 will require an increase in capacity, financial investment and operational resource, both internally and from government at a national level. An investment Plan to establish recourses required had been added to the Carbon Reduction Plan.

#### 49 **Progress Report Shared Prosperity Fund - Update 2**

The Service Lead Net Zero and Business presented the report, and provided a second update on the Shared Prosperity Fund (UKSPF) through from the Department for Levelling Up Housing & Communities (DLUHC). The City Council finally received confirmation of the Exeter Investment Plan in January 2023, with the Year One allocation made earlier this month, in March. To help facilitate this work, a Project Manager would be appointed on a temporary basis for two years to deliver various activities including the Exeter's Investment Fund.

Projects of note from the 2022/23 Investment Plan included a Design out Crime project, with the replacement of old analogue CCTV cameras in the city centre and the City Council's car parks, and the introduction of body worn cameras for the Council's enforcement teams; and a feasibility study in relation to the formation of the Exeter Passivehaus Training Academy would be commissioned early April.

The Service Lead Net Zero and Business referred to the revised Exeter Investment Plan attached to the report at Appendix 1 and highlighted a number of projects for 2023/24, commencing in April.

The following responses were given to Members' questions:-

- an activity in Year 2, would develop an Innovation Hub located within the city, working with the University of Exeter to undertake research specifically around climate change and Net Zero.
- the completion of carbon impact assessment on projects, was more of a policy requirement of the City Council rather than UKSPF.

The Portfolio Holder Climate Change also responded to a Member's comment on the lower level of funding through the UKSPF as opposed to the European Union (EU). He cited the example of the grant given to build the £3.5 million solar farm and battery storage facility at Water Lane, which was part European Regional Development Fund (ERDF) funded.



Strategic Scrutiny Committee noted the following:-

- (1) progress to deliver the Shared Prosperity Fund (UKSPF) in Exeter which had been limited;
- (2) slight adjustment of the interventions, to address delays in delivery; and
- (3) the Service Lead for Net Zero and Business would provide an update to Strategic Scrutiny Committee every six months on the delivery and management of UKSPF, the next update being at the meeting on 21 September 2023.

50 **Forward Plan of Business and Forward Work Plan**

The Chair advised that the Scrutiny Programme Board would be considering the work plan of future business for Scrutiny.

Members noted the Forward Plan and draft Scrutiny Work Plan.

The meeting commenced at 5.30 pm and closed at 8.50 pm

Chair

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## CUSTOMER FOCUS SCRUTINY COMMITTEE

30 March 2023

### Present:

Councillor Matthew Vizard (Chair)  
Councillors Mitchell, M, Bennett, Ellis-Jones, Holland, Snow, Sparling, Sutton, Wardle and Warwick

### Apologies:

Councillors Foale, Harvey, Newby and Oliver

### Also present:

Service Lead - Environmental Health and Community Safety and Democratic Services Officer (HB)

### In attendance:

Councillor Ghusain	Portfolio Holder City Management and Environmental Services
Councillor Pearce	Portfolio Holder Communities and Homelessness Prevention
Councillor Williams	Portfolio Holder Recycling, Waste Management and Waterways
Councillor Wright	Deputy Leader and Portfolio Holder Arts and Culture and Corporate Services

## 9 **Minutes**

Subject to the deletion of the last bullet point in Min. No. 5 and the insertion of the following:-

The following question had been submitted by Councillor Bennett to the Portfolio Holder for City Management and Environmental Services:-

Many residents have told me they take their lives into their own hands using the uncontrolled crossings to access St. Sidwell's Point, the cinema, job centre and the bus station. Whilst I understand that highways decisions are the responsibility of Devon County Council, does the Portfolio Holder agree that urgent action needs to be taken to redesign this area so that people of all ages can arrive safely and easily on foot or by bike?

### **Response**

Thank you for your question. I haven't personally experienced any difficulties on these crossing points nor have I had any reports from residents. I would encourage any member of the public who has experienced problems at these crossing points to make sure that the County Council's Road Safety team are aware, so that they can complete the required assessment. I will also ask my fellow Councillors who sit on the Exeter Highways and Traffic Orders Committee to raise this location with the Committee, as an area of concern.

the minutes of the meeting of the Customer Focus Scrutiny Committee held on 2 February 2023 were taken as read, approved and signed by the Chair as correct.

## 10 **Declarations of Interest**

No declarations of interest were made by Members.

11 **Questions from the public under Standing Order No. 19**

No questions had been received from members of the public.

12 **Questions from Members of the Council under Standing Order No. 20**

In accordance with Standing Order No. 20, the questions below to the Portfolio Holder for Customer Services and Council Housing - Councillor Denning - had been submitted by Councillors Snow and Vizard and had been circulated in advance to Members of the Committee. The questions were read out by the Chair and, in the absence of Councillor Denning, responded to by Councillor Wright, the Deputy Leader and Portfolio Holder for Arts and Culture and Corporate Services.

**Questions to the Portfolio Holder for Customer Services and Council Housing - Councillor Denning**

**From Councillor Snow**

With the continued rise in the amount of homelessness and longer waiting lists for social housing what impact does Right to Buy have on these urgent problems?

Can the Portfolio Holder please also let the Committee know?

1. How many Exeter City Council homes are sold in a year on average under 'Right to Buy'?

**Response**

*Over the past six financial years the Council has on average sold 38 properties each year. So far in this financial year (2022/23) 36 properties have been sold.*

2. What current discounts are available under Right to Buy and how are these linked to length of tenancies?

**Response**

*The current maximum discount is a maximum of 70% of the value of the property or £87,200 whichever is the lower amount.*

*For a house a tenant would get 35% discount for between three and five years as a public sector tenant and 1% for every year over five years.*

*For a flat a tenant would get 50% discount for between three and five years as a public sector tenant and 2% for every year over five years.*

3. What can HRA (Housing Revenue Account) spend the funds on from 'Right to Buy'?

**Response**

*Exeter City Council could use retained receipts for social or affordable rents. Following changes to the funding arrangements in 2021 it was also now possible to use the receipts to finance a greater tenure mix of properties including shared ownership and First Homes (new home buying scheme for first time buyers to purchase at a discount)*

4. Does the HRA get all of the funds from the selling of Exeter Council homes or does central Government take a percentage of the funds?

### **Response**

*Exeter City Council retained 100% of the receipts from Right to Buy. However, there were restrictions on how this money could be used, these were:-*

- *the receipts being capped making up no more than 40% of the total costs of any new homes with the HRA or Social Landlords providing the remaining 60% of funding;*
- *the retained receipts must be spent within five years; and*
- *from April 2023 only 40% of the receipts can be used for acquisitions (rather than new build) reducing to 30% from April 2024.*

### **From Councillor Vizard**

Regarding the Warm Homes Discount (WHD) scheme, it would be helpful to understand what contact Exeter City Council has had from Council tenants and other financially vulnerable households through our customer support functions, and if/how we might prioritise some of these households for further support grants, if it becomes clear that the toughening of qualifying criteria is driving further fuel poverty and stark choices for some between heating and eating. Although we will be coming out of the winter, the impact will continue to be felt.

The other aspect of this is understanding how many Council homes have a current Energy Performance Certificate (EPC) (although when produced as evidence, these appear to only be confirming households do not meet the criteria), and clarification of our policy with regard to EPC's.

### **Response**

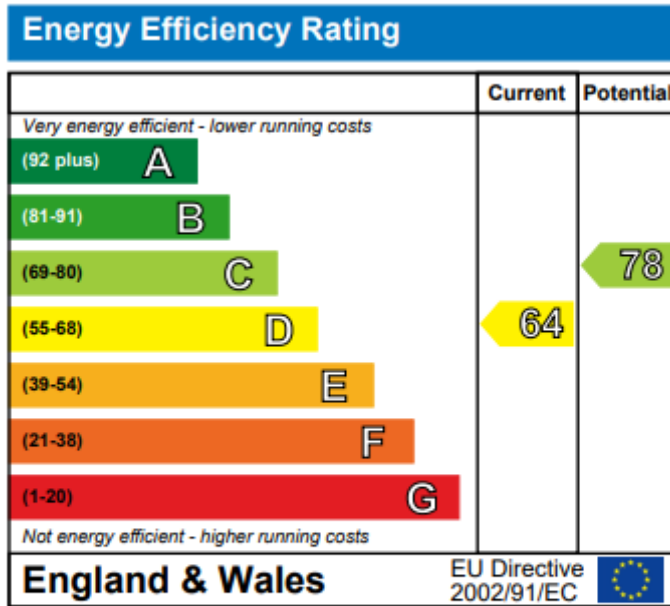
*The Council currently had a total of 4,814 dwellings managed through the HRA, (Exeter City Council Decent Homes stock) and just over 57% (i.e. 2,769) of these have an EPC.*

*Seven EPC surveys had been carried out since January for tenant's who have requested them via Customer Services or Housing Officers specifically for the WHD.*

*The Council did not charge for an EPC, although there was no obligation on the Council as the landlord to provide EPC's to any tenants which had been in their homes prior to 2008/09 when the requirement came in to provide an EPC for any 'New' tenant. The EPC survey did provide valuable data on the property so officers would commence one if needed to keep the Asset Management Database up to date.*

*The WHD scheme information did not state what threshold was being used to determine eligibility as EPC banding's go from A (very energy efficient) to G (very poor), and it would be useful to know where the cut off was.*

based on fuel costs and environmental impact based



The energy efficiency rating is a measure of the overall efficiency of a home. The higher the rating the more energy efficient the home is and the lower the fuel bills are likely to be.

There had been very little contact from residents regarding the scheme. Two residents had approached the Council for financial assistance saying that they had qualified for the WHD in previous years but not this year due to the energy rating. One didn't qualify this year because of improvements carried out by the Council to their Council property. A third resident was unhappy because they had been told that they had not qualified for the WHD because their energy performance certificate precluded them and wanted to discuss the certificate with someone as, in their opinion, the property being rented was not energy efficient.

The Council had a financial assistance policy which utilised money received under the Better Care Fund. This enabled the Council to support those that met the eligibility criteria within the policy with things like better insulation, window replacement, roof repair and other qualifying measures that might affect the energy performance of those who owned their own properties or were in rented accommodation. Full details could be found on the Council's website. In addition, every Council Tax bill sent included a leaflet containing signposting information to the financial assistance available through Environmental Health.

Regarding prioritising those no longer entitled to the WHD for financial support through the Household Support Fund (HSF) scheme 4, the concern would be the limited funding and not having any data to establish how many in Exeter now did not qualify, so no way of knowing if the funding could meet the demand.

So in terms of giving support for those affected, the Council could take the view that they would be eligible but not directly targeted. HSF scheme 4 was there to help people struggling with fuel costs, and the guidance asked the Council to prioritise people who have missed out on other help, so this could certainly be a group the Council would give extra consideration to through an application route.

**Questions to the Portfolio Holder for Communities and Homelessness Prevention – Councillor Pearce**

**From Councillor Sutton**

How and when were the Council advised by Devon County Council of their £1.5 million planned cuts to the homeless prevention services for over 18's and what will be the impact on the City Council and partner agencies and their clients?

**Response**

*Devon County Council consulted on the proposed cuts, having already set and approved its budget in February which felt like a rubber stamping exercise and there is now a fear amongst the City Council's partner agencies that there will be a severe impact on the most vulnerable in the city as well as job losses within the agencies. Partner organisations including the YMCA, St. Petrocks, Sanctuary Housing Association and Bournemouth Churches Housing Association who run Gabriel House, have differing estimates of the potential impact and there is concern that some hostels across Devon might close. These, and other bodies, meet through the recently established Exeter Homelessness Forum to ensure robust responses and to continue lobbying. A co-ordinated response by District Councils and partner agencies is vital.*

*It was a short-sighted move and Devon County Council do not seem to have considered the knock-on impact that the cuts would have on their other service such as Adult Social Services as well as services run by other statutory bodies such as the City Council, the Police, the Prison and Health Services. It was also contrary to the Government's goal of ending homelessness.*

*It was hoped the County Council will learn from this mistake and consult in future.*

**Supplementary question and answer.**

Do the County Council understand that the cost of prevention is ultimately less than that of dealing with the consequences?

**Answer**

*It may be that further data would assist the decision making process as gaps have been identified in the County's impact assessment of the cuts. The City Council held monthly meetings with agencies tracking developments.*

**From Councillor Wardle**

Did the County Council consult with the Police, Health Services and other statutory agencies and what is the view of the Police on these cuts?

**Response**

*It was unclear whether the County Council would have alerted senior management at these bodies to the proposals, but it was apparent at the Exeter Homelessness Forum that the City Council's partner agencies were fearful that there would be a severe impact on the most vulnerable in the city as well as concern for their staff.*

### **Supplementary question and answer.**

Can the position on ward and other grants be clarified please?

#### **Answer**

*£39,000 has been allocated for ward grants. Whilst several million in CIL payments are made to the Council, until they are lodged there is uncertainty as to the total available for grant making purposes during the year. Developments proceed across the city and payments are made available at certain times.*

#### **From Councillor Sparling**

Can an update be provided on the Wellbeing initiative which is also impacted by the County Council cuts please?

#### **Response**

Devon County Council were still consulting on this and the other seven streams affected by the cuts but City Council. NHS and Sport England funding continues.

#### **From Councillor Vizard**

In light of the ending of the support for hotel accommodation for Afghan Asylum seekers, has the Government indicated whether there will be any other support/funding options for local authorities for this cohort and what will be the likely impact on housing provision in the city?

#### **Response**

*Changes to the Council hosting of families through the Afghan Re-settlement Scheme had been expected and some 8,000 asylum seekers were set to leave bridging hotels by the end of the year, with a three month notice period spread across the remaining months. The City Council had recently bid for funding for eight properties to home Ukrainian refugees and the Department for Levelling Up, Housing and Communities would be approached to determine if the properties could also be used to house Afghans. Once the resettlement needs had been met, the longer term use of the houses would be for local authority determination e.g. housing and homelessness relief. In light of the support many of the asylum seekers had given UK Forces in Afghanistan it was appropriate to now provide assistance to them in this country.*

### **13 Update from the Portfolio Holder for Customer Services and Council Housing - Councillor Denning**

Councillor Wright, the Deputy Leader and Portfolio Holder for Arts and Culture and Corporate Services, on behalf of Councillor Denning, reported on the Customer Services and Council Housing on areas of the Portfolio, detailing the issues relating to achieving the Council's published priorities, major ongoing programmes of work, issues impacting delivery, financial performance and budget requirements and potential changes being considered.

The following responses were given to Members' queries:-

- the housing team was to be congratulated on its nomination for an award at the National Retrofit Academy;



- in identifying properties for retrofitting, the Council selected those at the lower end of Energy Performance and also sought to achieve economies of scale by converting blocks of properties, as opposed to pepper-potting across the city;
- there had been outstanding feedback from those living in retrofitted properties and the programme had helped empower tenants in their contribution to the Council's Net Zero ambitions for the city;
- without a change in national policy to enable Councils to build a much greater number of Council homes, the net figure of properties in Council ownership would continue to fall; and
- the ability of the Council to extend the retrofitting offer to the private sector remained an aspiration.

The Service Lead Environmental Health and Community Safety referred to a report to Executive on 4 April 2023 seeking to revise the Council's Financial Assistance Policy for the Better Care Fund to offer low cost loans for renovations/upgrades to homes for vulnerable individuals, both inside and outside of the mandatory Disabled Facilities Grant system.

The Chair thanked Councillor Denning for her report and thanked Councillor Wright for presenting the report on Councillor Denning's behalf.

#### 14 **Community Safety Partnership - Presentation**

The Service Lead Environmental Health and Community Safety spoke to the attached presentation on the Community Safety Partnership.

The following responses were given to Members' queries:-

- the criteria of the respective Safer Street schemes had evolved over time. Safer Streets 2 had focussed on burglary, thefts from persons, robbery and vehicle crime, with Safer Streets 4 broadening the criteria, notably including the Safety of Women at Night (SwAN) scheme as well as anti-social behaviour;
- whilst bids had involved input from a number of partners, widening consultation had been difficult given the very demanding Home Office deadlines for bid submission. There was Councillor membership on the Partnership;
- as 50% match funding was required if bids were made by a local authority or the Police, a Partnership approach was preferable in funding terms and the University were able to bring special skill sets to the bidding process;
- three cameras were located in Northernhay Gardens, with two planned for Rougemont Gardens;
- the CCTV Control Room upgrade would greatly assist evidence gathering to help the Police in prosecutions. Control room staff were required to undergo appropriate training under the auspices of the Security Industry Authority;
- further extension of the camera network outwards from the centre remained the aspiration as well as replacing all remaining analogue cameras with digital, the greater cost of the former being the expansion of the fibre optic network;
- there were criteria for premises seeking to join the Best Bar None scheme and "secret shoppers" were also involved as part of the selection process; and
- Ann Hunter of InExeter had been awarded the Lorraine Cox Memorial Award at a recent Best Bar None Awards Ceremony.

Customer Focus Scrutiny Committee noted the report and thanked the Service Lead for his presentation.

15 **Forward Plan of Business and Forward Work Plan**

Members noted the Forward Plan and the Scrutiny Work Plan.

16 **Councillor Sutton**

The Chair announced that Councillor Rachel Sutton would be standing down at the forthcoming local government elections on 4 May 2023 and thanked her for her service on the Council.

The meeting commenced at 5.30 pm and closed at 7.30 pm

Chair

DRAFT

# Safer Exeter Partnership

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Simon Lane – Service Lead Environmental  
Health and Community Safety

# What is the purpose?

1. To discharge the statutory responsibilities under the Crime & Disorder Act 1988 and Police Reform Act 2012 effectively
2. To ensure the strategic direction of the CSP reflects the priorities set within the Devon & Cornwall strategic assessment, together with Exeter-based strategic needs

## Purpose continued....

3. To ensure the effective spend on monies allocated to the CSP to deliver better outcomes
4. To establish a mechanism for agreed priorities to be effectively progressed and monitored, supporting the operational groups when that is required.
5. To understand the community safety needs of the citizens of Exeter

## Partners

- Devon County Council (Public Health, Children's Services and Safer Devon Partnership)
- Devon & Cornwall Police
- Office of the Police and Crime Commissioner
- Devon & Somerset Fire & Rescue Service
- RD&E
- University of Exeter
- SPACE
- InExeter / EBAC / CoLab
- Probation
- Exeter City Council

# Current Priorities

1. Hate Crime and Extremism
2. Anti-Social Behaviour
3. Sexual Violence and Domestic Violence and Abuse
4. Reducing Serious Violence and Organised Crime including County Lines

# Funding

- No direct funding to Safer Exeter
- Funding opportunities bid for
- Large amount of in kind resource from partners



Over  
£1.6 m

Funding	Amount
Safer Streets 2	£482k
ECC / PCC Capital funding	£300k
Safety of Women at Night	£72k
Safer Streets 4	£680k
Shared Prosperity Fund	£115k





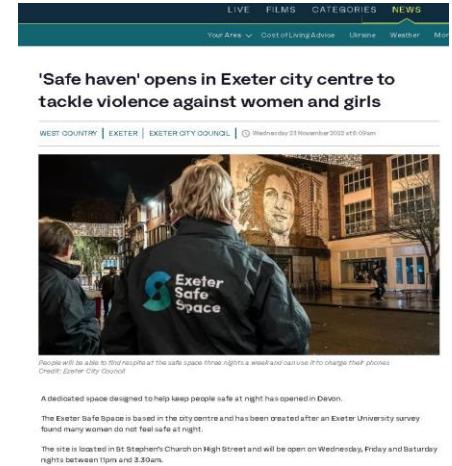
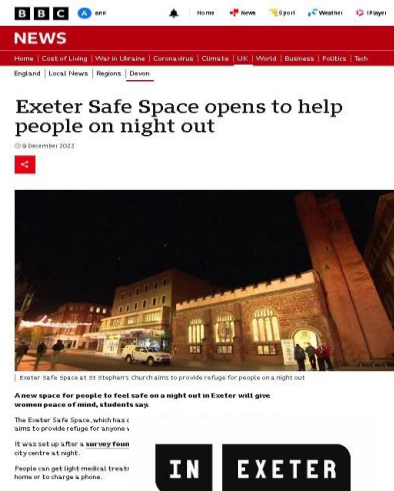
1. Change the conversation– Keeping women safe is everyone’s responsibility. Encourage men in your organisation to think about what they can do to keep women safe
2. Champion - Appoint an organisational champion who will drive change
3. Communicate - Run positive, public/staff facing communication campaigns, both online and in your space(s)
4. Support your Staff – Create clear routes for reporting unacceptable behaviour while at work and lead cultural change
5. Support the Public – Create clear routes for reporting unacceptable behaviour while using your service or space at night
6. Training: responding & recording– Train staff on how to respond when an issue occurs, including what to say and do and any relevant policies. Train staff on information sharing and appropriate recording of details
7. Designing for Safety - Audit your spaces and adapt them to promote a safer environment and to reduce the risk of crime

# Safe Space



- Launched November 2022
- (Wednesday), Friday & Saturday, 23:00 - 03:30am
- 851 engagements
- Volunteer programme launched

Page 146



# Best Bar None



RAISING THE BAR

- Aim is to reduce alcohol related crime, anti-social behaviour and increase business through the delivery of education, training and the promotion of best practice to broaden the appeal of Exeter more especially it's Evening & Night Time Economy.
- Premises are assessed by an independent assessor
- Assessment based around the 4 licensing objectives
- Those reaching the minimum criteria become accredited members of the scheme

# SAFER EXETER

Making our city safer for all

## Community Sparks Projects



RAISING THE BAR



# Bystander Intervention Programme

- Helps to develop people's confidence, willingness, and ability to intervene in situations where someone is being harassed
- Seeks to challenge attitudes, beliefs, cultural and peer group norms related to perpetration of violence against women and girls.
- The aim is to start with a train the trainer model that will deliver training to:
  - 120 people in statutory agencies,
  - 120 people working in the night time economy and
  - 120 people in the general community, with a specific emphasis on recruiting men.

# Educational Toolkit

- Toolkit focused on attitudinal change and awareness raising to prevent street harassment.
- Targeted at primary and secondary school age children.
- Primary age it focuses on attitudinal change (as we know disrespect and aggressive behaviour are dyed in early)
- Secondary age to prevent street harassment.
- Coordinated through the Exeter Education Alliance, a collective of education providers in the City of Exeter (including the University, College, Ted Wragg Trust and Exeter Learning Academy Trust and others).

# Communications at its heart

- Each workstream has its own comms strategy
  - Strong performance on social media – Facebook, Twitter and LinkedIn
  - Conscious of data poverty and personal choice that not everyone uses social media
  - Five editions of Safer Exeter newsletter – delivered to 2000 homes
- Strong support from mainstream media including coverage for the Safe Space on Spotlight and 11 pieces of coverage about the Bystanders campaign

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Edition 4  
March 2023

This newsletter is produced by Exeter's Community Safety Partnership as part of the Government's Safer Streets project. Find out more and follow us on

- Twitter - SaferExeter
- Facebook - SaferCentralExeter
- LinkedIn - safer-exeter
- Instagram - saferexeter

ing response from businesses to SWaN charter

## ist OW!

0 businesses in Exeter have signed to Safer Exeter's Safety of Women and Night (SWaN) Charter and keeping people safer when out in this fantastic city. There has been a tremendous response from businesses to the Charter which, by signing, is making Exeter a safer place for

**Businesses commit to city-wide approach to reducing violence**

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ne Charter is a  
oluntary pledge to  
rioritise the safety of

responsibility of all of us to take practical steps together to keep our city safe for everyone. This Charter unites organisations in a city-wide approach to reducing violence against women and girls.



March House meze bar in South Street is one of 150 businesses to have signed the SWaN Charter

Community Safety Partnership, said the Charter helps address the causes and effects of violence against women and girls in our city. "The Charter and associated toolkit gives businesses a

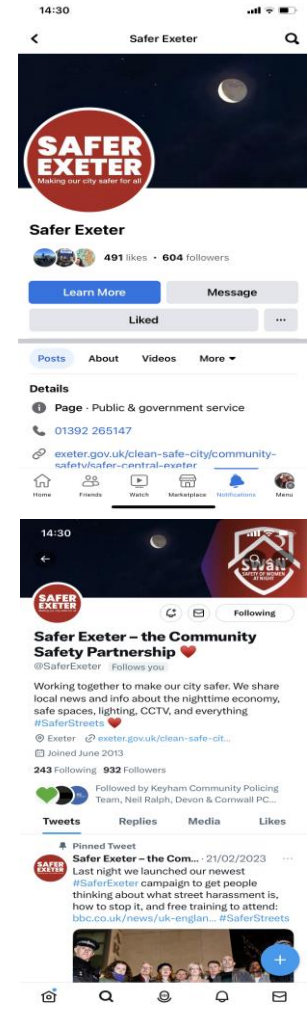
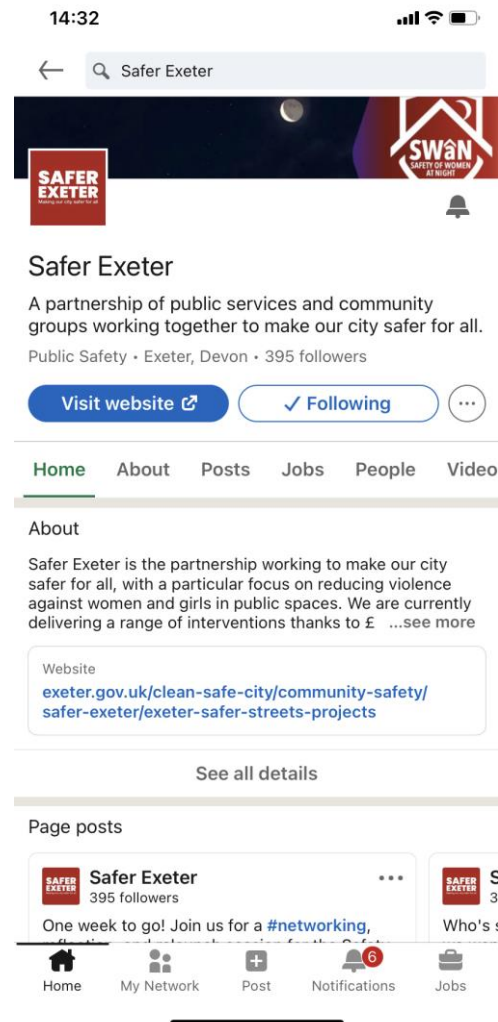
commitment to keeping all women and girls safe," he said. "In signing the charter, they commit voluntarily, on behalf of their organisation, to deliver on the Charter's pledges and commitments.



# Social Media

- Safer Exeter has 2028 followers across Facebook, Twitter and LinkedIn
- 70% of audience is Exeter based – reaching around a third of the City population by social media alone
- In the top 25% of Facebook growth rate
- Linked in reaches both independent companies (50% of visitors) and big employers (25%)
- Please share our posts – your network is so valuable to this project

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## Campaigns

- Launched our Bystander campaign with posters in key locations
- Major social media campaign – reached 30,000 people and generated 1,600 link clicks
- Led to sell out of training sessions
- Good neighbour campaign to launch soon aimed at students

IN THE UK 71% OF WOMEN HAVE EXPERIENCED SEXUAL HARASSMENT IN A PUBLIC SPACE. Source: UN Women

“*Mate,*  
**no one**  
**thinks**  
**that's**  
**cool**”

It only takes a few calm words to help someone who's being harassed.

Harassment can be an unwanted touch, unsuitable words or even a look.

Try to diffuse the situation; keep your cool.

**Step in, step up and step forward.**

**Together we can make Exeter safer.**

(Don't intervene if it's not safe – call 999.)

**THANKS FOR...  
MANAGING YOUR  
WASTE AND RECYCLING**



QR code



There are many more ways to step up in Exeter and beyond. Find out at [exeter.gov.uk/bystander](http://exeter.gov.uk/bystander)



University of Exeter

**SAFER EXETER**  
Making our city safer for all

# Public Engagement

- Engagement team has signed up over 150 businesses to the Charter
- Carried out events at Corn Exchange, St Stephen's Church and the University Forum
- Identified lots of businesses who want their staff trained in bystander intervention

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Safer Streets 2 – 32 locations  
with 71 cameras

Safer Streets 4 – 21  
Locations with 54 cameras

Shared Prosperity Fund – 27  
locations with 58 cameras

3 FTE additional staff

Complete refit of control  
room



# Camera Locations



**Green** - Newly installed cameras

**Yellow** - New locations awaiting installation

**Purple** - Old analogue cameras (no replacement date set)

**Black** - Clusters of old analogue within city centre car parks.

# Camera Comparison



# Camera Comparison



## AUDIT AND GOVERNANCE COMMITTEE

Wednesday 8 March 2023

### Present:-

Councillor Wardle (Chair)

Councillors Moore, D, Allcock, Ellis-Jones, Leadbetter, Mitchell, M, Packham, Rees, Snow and Sutton

### Apologies

Councillors Branston and Warwick

### Also Present

Director Corporate Services, Director Finance, Service Lead Legal Services, Deputy Chief Finance Officer, Audit Manager(HP) and Democratic Services Officer (SLS)

David Johnston – External Auditor, Grant Thornton

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### MINUTES

The minutes of the meeting held on 30 November 2022 were taken as read, approved and signed by the Chair as correct.

33

### DECLARATION OF INTERESTS

No declarations of disclosable pecuniary interests were made.

34

### EXTERNAL AUDIT PROGRESS REPORT AND SECTOR UPDATE

The External Auditor referred to the circulated report on progress made on the 2021/22 statement of accounts and financial statement. He acknowledged that the audit opinion was still outstanding, but that there had been an ongoing dialogue to find the best way forward to meet the various discharge of duties and service standards required. The majority of work had now been completed, with significant progress made, including liaison with the Group Auditors to gain assurance over those loans consolidated within the Group Accounts. They were due to commence planning work on the 2022/23 audit to ensure it would be brought forward in a timelier manner.

The External Auditor responded to the following Members' questions:-

- there were no concerns in terms of the commitment of management to move this forward and the challenges being faced by the Council's finance team were recognised. Members will be aware of the particularly challenging market but that every effort was being made to ensure they were much better placed to deliver more closely to the original timetable.
- in relation to a Member's enquiry, regarding two assets which had been incorrectly consolidated in the Group Accounts process. The matter had been discussed and agreed with management and an adjustment had been made. There would be a prior period adjustment for any issue identified, which had a material impact on the prior year's audit, and in this case would be included in the 2021/22 accounts. There was a similar issue in the 2020/21 accounts, but

that was not material and there would no further action in that regard. The delay was not an Exeter specific issue and the Audit Findings report had included the target date for publishing the report, but there was nothing to preclude Grant Thornton from sharing an update outside of the Committee meeting framework.

The Director Finance also responded to a Member's question in relation to commercial property and confirmed there were three types of properties which included the Royal Albert Memorial Museum, the Civic Centre, Exton Road Depot and the various leisure centres as operational properties. Valuation of such properties were carried out as part of a five year bulk programme. The Council's housing stock was valued as part of a desk top exercise undertaken every year to reflect the value, with a full valuation undertaken every five years. Investment properties have a complete revaluation every year, as part of a requirement of the accounting standards that are in place, based on the market value.

Members noted the report.

35

### **INTERNAL ANNUAL AUDIT PLAN 2023/24**

The Internal Audit Manager (HP) presented the annual Internal Audit Plan for 2023/24, attached as an appendix and presented to the meeting, which required Member approval. The report provided confirmation that the appropriate risk management matrix had been used to formulate the plan, with feedback received from the Council's Strategic Management Board on priorities and concerns as well as feedback from the Chair and Deputy Chair of this Committee.

The Audit Manager responded in the following terms to Members' questions:-

- to assess the level of risk, the Audit team had developed a methodology using a template, with the individual risks recorded under nine different categories. The template calculated the score with a high, medium and low risk classification of the Council's own risk assessment.
- the scope of the Housing and Supporting People audit was not too prescriptive in order that it could be agile and effective. A more specific scope was determined with the Director and Manager of a particular area nearer the time of the audit and the targeted work would depend on the level of risk and to allow the team to place their resources where they would be best used at the time to ensure it met the needs of the Council at the time.

**RESOLVED** that the Audit and Governance Committee approve the annual Internal Audit Plan for 2023/24.

36

### **INTERNAL AUDIT PROGRESS REPORT**

The Audit Manager (HP) presented the detail of Internal Audit work carried out during the third quarter and period of 1 October to 31 December 2022. A summary of progress against the Annual Audit Plan for 2022/23 was included at Appendix A to the report which presented a more detailed breakdown of the work, and an action plan of the Significant Governance issues identified in the last annual Governance Statement had been included at Appendix B. Members were advised on the overall progress and that the Plan was on target with no significant issues associated with the audit work undertaken throughout the year.

The Audit Manager responded to a Member's question over the distinction



between the Corporate Risk Register and the *Significant Governance issues* document at Appendix B. She clarified that the Corporate Risk Register included risks to the Council identified by the Strategic Management Board. The risks set out in the Significant Governance issues document, were from significant governance issues as identified in the Annual Governance Statement and which Internal Audit have identified from their perspective as needing to be monitored throughout the year. It was distinct from the Corporate Risk Register. The Director Finance added that Internal Audit identify significant issues which they considered should be monitored throughout the year and reported to Members.

**RESOLVED** that the Internal Audit progress report for the third quarter of the year to 2022/23 be noted.

37

### **CODE OF CORPORATE GOVERNANCE 2023/24**

The Director Finance presented the report, which set out an overview of the proposed annual Code of Corporate Governance for 2023/24. The document, underpinned the Annual Governance Statement (AGS) set out the Governance arrangements for the Council, and performance, which was set out in the Annual Governance Statement which would also be presented at the next meeting of the Audit and Governance Committee. He highlighted two key areas which had been added to the Corporate Governance Framework relating to under Regulatory, in recognition that there are other Council constituted Boards, Groups and Committees which contributed towards the Governance of the Council's operations; and under Corporate, to acknowledge the requirement of oversight and performance monitoring of companies in which the Council has an interest.

The Director Finance also responded to a Member's comments and stated that under the Corporate column of the circulated Code of Corporate Governance, the references to the Exeter Community Strategy, which had expired and the Exeter Community Forum, which no longer existed would be removed, subject to approval by Members. In respect of the review of the stakeholder oversight arrangements for the wider group of companies, including Exeter City Living, he suggested that it could be expanded to include the Science Park, but Strata should be seen in a slightly different way as it was not just a single Council that would determine any outcome.

**RECOMMENDED** that, subject to the amended Code of Corporate Governance circulated with the report, which would also include the removal of references to the Exeter Community Strategy and the Exeter Community Forum, the Audit and Governance Committee support and Council approve the Code of Corporate Governance for 2023/24.

38

### **MEMBERS' CODE OF CONDUCT**

The Service Lead Legal Services presented the report proposing to amend the Council's current Members' Code of Conduct, including a number of changes made to the Local Government Association's Model Code of Conduct model upon which Exeter's Code of Conduct was based. The changes provided greater clarity in relation to the definition of the Declaration of Members' Interests, the completion of the Disclosable Pecuniary Interests (DPI) and the Disclosure of Other Registerable Interests (ORI) forms. The amended Code now included a standard form for Members to declare Gifts and Hospitality. Also included was a revised section relating to General Dispensations to be granted by the Monitoring Officer, which was subject of a later report as part of this agenda. The Service Lead Legal

Services responded to a reference that the Nolan Principles had been slightly amended and would ensure these were incorporated into the Members' Code of Conduct. He also responded to a Member's comment and agreed there was an expectation that Members should raise any concerns of conduct or respect in relation to Council business.

A Member referred to the term, "well-being" in respect of the Disclosure of Non-Registrable Interests and suggested that Members may be in a challengeable position over any decision that may have impacted their wellbeing. The Director Corporate Services clarified that there was no statutory definition of well-being and so the dictionary definition applied.

**RECOMMENDED** that the Audit and Governance Committee support and Council approve the following:-

- (1) changes to the Members' Code of Conduct with immediate effect; and
- (2) the Monitoring Officer communicates the amended Code of Conduct to Members.

39

### **GENERAL DISPENSATIONS TO MEMBERS**

The Director Corporate Services presented the report and referred to the provision of Section 33 of the Localism Act, which outlined the position where, in certain circumstances, the Monitoring Officer may grant a General Dispensation to a Member, which offered a general power to permit them to take part and speak at meetings in relation to the business of the Council, even if the Member had a Disclosable Pecuniary Interest relating to that business. A Member may also apply for an individual dispensation if their interest did not fall in the General List of Dispensations, but this would be determined by the Monitoring Officer.

A copy of the application form to enable a Councillor to apply for a General Dispensation was presented to Members, but not circulated with the agenda and would be attached to the minutes.

A Member sought clarification over the position whereby, a Member appointed as a Director or Trustee may have considered they had a conflict of interest. The Director Corporate Services stated that Members were appointed as a representative of the Council to outside bodies to gain knowledge as well as participate in their business. If a Member considered they had a conflict of interest at the Board level of the appointed body or organisation, they still had the opportunity to exempt themselves when particular matters were being considered. In such instances Members would be governed by both the rules of such bodies and by the Council's Members' Code of Conduct.

The Audit and Governance Committee noted the content of the report and in particular the Dispensation granted to Councillors.

40

### **AMENDMENTS TO THE CONSTITUTION - OFFICERS' CODE OF CONDUCT**

The Service Lead Legal Services presented a report which provided greater clarity to the Officers' Code of Conduct, in relation to the obligation by Officers to declare interests and the registration of interests concerning Gifts and Hospitality, following a recommendation from the Council's External Auditor Grant Thornton. The report clarified the position by the inclusion of a standard form for officers to formally register those interests with the Monitoring Officer, and in an official register to be

held by the Council. The report also clarified the consequences of not meeting the relevant statutory provisions in relation to contracts and the provisions of Section 117 of the Local Government Act 1972 in relation to bribery and corruption as set out in the Bribery Act 2010.

The Service Lead Legal Services responded to the following Member's questions:-

- the reference in relation to outside commitments of officers, was for additional employment; and
- the Member's comment on the lower amount of declaration of gifts or hospitality of £25 as opposed to the £50 level for Members was noted.

The Director Corporate Services also responded to a Member's enquiry on the status of the City Council's two independent persons. They were not employed by the Council and had a specific function to assist her as the Monitoring Officer. She would clarify their position over compliance with the Officers' Code of Conduct. She added that the principle of the declarations were not to compel every officer to declare every interest they may have, but to advise where there might be an interest that may conflict with Council business.

**RECOMMENDED** that the Audit and Governance Committee support and Council approve the following:-

- (1) changes to the Officers' Code of Conduct with immediate effect; and
- (2) the Monitoring Officer would communicate these amendments to staff so that they are aware of the obligations placed upon them.

41

### **FREEDOM OF INFORMATION AND DATA PROTECTION**

The Corporate Manager (Executive Support) presented the report which explained the options for accessing information held by the Council, including the use of the Freedom of Information Act 2000, Environmental Information Regulations 2004, and Data Protection Act 2018. The report summarised the number of Freedom of Information (FOI) requests that have been received in the last year, how they were handled and the number of referrals to the Information Commissioner's Office (ICO), including data breaches and requests for CCTV footage.

The Corporate Manager (Executive Support) responded to the following Members' comments:-

- requests for CCTV footage had mainly related to incidents or accidents in the Council's car parks that had been processed but all CCTV footage could be requested;
- the decision to make the detail of Planning Member Working Group meetings more widely available had only recently been made;
- clarification of what a VRM was, as detailed in the appendix of the report would be provided;
- if information was publicly available then individuals would be signposted to the Council's web site as part of the FOI response;
- some local authorities published all of their FOI requests in the interests of openness and transparency, with a view to avoiding repeat requests and managing resources. In Exeter, there was no overwhelming demand to view individual FOI requests, with 95% of requests being unique in their response;
- one officer dealt with FOI requests, but significant numbers of staff across the Council could be asked to contribute to the response. There were repeat

requests from individuals and organisations because of their interest in Council matters, and as already advised, where possible, information relating to repeat requests was published on the web site; and

- any vexatious requests were subject to a test from the ICO. The detail of such requests would be included in a future report.

The Director Corporate Services added that the Council also had a policy which could address those individuals who repeatedly asked questions of a similar nature or were aggressive and the officer dealing with FOI requests would work in liaison with the relevant Head of Service.

- a comparison with Exeter's family group of 10 Councils across the country, as well as a comparison of Devon Councils would be made in future reports; and
- internal reviews already included a brief summary in the appendix. It would be possible by way of explanation to offer more detail.

The Service Lead Legal Services clarified that the next stage after the decision would be to appeal to the First Tier Tribunal followed by the Upper Tier Tribunal, and then to the Court of Appeal. In response to a further question from a Member, he advised that it was some time since the Council had a matter before the First Tier Tribunal and there had not been an appearance before the First Tier Tribunal during the reporting period outlined in the report.

**RESOLVED** that the report be noted.

42

### **ANTI-MONEY LAUNDERING POLICY**

The Deputy Chief Finance Officer presented the Council's Anti-Money Laundering Policy and Procedures, which have been reviewed and updated to meet the latest requirements of the Money Laundering, Terrorist Financing and Transfer of Funds Regulations 2017. Since the Policy was last presented there have been a number of changes to the regulations to ensure that the United Kingdom continued to meet international anti money laundering standards. The impact on local authorities was minimal, but it was important to review the Council's policy and update in line with the latest regulations. Paragraph 8.5 of the report set out both the key changes to the regulations and also changes to the Council's own arrangements for anti-money laundering.

**RECOMMENDED** that the Audit and Governance Committee support and Council approve the updated Anti-Money Laundering Policy and Procedures.

43

### **REVIEW OF CORPORATE RISK REGISTER**

The Audit Manager presented the report, which advised the Audit and Governance Committee of the Council's risk management process and presented the updated Corporate Risk Register, which the Committee was responsible for the monitoring and reviewing of the Council's risks.

It had been anticipated that the Director City Development would be able to attend to provide more detail on the risks he was responsible for, but he was unable to attend. An invitation would be made for him to attend the next meeting in July. There were no new additions to the Risk Register. The Director Finance also updated Members on the delivery of a new Corporate Risk Register and advised that the work would continue with a further workshop to be held to look at specific issues relating to Exeter, later in the month. The workshop would include an experienced a facilitator and include both Executive Members and the Strategic

Management Board. He also anticipated that a revised Corporate Risk Register would be presented to the meeting of the Audit and Governance Committee in July 2023.

The Director Finance responded to a number of Members' comments:-

- *Risk 4 - Maintaining the Financial Sustainability of the Council* and in referencing investment in city centre regeneration, he reminded the Member that the City Council was currently working with Crown Estates and another organisation which had a significant interest in the site adjacent to St Sidwell's Point and that continued to be an ambition to deliver a redevelopment of the wider site. The current economic conditions remain challenging, but they continued to work to bring forward the site with prospective partners based on the broad masterplan previously proposed.
- *Risk 4 - Maintaining the Financial Sustainability of the Council* and the £6.6 million savings quoted in the Risk Register as part of savings in the Medium Term Financial Plan had risen to £9.75 million during the last financial year, and it was now approximately £5.8 million. The figure quoted in the Risk Register would be updated accordingly.

Members also made the following comments -

- *Risk 1- Inability to deliver Carbon Net Zero aspirations for Exeter by 2030 (External)* A Member stated that whilst the Net Zero Risk Register for the Council operations was welcome, she asked in relation to the Corporate Risk Register, if a number of elements in the framing of this Risk could be considered as part of the review of the document and she made the following enquiry and comments:-
  - although this risk was about the inability to deliver Net Zero aspirations for Exeter by 2030, and from a strategic point of view the implications of not delivering Net Zero, be it 2030 or 2050 and the impact on climate change on the city should be considered. Although the Devon Climate Emergency Group were looking at these issues, the City Council should also be looking at carbon reduction and adaptations with the impetus to get on with action as the date was not important.
  - an enquiry seeking clarification over the reference of support for the green construction agenda would be made.
- *Risk 1 Inability to deliver Carbon Net Zero aspirations for Exeter by 2030 (External)* whether the Committee which had been suggested to monitor progress had been set up to feed into the governance of the risk through the Risk Register.
- *Risk 1 Inability to deliver Carbon Net zero aspirations for Exeter by 2030 (External)*

A Member also wished to comment on Risk 1 on the enormity of the scope and scale of the Climate Emergency and how that could be monitored when so many factors were outside of the Council's control, and that some clarity on what such a Committee would look like, its format and remit. It may be appropriate to put any resources in working to meet the Net Zero targets, rather than just monitoring of issues that cannot be captured.

The Director Finance would feed back all of the comments and enquiries made on the Risk Register to the Strategic Management Board and seek a response as appropriate.

The Audit and Governance Committee reviewed and noted the updated Corporate Risk Register.

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### **CITY COUNCIL NET ZERO RISK REGISTER**

The Net Zero Project Manager presented the report, which advised the Audit and Governance Committee of updates to the City Council's Net Zero Risk Register, as well as an assessment of the risks in delivering Net Zero within the City Council by 2030. The report which was the first update, since the Net Zero Risk Register was introduced last July, aligned with the Net Zero Carbon Reduction Plan, and included two new adaptation risks relating to *energy security* and *climate change effects* in relation to the Council's housing tenants and Corporate Property leaseholders.

The Net Zero Project Manager responded to comments from a Member and stated that the reduction in the reported *Risk 3 Unable to Reduce City Council Scope 1 Direct Emissions from Owned Sources (fuel consumption and company vehicles)* from red to amber was in relation to Scope 1 Direct Emissions, and in respect of *Risk 7 Services and Budgets at Risk from Climate Related Failure of the Power System* that further discussion on the reference of the installation of solar Photovoltaic Panels (PV) as an adaptation measure would be made.

It was noted that the Water Lane project provided power to charge the Council's electric refuse vehicles based at the Exton Road Depot and reduced carbon emissions and pollution levels in the city. Apart from supporting carbon reduction, energy generation from this project also provided some protection against energy price increases. Funding for projects that did not provide a return on investment, involving decarbonisation of the Council's buildings to make them more energy efficiency were reliant on grant support. The team took every opportunity to address emission reduction and were waiting to hear from the Public Sector Decarbonisation Scheme as to whether a recent bid has been successful.

The Audit and Governance Committee noted the City Council's Net Zero Risk Assessment update, with an update to be reported every six months.

(The meeting commenced at 5.30 pm and closed at 6.50 pm)

Chair

## **EXECUTIVE**

Tuesday 28 February 2023

Present:

Councillor Bialyk (Chair)

Councillors Wright, Denning, Ghusain, Morse, Parkhouse, Pearce, Williams and Wood

Also present:

Councillor Jobson (as an opposition group Leader);

Councillor K. Mitchell (as an opposition group Leader); and

Councillor D. Moore (as an opposition group Leader).

Councillors in attendance under Standing Order No. 44

Councillor Atkinson speaking on item 8 (minute 39 below)

Also present:

Chief Executive & Growth Director, Service Lead City Development, Assistant Service Lead – Local Plan, Principal Project Manager Local Plans and Democratic Services Team Leader

33

### **MINUTES**

The minutes of the meeting held on 7 February 2023, were taken as read, approved and signed by the Chair as a correct record.

34

### **DECLARATIONS OF INTEREST**

No declarations of disclosable pecuniary interests were made.

35

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

No questions from members of the public were received.

36

### **EDDIE LOPEZ**

The Leader announced that the Labour Party organiser Eddie Lopez had sadly passed away after a long illness. Mr Lopez was a good friend to all who knew him, and the Leader passed on his thoughts and those of the Executive Members to his family.

37

### **APPOINTMENT OF TWO DIRECTORS TO THE BOARD OF EXETER CITY LIVING**

The Executive received the report which provided information of a decision made by the Shareholder Representative to appoint two new Directors to the Board of Exeter City Living (ECL) under reserved matters through the Management Agreement for Exeter City Living. The appointments were on a temporary basis until 31st December 2023.

Members noted that the report addressed a perceived conflict of interest raised by the external auditor relating to the appointment of the Section 151 Officer and the Monitoring Officer to the Board, and had since stood down from their roles on Board.

The interim Chair of the Board had raised concerns about the ability to make decisions and appointments had therefore been made for a new Development Director and Finance Manager under delegated powers, in consultation with the Council Leader.

**RECOMMENDED** that Council:-

- (1) note the decision taken by the Chief Executive & Growth Director under delegated powers to appointment two Directors to the Board of Exeter City Living on a temporary basis; and
- (2) note that once a new Shareholder Representative has been identified to replace the Chief Executive & Growth Director, that the Shareholder Representative will undertake a review of Exeter City Living to include a review of progress, governance, future direction and the appointment process for the Managing Director position. The findings of the review, along with any appropriate recommendations will be brought forward for Members' consideration.

38

### **REVIEW OF THE ARTICLE 4 DIRECTION AND HOUSES IN MULTIPLE OCCUPATION SUPPLEMENTARY PLANNING DOCUMENT**

The Executive received the report which set out the progress that had been made on reviewing the Article 4 Direction that restricted permitted development rights from dwellings (Use Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended)) to Houses in Multiple Occupation (HMOs) (Use Class C4), together with the related HMO Supplementary Planning Document (SPD).

The Council's Article 4 Direction had been in place since 2010 which restricted Permitted Development rights for homes converting to HMO's and the areas covered by the Article 4 Direction had last been reviewed in 2014. The Council had also adopted a Supplementary Planning Document (SPD) in relation to HMOs which set out how planning applications for the conversion of homes to HMOs within the Article 4 area would be determined.

Members noted that a consultant had been recruited to review the Article 4 Direction and SPD, and had produced a report on future options which was outlined in Appendix C of the report. Members also noted that that Option 5 had been discounted and Option 2 was the preferred option for the future of the Direction.

The report sought approval to undertake a consultation on proposals to amend the Article 4 Direction and HMO Supplementary Planning Document in line with the preferred choice for option 2. Consultation was proposed to take place between May and July 2023 and would include information about the alternative options.

Councillor D. Moore, as an opposition group leader, spoke on this item. She raised the following points:-

- The proposed option highlighted a potential disadvantage, in that the relatively small expansion in the area could reduce the supply of student HMOS' and impact on rent. She enquired on whether these potential impacts would be monitored.
- The preferred option in the report suggested that it would help maintain a balance between student and non-student homes for various areas and manage the relevant impacts. However, neither the draft SPD, the Article 4



Direction or Policy C1 of the St. James's Neighbourhood Plan had defined what the balance would be. Other Council's had defined how balance would be assessed in respect of individual planning applications and this was an opportunity for the Council to remove any ambiguity by doing the same.

- It was important to understand the impact that HMO's would have on an area, especially when combined with purpose built student accommodation and future Co-Living accommodation.
- City Centre Wards were being let down by the lack of joined up thinking between policies and clarity on these matters, which would continue to cause difficulty for the Planning Committee in determining planning applications.

During the discussion the following points were raised:-

- the report was welcomed by Members and thanks were given to the Planning Officers and consultants for the work undertaken;
- HMOs were a concern in the Pennsylvania Ward and an expansion of the Article 4 Direction would be welcomed by residents, who had pushed for this to be considered by the Council;
- option 2 in the report would provide a good balance for communities;
- the consultant's report was welcomed and provided detailed information to support future decision making;
- the St. James Ward had a large number of HMOs and the proposal would be welcomed by residents;
- the proposal would provide a good balance for housing options, particularly in the housing crisis, to ensure there were enough homes for people in the city; and
- thanks were made to the residents of Sylvan Road for an invitation to a Resident's Association meeting in July 2022. A request for a review of the Article 4 Direction had been made, and since that time, work had been undertaken quickly and the report was a great response to residents.

The Leader highlighted that the recommendation in the report was seeking to commence a consultation. He requested Members engage with the consultation and put their points raised at this meeting into the consultation process. A report would be brought back to Members later in the year, after the consultation process.

The Portfolio Holder for City Development thanked the officers for the work undertaken and highlighted the importance of the report to residents. A budget to undertake the work had been sought and officers had worked hard to bring the matter forward whilst undertaking other areas of work. The public consultation would be held after the election in May and would follow the guidelines of the Council's Consultation Charter.

**RESOLVED** that the draft revised Article 4 Direction (including the Article 4 area plan) attached at Appendix A of the report be approved and the draft revised HMO Supplementary Planning Document (SPD) attached at Appendix B of the report be approved for public consultation.

The Executive received the report which set out the issues associated with the final consultation draft of the Teignbridge Local Plan in relation to cross-boundary implications for Exeter. Two particular areas of consideration which were close to

the edge of the city were Attwells Farm near Exwick and Markham Village near Alphington.

Teignbridge District Council were working on the final draft of their plan, covering the period up to 2040 and were currently consulting on the final draft before it was submitted to the Planning Inspectorate. This was the last opportunity for Exeter City Council to respond to the plan before its submission. A key component of the Teignbridge Plan was their proposed Development Strategy. A significant element of this was on accommodating housing requirements by looking at proposals close to existing facilities and settlements to reduce travel requirements and support Net Zero.

Specific locations for consultation were at Atwell's Farm, Peamore and Markham Village, which were located on the edge of the city. During previous consultations, the City Council has previously supported the Peamore proposal, but had raised concerns about the proposals for Atwell's Farm and Markham Village in relation to the impact on landscape, infrastructure, and transport.

Particular reference was made to the emerging Exeter Plan and the Development Strategy, which focused on accommodating the majority of developments on brownfield sites in order to minimise the need to travel, regenerating areas and protecting the landscape setting of the city. It was appropriate for the Council to consider these aims when thinking about the potential impact of developments close to, but outside of Exeter. A formal response to the consultation would be submitted based on the issues raised for Atwell's Farm and Markham Village.

Councillor D. Moore, as an opposition group leader, spoke on this item. She raised the following points:-

- It was right for the Council to reject the proposed sites at Markham village and Atwell's Farm, which would not be sustainable and would be car led housing estates developments, and wasn't focussed on creating sustainable communities. She supported the reason for rejecting the proposals but considered that the report should also highlight that the areas were important agricultural land.
- The Peamore and West Exe sites made up 46% of the Teignbridge proposed sites. The Council needed to look closer at the areas, such as Peamore, which had been identified as having a high impact on the Exeter air quality management area. The area was remote from local services and facilities and would require substantial investment to create paths for walking, wheeling and cycling.
- The Teignbridge documentation stated that the major roads surrounding the site currently provided natural barriers to the expansion of Exeter and breaching these would have landscape implications. New communities would look to the city for amenities but would feel out of reach due to the natural barriers and would become car led developments.
- The £50 million grant referred to in the report was focussed primarily on new junctions and roads and the Council needed to ensure that Devon County Council wasn't solely focussed on developing carbon neutral roads.
- The developments were not suitable for Exeter in terms of sustainable transport solutions and encouraged additional car use. The Council needed to go further in its reason for rejecting the proposals.

- Exeter City Council and Teignbridge District Council needed to have a detailed conversation about the extensions to the south west area of Exeter.

The Leader suggested that Councillor D. Moore formally submit the points raised as a City Councillor response to the Teignbridge Consultation.

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

- Teignbridge District Council should not solve its housing needs by having a Housing Strategy, which puts their new developments onto the south west of Exeter and the Alphington Ward.
- Teignbridge was in the process of building 2000 houses on Alphington's boundaries with a net increase in traffic movement on Chudleigh Road and Dawlish Road and issues relating to the new developments were still being addressed.
- Highways Planners have had difficulties in turning down developments for safety concerns and highway capacity. There was currently a vision and validation approach in moving away from highway considerations which would provide and maintain a sustainable community and transport system. The Teignbridge proposals would encourage more car use.
- The development would have a severe impact on the existing road network and introduce safety concerns and there would only be two routes in and out of the development at Ide Lane and Markham Lane onto Shillingford Road.
- The site was not appropriate for sustainable modes of transport due to safety concerns. It would be difficult to encourage people to walk or cycle across the A30 roundabout at Ide Lane, which was a dangerous roundabout and not suitable for cyclists or pedestrians. It was not reasonable to suggest residents should cycle and walk from the site using the A30 roundabout.
- The second access to the development was at Markham Lane to Shillingford Road, which had no pavements and was not wide enough for a separate cycle route. A forthcoming development at the location would install limited paving space, but was on a steep hill. This was not suitable for sustainable transport for safety reasons.
- Under the current system, a developer would make a Section 106 contribution to fund a bus route, but the route would be need to be established. If the service failed, the residents would have to risk walking on the roads or resort to driving and Devon County Council would not be able to subsidise the bus service.
- The current development by Tilia Homes in Exeter was intending to develop 120 homes which would come out onto Shillingford Road. Planners had stated that the development couldn't be built until another exit was made available onto Chudleigh Road. The Teignbridge proposal was, now suggesting an additional 900 homes exiting onto Shillingford Road, which would be against the Council's own policy.

- The development issue could be alleviated if a new slip road onto the A30 outside Shillingford Abbott / Markham Lane was created to divert traffic, however there was no proposal to do so. The proposed E15 cycle route from the new development on the south west area of Exeter did not link to the site and was therefore, not sustainable.
- The developments wouldn't be sustainable freestanding settlements or provide enough funding for a new school or community centre, leading children being forced to travel further to either West Exe School, Alphington Primary School or the new Matford Brook School, taking children through dangerous roads and roundabouts.
- Other facilities would be required to create sustainable communities, such as a GP surgery, extra care housing and affordable housing. The more developers were asked to fund infrastructure the less affordable housing they would be prepared to fund.
- Teignbridge District Council had a high housing target set by the government for 750 new homes a year. This target should not overshadow the need for proper infrastructure to be put in place. Developers should not be allowed to build, generate a profit and then leave existing communities to find funding for new infrastructure at public expense.
- The government needed to change its planning laws to ensure that infrastructure was provided before building went ahead. The Council needed to be clear that this was not a sustainable development and that Alphington should not pick up the cost.
- The development would be located on a hill and be visible across Exeter and Alphington and therefore was not acceptable for landscape reasons.
- Exeter City Council should not support the inclusion of Markham Village and Atwell Farm in the Teignbridge District Council Local Plan and Councillor Atkinson would also be making her own submissions to the consultation.
- New settlements for the Peamore area in the Teignbridge Local Plan needed to consider whether the proposed locations were close to facilities, jobs and services. Peamore had greater links to Exeter with a better chance for developing a sustainable community.
- It was hoped that a slip road would be built in to the A38 for less traffic going through Alphington and would go forward as part of the Peamore development with a new transport hub being provided.
- Peamore had improved transport/ traffic, infrastructure and landscaping, however it was unclear for the Alphington development, whether there would be facilities available or whether residents would have to drive to Alphington to access facilities. Teignbridge needed to ensure their proposals were sustainable and provided shops and services.

The Leader thanked Councillor Atkinson for the points raised and advised that the points raised should be taken into consideration when responding to the consultation. He advised Councillor Atkinson to submit her points to the Assistant Service Lead – Local Plan for inclusion in the response.

During the discussion the following points were raised:-

- the detailed contribution from Councillor Atkinson was acknowledged, and the concerns raised were also mirrored in Pinhoe Ward, in terms of development in East Devon. Proposed bolt on communities were not sustainable and impacted on local resources and travel options; and
- it was pleasing that Teignbridge were progressing with their local plan, but was also disappointing that some of their proposals were not sustainable and would have a negative impact on the city. It was likely that Teignbridge would receive a large volume of responses to their consultation, allowing Exeter residents to assert their views.

The Leader highlighted the issues raised in relation to transport, lack of facilities and infrastructure, which were important to the city. The priority was to continue protecting the green space on the borders of the city.

In response to a Members question, the Assistant Service Lead – Local Plan advised that the Council had a duty to cooperate with other authorities, and discussions with Teignbridge had been ongoing for a period of time, leading to development of their plan. Although not all issues had been resolved, engagement had been valuable and would continue. Though there was a duty to cooperate, it was not a duty to agree and Councils could have differing views on some matters.

The Portfolio Holder for City Development thanked Members for their contributions for consideration as part of the Council's response. She noted that there was a level of convenience for other authorities to build on the edge of the city which was not sustainable or beneficial to Exeter. She highlighted that some elements of the Greater Exeter Strategic Plan had been incorporated, notably the site boundary and welcomed the excellent points made by Members.

**RESOLVED** that delegated authority be granted to the Director of City Development, in consultation with the Council Leader and Portfolio Holder for City Development, to prepare and submit a response to the consultation on the proposed submission version of the Teignbridge Local Plan based on the issues raised in report presented at the meeting.

40

### **LORD MAYORALTY**

The Leader proposed, and the Deputy Leader & Portfolio Holder for Arts & Culture and Corporate Services seconded, that Councillor K. Mitchell be nominated as Lord Mayor Elect for the 2023/24 Municipal Council year, and Councillor Read be nominated as the Deputy Lord Mayor Elect for the 2023/24 Municipal Year.

Councillor K. Mitchell thanked Members for his nomination and highlighted that his term would also coincide with the 75<sup>th</sup> Anniversary year of the NHS.

**RECOMMENDED** to Council that Councillor K. Mitchell be nominated as Lord Mayor Elect for the 2023/24 Municipal Year and that Councillor Read be nominated as the Deputy Lord Mayor Elect for the 2023/24 Municipal Year.

(The meeting commenced at 5.30 pm and closed at 6.20 pm)

Chair

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

## EXECUTIVE

Tuesday 4 April 2023

Present:

Councillor Bialyk (Chair)

Councillors Wright, Denning, Ghusain, Morse, Parkhouse, Pearce, Williams and Wood

Also present:

Councillor D. Moore (as an opposition group Leader).

Apologies:

Councillor K. Mitchell (as an opposition group Leader)

Councillor Jobson (as an opposition group Leader)

Also present:

Director Finance, Service Lead Legal Services, Service Lead Net Zero & Business, Museums Manager and Cultural Lead, Environmental Health & Community Safety Manager, Assistant Service Lead – Local Plan and Democratic Services Manager

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### CHIEF EXECUTIVE

The Leader, in opening the meeting, advised that Bindu Arjoon as the new Chief Executive of the Council. The Chief Executive was not in attendance but was welcomed in her new position.

42

### MINUTES

The minutes of the meeting held on 28 February 2023, were taken as read, approved and signed by the Chair as a correct record.

43

### DECLARATIONS OF INTEREST

No declarations of disclosable pecuniary interests were made.

44

### QUESTIONS FROM THE PUBLIC UNDER STANDING ORDER NO. 19

No questions from members of the public were received.

45

### OVERVIEW OF GENERAL FUND REVENUE BUDGET 2022/23 - QUARTER 3

The Executive received the report which advised Members of the overall financial position of the General Fund Revenue Budgets for the 2022/23 financial year after nine months.

Members were referred to the financial summary in the report and advised that the General Fund had a current underspend of £1,009,313, with an outturn transfer of £806,287. There was an overall projected underspend of £743,010 against a revised Service budget of £20,868,560, which would likely require additional supplementary budgets in the next financial year. The report also highlighted two supplementary budget requests, which would be funded by earmarked reserves with no impact on the projected General Fund working balance.

Councillor D. Moore, as an opposition group leader, spoke on this item. She requested whether detail on the business case for the Affordable Housing

Development budget could be provided, explaining why it had been given up as a saving? She also requested detail on why the Exeter Community Grants Programme had been paused and now deferred.

The Leader, in responding, requested that detailed a response to the questions raised, be provided from the Director Finance.

**RECOMMENDED** that Council notes and approves (where applicable):

- (1) the General Fund forecast financial position for the 2022/23 financial year;
- (2) the supplementary budgets as detailed in paragraph 8.12 of the report;
- (3) the outstanding Sundry Debt position as at December 2022;
- (4) the creditors payments performance; and
- (5) the One Exeter programme update.

46

### **2022/23 GENERAL FUND CAPITAL MONITORING STATEMENT - QUARTER 3**

The Executive received the report on the current position of the Council's revised annual capital programme and advised Members of the anticipated level of deferred expenditure into future years. The report also sought Member approval to amend the annual capital programme to reflect the reported variations.

The Leader proposed an additional recommendation:-

- That a further funding request be added for the purchase an additional workboat for the Harbour team.

It was explained that the reason for the additional recommendation was that a delegated decision had been taken by the Director Net Zero Exeter & City Management and relevant Portfolio Holders to use unspent revenue budgets to fund the cost of £30,000 to purchase the new boat. The Council would then be able dispose of two boats, leading to some small savings in mooring fees and fuel costs. The delegated decision was to approve the funding for the capital asset and now required Council approval to make the purchase.

Members were advised that during the first nine months of the year, the Council had spent £52.592 million on the programme, and was compared with £12.924 million spent in the first nine months of 2021/22.

The Director Finance referred Members to the three further requests for funding outlined in section 8.6 of the report advising that the BLRF scheme would be financed by Grant, the Cathedral Green Display Cases would be financed from surplus money from the Guildhall shopping centre. The Topsham Museum would require borrowing for the further funding request.

Councillor D. Moore, as an opposition group leader, spoke on this item. She enquired about the budget line carried forward for the Exeter Quay Cellars cliff face, and whether the money would be made available for the re-opening of the Quay toilets.

The Leader, in responding, requested that response to the re-opening of the Quay toilets would be provided from the Portfolio Holder.

In response to a question raised by a Member, the Director Finance explained that the money for the Topsham Museum would cover extensive rendering and repair



work to the front of the museum and associated work at the site. He would provide a detailed response on the work to be undertaken at the museum.

Following the discussion, the Leader moved and was seconded by Councillor Wright to include the additional recommendation in the report which was voted for unanimously and supported.

**RECOMMENDED** that Council approves:-

- (1) the overall financial position for the 2022/23 Annual Capital Programme;
- (2) the amendments and the further funding requests to the Council's Annual Capital Programme for 2022/23; and
- (3) the additional funding request for the purchase an additional workboat for the Harbour Team be included in the Council's Annual Capital Programme for 2022/23.

47

### **2022/23 HRA BUDGET MONITORING REPORT - QUARTER 3**

The Executive received the report on the financial position of the HRA Revenue and Capital Budgets for the 2022/23 financial year after nine months. Members were referred to Appendix 1 of the report which highlighted areas of risk and advised that certain budgets had been identified as being vulnerable to factors beyond the control of the Council, which could result in potential deviations from budget, and were being closely monitored by officers.

Councillor D. Moore, as an opposition group leader, spoke on this item. She enquired about the replanting of trees as a result of ash die back. She highlighted that she had been informed that expenditure would be provided, but it had been rolled forward, and was concerned that tree planting was not taking place. Councillor Moore also enquired about the consultancy fees spent on the review of the responsive repairs contract and the consultancy work as cost saving for service improvements for Housing Assets.

The Leader, in responding, requested that detailed response to the questions would be provided from the relevant Director.

During the discussion the following points were raised:-

- Members welcomed seeing Edwards Court in the report and the highlight of the provision for Extra Care in Passivhaus standard; and
- Social Housing was 80% full and some homes had been kept back as part of the pathway project which had generated income for the Council. Five homes had now been made available to social housing tenants.

**RECOMMENDED** that Council notes and approves (where applicable):-

- (1) the HRA forecast financial position for 2022/23 financial year; and
- (2) the revision of the HRA Capital Programme to reflect the reported variations detailed in Appendix 4 of the report.

48

### **COUNCIL TAX SUPPORT FUND 2023-24**

The Executive received the report which set out the new led Government Council Tax Support Fund for 2023-24. The Government had provided £100 million to local authorities to support economically vulnerable residents with their Council Tax

payments. The Council Tax Support Fund (CTSF) was a single year grant payment to be made to Council Tax Billing Authorities.

Members noted that the indicative allocation for Exeter City Council was £186,776 which must be fully spent by the end of March 2024 and the use of the funding was divided into two schemes:-

- the Mandatory Scheme would reduce the liability of all current recipients of Council Tax Support at the start of 2023-24 by up to £25 where they had a remaining liability; and
- the Discretionary Scheme which would determine the local approach for using any remaining funds to help economically vulnerable residents with their Council Tax bills.

Councillor D. Moore, as an opposition group leader, spoke on this item. She enquired whether there would be any performance indicators in relation to the length of time for processing requests for support.

The Portfolio Holder for Customer Services and Council Housing welcomed the report, which was considered to be an excellent scheme to support residents. The £25 liability reduction would greatly support residents in the current economic climate.

The Leader requested that a response on performance monitoring and assessment of potential risk to overpayments be made available.

**RECOMMENDED** that Council agree to the adoption of the proposed policy for the application of the Discretionary Scheme element of the Council Tax Support Fund scheme.

49

### **GENERAL GRANTS POLICY**

The Executive received the report on a proposed policy, which would enable the Council, to award grants to organisations to fund activities and would contribute to the achievement of the priorities set out in the Corporate Plan.

The Council currently had a process for awarding Grants through the Community Grants Programme and the policy would provide the Council with an open and transparent policy to award general grants which were outside of the Community Grants Programme.

Particular reference was made to the process which would happen in two ways:-

- where the allocation of a grant has approved funding from Council, the Executive would have the power to award grants; and
- where the allocation of a grant has not been approved by Council, the Executive would have the power to award the grant subject to approval by full Council.

Councillor D. Moore, as an opposition group leader, spoke on this item. She enquired on the relation of the policy to the Community Grants Programme and whether there were details available applying for a grant?

The Leader, in responding, highlighted that the report provided an overview of the policy, rather than the process for allocating grant money. The policy would allow the Council to support major projects or organisations against the Corporate

Strategy. A response on the application process would be made available to Members.

Members welcomed the policy and noted that the policy would not be administered by the Community Grants Programme.

**RECOMMENDED** that Council adopt the policy to ensure that, should the Council wish to award grants to organisations over and above those within the Community Grants Programme, it had a clear and transparent decision-making process through which to identify opportunities, allocate funds and award grants.

50

#### **AMENDMENT TO THE FINANCIAL REGULATIONS AND PROCUREMENT CONTRACT PROCEDURE RULES**

The Executive received the report which sought approval to the financial regulations and to the Procurement and Contract Procedures, as outlined in the report appendices presented at the meeting.

Members noted that there were minor changes to the financial regulations which were reflected by the recent introduction of the Council's ordering system. The procurement and contract procedures changes reflected the change of the threshold for officer spending, when going out to tender to improve efficiency. The changes in the report would also bring the Council further in line with other neighbouring local authorities.

Particular reference was made to:-

- the spend threshold for Officers obtaining three quotes would be increased from £10,000 to £25,000; and
- the spend threshold which Officers were required to go out to tender would be increased from £50,000 to £100,000; and
- Officers would continue to be mindful to ensure they were getting value for money on all tenders.

Councillor D. Moore, as an opposition group leader, spoke on this item. She enquired on the process for analysing tenders and quotes.

The Leader, in responding agreed that clarification on the process would be sought.

In response to a question raised by a Member, the Director Finance explained that:-

- the inclusion of the latest Procurement Policy Note (PPN) for increasing the threshold for advertising in the contracts finder was a change in the Government threshold and therefore wasn't a recommendation to Council; and
- the Executive Committee and the Strategic Management Board (SMB) had responsibility for Risk Management. The Audit and Governance Committee monitored the effectiveness of risk management at the Council and monitored progress against the targets set in Corporate Risk Register.

**RECOMMENDED** that Council:-

- (1) approve the revised Financial Regulations in Appendix A of the report;
- (2) increase the spend threshold at which Officers are required to obtain three quotes from £10,000 to £25,000;
- (3) increase the spend threshold at which Officers are required to go out to tender from £50,000 to £100,000; and

- (4) approve the revised Procurement and Contract Procedures in Appendix B of the report.

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### **AMENDMENTS TO THE CONSTITUTION**

The Executive received the report which set out the proposals to amend the Council's Constitution to match operational arrangements. The amendments to the Constitution included the changing of the Chief Executive and Growth Director's post title to Chief Executive with immediate effect following the full Council meeting on 18 April 2023. The removal of the post of Corporate Manager, Democratic & Civic Support would be effective from 1 June 2023. The report also sought to ensure that the Scheme of Delegation to Officers was updated to match operational arrangements of the Council.

Members also noted the additional responsibility for the Chief Executive to act in the role of the Council's Shareholder Representative in respect of Exeter City Group Limited and its subsidiaries.

Councillor D. Moore, as an opposition group leader, spoke on this item. She enquired as to the status of the Governance Review report in relation to constitutional changes.

The Leader advised that the Governance Review report was a separate matter, and would be brought to Executive in due course, following discussions with relevant officers and Members.

Members welcomed the report and expressed their thanks to the Corporate Manager, Democratic & Civic Support for all his dedicated support and hard work during his time at the Council.

**RECOMMENDED** that Council approve the changes to the Constitution, including the Scheme of Delegation to Officers, as set out in the Appendix of the report, with such changes affecting the post of Chief Executive & Growth Director being with immediate effect, and those affecting the post of Corporate Manager, Democratic & Civic Support being effective from 1 June 2023.

52

### **EXETER PLAN: OUTLINE DRAFT CONSULTATION: CONSULTATION REPORT**

The Executive received the report on the responses of the outline draft of the emerging Exeter Plan consultation, which had been undertaken between September and December 2022. The report highlighted the engagement activities undertaken during the consultation and the review of the responses received.

The matter had been considered by the Strategic Scrutiny Committee on 16 March 2023 and the comments made during the consultation would be used in support of the preparation for the emerging Exeter Plan in future.

Particular reference was made to:-

- the summary of responses received to the consultation which were outlined in the report, and that the total number of responses received was 3,473;
- the summary of responses showed that elements of the key strategy in the plan related to climate change, reduction in travel and providing affordable homes, had received significant support;
- there was clearly more support for brownfield development sites than greenfield sites; and

- going forward, the responses to the outline draft plan consultation would be used to develop the next stage of the plan-making process, with a further consultation to be undertaken later in 2023.

During the discussion the following points were raised:-

- there were some excellent points raised by consultees which highlighted the aspirations of those living and working in the city;
- clarification was sought on 15 minute communities, which had been raised by some residents; and
- the report was very detailed and informative and reflected good practice by the Council, and thanks were given to the team for the hard work that had been undertaken.

The Portfolio Holder for City Development and Planning praised the team for the dedicated work that had gone into the report. The figures for the number of responses received was very good and a large volume of information had been received and checked.

The Leader thanked officers and requested clarification and detail about what a 15 minute community was to be provided to Members.

**RESOLVED** that the content of the 'Exeter Plan: Outline Draft Consultation Report' in Appendix A of the report be noted as a document which will be used to inform the preparation of the emerging Exeter Plan in future.

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### **REPORT OF THE PLANT BASED FOOD TASK AND FINISH GROUP**

The Executive received the report on the work undertaken by the Plant Based Food Task and Finish Group to develop a City Council Sustainable Food Policy. The cross-party Task and Finish Working Group had been setup following approval of a Notice of Motion on 13 December 2022, to ensure food provided at internal Council meetings would be plant-based foods and ready for the Annual Council meeting in May 2023.

Further work had also been undertaken to ensure that Council run external sites also had plant-based options available as part of their regular catering menu.

Four Plant Based Food Task and Finish Group meetings had been held during February and March 2023, to enable the cross party group to attain information from City Council Officers and external contributors to develop the Sustainable Food Policy .

Particular reference was made to:-

- the policy would address plant based options at all Council owned venues;
- there was a challenge in setting a policy to cover the various venues who had differing resources available;
- the policy would also ensure that only plant based food options would be provided at meetings run by the Council;
- there would be a 50% plant-based and 50% dairy, fish and meat options on menus at all venues; and
- performance indicators would be set up to monitor progress and the impact to the Council. A report would be brought back to the Executive in six months.

Councillor D. Moore, as an opposition group leader, spoke on this item. She enquired whether the Lord Mayoralty was included under Council meetings. She highlighted the importance of ensuring that all dietary requirements were catered for and sought assurance that there would be no impact to the single use plastic policy.

The Leader, in responding requested that an information table be put together by the Service Lead for Net Zero & Business to address dietary options available to provide further clarity on the policy.

The Deputy Leader advised that the Council no longer provided food at its committee meetings and the Lord Mayoralty had been consulted as part of the work.

The Portfolio Holder for Climate Change thanked all contributors and Members for the work that had been undertaken. The subject matter was complex and there was a lot of variation for different outlets in relation to how they would operate under the policy. He highlighted that the policy would address dietary choices and its impact on the environment.

**RECOMMENDED** that Council:-

- (1) note the work undertaken by the Plant Based Food Task and Finish Group and endorse the new City Council Sustainable Food Policy;
- (2) agree that the Sustainable Food Policy be reviewed after six months and is brought back to Executive on 28 November 2023;
- (3) raise awareness within the local business community of the work undertaken by the South West Food Hub and the national Dynamic Purchasing UK to support local suppliers and producers to gain new public sector contracts; and
- (4) agree for the Net Zero & Business team to:-
  - review the Single Use Plastic Notice of Motion that was carried at Council on 24 April 2018;
  - develop a range of KPI's to monitor the Sustainable Food Policy and carbon emissions associated with the City Council buying food and drink for consumption through Council meetings, Council events and within Council run sites;
  - work with Procurement in developing an approved supplier list for the catering of Council meetings and Council events, in line with the six month review of the Sustainable Food Policy, with information to be made readily available for staff on the City Council's intranet;
  - work towards the Heart of the South West declaration of at least a minimum of 50% of all food spend to be procured from growers, producers and manufacturers within the South West local region by 2028;
  - co-ordinate customer surveys of City Council venues to understand customer demand for plant based food and drink, and results be made available for the six month review;
  - work with the Waste & Recycling team to develop food waste collection from City Council venues, once food waste has been rolled out to residential homes;
  - research options of developing a Devon Fruit and Veg Wholesale Market, utilising the Matford Centre;
  - review options of installing a filtered water dispenser at the historic Guildhall; and
  - explore the potential of registering all public facing Council catering venues as Refill stations under the refill water scheme.

## FINANCIAL ASSISTANCE POLICY FOR THE BETTER CARE FUND

The Executive received the report which sought to revise the Council's Financial Assistance Policy to ensure that financial assistance was available to vulnerable individuals, both inside and outside of the mandatory Disabled Facilities Grant system. The Financial Assistance Policy was a ring fenced, Devon-wide policy with input provided from both District Councils and Devon County Council to provide more consistency for those working in social care, who refer service users to the provisions of the policy.

The report also sought permission to transfer £300,000 from the Exeter City Council Better Care Fund (BCF) allocation for 2022-23 to the Exeter City Council 'Lendology' Loan Fund. The transfer would allow the Council to use non-committed funds from the 2022-23 financial year to benefit residents in future years through the provision of loans offered at 0%.

Members were referred to the changes to the policy, with particular reference made to:-

- the Accessible Homes Grant had increased from £20,000 to £40,000;
- the Healthy Homes Grant had increased from £5,000 to £10,000;
- the Warm Up Grant had increased from £2,000 to £3,000;
- the introduction of the 0% BCF loan, which would be funded by £300,000 of unallocated BCF funding from 2022-23.;
- the Stairlift Grant had been extended to include other lifts and access options; and
- the introduction of a bathroom Grant, which removed the means testing for the most common adaptations.

Councillor D. Moore, as an opposition group leader, spoke on this item. She enquired about the money being passed to 'Lendology', and why there was a large underspend. Was there a means to use the under-spend on grants or to promote the policy further?

The Leader, in responding, requested that a breakdown on the number of residents who had applied for the Financial Assistance be provided from the Environmental Health & Community Safety Manager.

During the discussion the following points were raised:-

- welcomed the inclusions of solar panels, and other methods as part of the Healthy Homes Grant, which was important in reducing carbon emissions whilst supporting residents to warm their homes;
- continuing to further the partnership working with 'Lendology' was welcomed, particularly with the means to continue supporting residents and maintaining a revenue stream in the city; and
- the means testing may have been a contributing factor for grants not being applied for, and its removal was welcomed.

**RECOMMENDED** that Council adopt the revised Financial Assistance Policy for the Better Care Fund, incorporating the creation of a ring-fenced Better Care Fund loan fund of £300,000.

## PROPOSAL TO ESTABLISH AN OVERSIGHT PANEL TO MONITOR THE ROYAL ALBERT MEMORIAL MUSEUM & ART GALLERY'S DELIVERY AGAINST THE FUNDING AGREEMENT MADE BETWEEN EXETER CITY

## **COUNCIL AND ARTS COUNCIL ENGLAND FOR PERIOD 2023-26.**

The Executive received the report on establishing a new Oversight Panel to provide Arts Council England (ACE) with monitoring, evaluation and reporting information, relating to the City Council's receipt of National Portfolio Organisation (NPO) funding for the Royal Albert Memorial Museum & Art Gallery (RAMM).

An Oversight Panel was a requirement of the national funding programme, and provided the ACE with the assurance of the governing body's engagement with the funding programme, as well as providing an appropriate level of scrutiny. Exeter City Council was the accountable body for the funding agreement with the ACE and their offer covering the period 2023-26 was for £618,000 per annum, which was subject to the settlement received from Government for this period.

Councillor D. Moore, as an opposition group leader, spoke on this item. She enquired on the relationship between the oversight group and other organisations who had an interest in the RAMM

The Deputy Leader and Portfolio Holder for Arts, Culture and Corporate Services advised that the purpose of the oversight panel was not to direct the activities of the Royal Albert Memorial Museum & Art Gallery, but to focus on monitoring and reporting on work delivered through funding from Arts Council England's NPO programme.

The Museums Manager and Cultural Lead explained that the Museum was grateful for the support its two associated independent charities, the Friends of RAMM and the RAMM Development Trust, however neither had decision making responsibilities for delivery of museum activities. The oversight panel would similarly have no decision making role but act solely as a monitoring panel for Arts Council England targets which formed part of the NPO funding agreement with the City Council.

**RECOMMENDED** that Council agree:-

- (1) to establish a new Oversight Panel, as a prerequisite of the Funding Agreement that the Council will make with Arts Council England, in connection with its receipt of National Portfolio Organisation Funding 2023-26; and
- (2) the Terms of the Reference for the Oversight Panel.

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### **COUNCILLOR GHUSAIN**

The Leader expressed his thanks to Councillor Ghusain, who was standing down from her role as a City Councillor, after the election. He highlighted her contribution and work to the Executive and the Council.

(The meeting commenced at 5.30 pm and closed at 6.45 pm)

Chair

**The decisions indicated will normally come into force 5 working days after publication of the Statement of Decisions unless called in by a Scrutiny Committee. Where the matter in question is urgent, the decision will come into force immediately. Decisions regarding the policy framework or**



corporate objectives or otherwise outside the remit of the Executive will be considered by Council on 18 April 2023.

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**SEATING IN THE GUILDHALL**

**Agenda Item 16**

		Deputy Lord Mayor Councillor Newby (C)	Chief Executive	Lord Mayor Councillor Mrs Henson (C)	Democratic Services Manager	Service Lead Legal Services	
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Democratic Services Officer				Corporate Manager Democratic/Civic Support	Director	Director
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Councillors	Councillors	Councillors		Councillors	Councillors
Warwick (L)	Snow (L)	Bialyk (L)		Moore, D.F. (G)*	Jobson (C)
Oliver (L)	Hannaford (L)	Wright (L)		Mitchell, K.J. (LD)*	Leadbetter(C)
Ellis-Jones (L)	Packham (L)	Morse (L)		Sparling (G)*	
Atkinson (L)	Lights (L)	Ghusain (L)	TABLE	Read (G)*	Holland (C)
Allcock (L)	Foale (L)	Williams (L)		Bennett (G)*	Moore, J (I)*
Branston (L)	Vizard (L)	Parkhouse (L)		Rees (G)*	
	Knott (L)				

Cllr Asvachin (L)	Cllr Sutton (L)	Cllr Wardle (L)	Cllr Wood (L)	Cllr Denning (L)	Cllr Pearce (L)	Cllr Mitchell, M. (LD)*		Cllr Harvey (I)
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**L: Labour: 25**  
**G: Green: 5\***  
**LD: Liberal Democrat 2\***  
**C: Conservative: 5**  
**I: Independent 1\***  
**I: Independent 1**  
 \* Known as the Progressive Group

**Portfolio Holders**

Bialyk: Leader  
 Wright: Deputy Leader and Arts and Culture and Corporate Services  
 Wood: Climate Change  
 Williams: Recycling, Waste Management and Waterways  
 Denning: Customer Services and Council Housing  
 Parkhouse: Leisure Services and Physical Activity  
 Ghusain: City Management and Environmental Services  
 Morse: City Development and Chair of Planning  
 Pearce: Communities and Homelessness Prevention

