



Exeter City Council

A meeting of **EXETER CITY COUNCIL** will be held at the **GUILDHALL, HIGH STREET, EXETER** on **TUESDAY 18 OCTOBER 2011**, on the rising of the Extraordinary Meeting of Council which commences at 6.00 pm, at which you are hereby summoned to attend. The following business is proposed to be transacted:-

	Pages
1 Minutes	
To sign the minutes of the meeting held on 19 July 2011.	1 - 6
2 Official Communications	
To receive minutes of the following Committees and to determine thereon:-	
3 Planning Committee - 25 July 2011	7 - 44
4 Planning Committee - 5 September 2011	45 - 54
5 Planning Committee - 3 October 2011	55 - 64
6 Licensing Committee - 26 July 2011	65 - 68
7 Licensing Committee - 28 July 2011	69 - 72
8 Licensing Committee - 27 September 2011	73 - 78
9 Scrutiny Committee - Community - 6 September 2011	79 - 84
10 Scrutiny Committee - Economy - 8 September 2011	85 - 92
11 Scrutiny Committee - Resources - 21 September 2011	93 - 98
12 Final Accounts Committee - 22 September 2011	99 - 100
13 Executive - 20 September 2011	101 - 106

Date: 11 October 2011

Philip Bostock
Chief Executive

NOTE: Members are asked to sign the Attendance Register



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Agenda Item 1

THE MEETING OF EXETER CITY COUNCIL

Guildhall
Tuesday 19 July 2011

The Right Worshipful the Lord Mayor (Cllr S Brock)
The Deputy Lord Mayor (Cllr Mitchell)
Councillors M A Baldwin, Bialyk, Branston, P J Brock, Bull, Clark, Cole, Crow, Dawson, Denham, Edwards, Fullam, A Hannaford, R M Hannaford, D J Henson, Mrs Henson, Hobden, Macdonald, Martin, Morris, Mrs J Morrish, Mottram, Newby, Newcombe, Payne, Prowse, Robson, Ruffle, Sheldon, Shiel, Spackman, Sutton, Taghdissian, Thompson, Tippins, Wardle and Winterbottom

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MINUTES

The minutes of the Ordinary Meeting held on 12 April 2011 and, subject to the inclusion of a reference to Councillor Shiel being taken ill during the meeting, the minutes of the Annual Meeting held on 17 May 2011 were taken as read and signed as correct.

Cllr Shiel recorded his appreciation for the care and support given to him by colleagues and staff.

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OFFICIAL COMMUNICATIONS

The Lord Mayor announced with sadness the death of Mr Gerald Dixon, Escort to the former Lord Mayor Valerie Dixon in 2002 – 3. Council joined the Lord Mayor in sending condolences to Alderman Dixon.

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PLANNING COMMITTEE - 18 APRIL 2011

The minutes of the meeting of Planning Committee held on 18 April 2011, presented by Councillor Mrs Henson, were taken as read.

Members declared the following personal interests:

COUNCILLOR	MINUTE
Dawson	41 (employee of University of Exeter)
Prowse	41 (student landlord) 42 (daughter is a member of Exeter Gymnastics Club) 43 (he knows the applicant and was a former owner of the property)

RESOLVED that the minutes of the Planning Committee held on 18 April 2011 be received.

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PLANNING COMMITTEE - 23 MAY 2011

The minutes of the meeting of Planning Committee held on 23 May 2011, presented by Councillor Bialyk, were taken as read.

Members declared the following personal interests:

COUNCILLOR	MINUTE
P J Brock	50 (Member of Devon County Council)
Prowse	50 (Member of Devon County Council) 51 (Student landlord)

RESOLVED that the minutes of the Planning Committee held on 23 May 2011 be received.

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PLANNING COMMITTEE - 27 JUNE 2011

The minutes of the meeting of Planning Committee held on 27 June 2011, presented by Councillor Bialyk, were taken as read.

Members declared the following personal interests:

COUNCILLOR	MINUTE
Dawson	60 and 61 (member of RSPB)
Macdonald	60 and 61 (member of RSPB)

In relation to Minute 60 (Planning Application No. 10/2088/01 - Land at Pinhoe Quarry, Harrington Lane, Exeter), it was noted that Councillor Mrs Thompson would request Planning Committee at their next meeting to include specific reference to Extract paragraphs 3.3 to 3.4 of the Pinhoe Access Strategy.

RESOLVED that the minutes of the Planning Committee held on 27 June 2011 be received.

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LICENSING COMMITTEE - 19 APRIL 2011

The minutes of the meeting of Licensing Committee held on 19 April 2011, presented by Councillor Shiel, were taken as read.

Members declared the following personal interests:

COUNCILLOR	MINUTE
Ruffle	29 (known to the applicant)
Shiel	29 (known to the applicant)

RESOLVED that the minutes of the Licensing Committee held on 19 April 2011 be received.

LICENSING COMMITTEE - 14 JUNE 2011

The minutes of the meeting of Licensing Committee held on 14 June 2011, presented by Councillor Macdonald, were taken as read.

Members declared the following personal (*prejudicial) interests and left the meeting where appropriate:

COUNCILLOR	MINUTE
Dawson	*33 (member of Fawcett Devon who had opposed the original application for a Licence)
Macdonald	*33 (member of Fawcett Devon who had opposed the original application for a Licence)

In relation to resolution (2) of Minute 32 (Proposal to Designate Streets as Prohibited Streets, Licence Streets and Consents Streets for Street Trading), it was noted that delegated powers had been granted to the Head of Environmental Health Services, in consultation with the Chair of the Licensing Committee, to deal with the migration of existing consents on this occasion.

RESOLVED that the minutes of the Licensing Committee held on 14 June 2011 be received.

SCRUTINY COMMITTEE - COMMUNITY - 7 JUNE 2011

The minutes of the meeting of Scrutiny Committee – Community held on 7 June 2011, presented by Councillor Mitchell, were taken as read.

Members declared the following personal interests:

COUNCILLOR	MINUTE
Morris	42 (husband is employed by UCATT representing Mears employees)
Newcombe	35 (member of Devon County Council)

RESOLVED that the minutes of the Scrutiny Committee - Community held on 7 June 2011 be received.

SCRUTINY COMMITTEE - ECONOMY - 9 JUNE 2011

The minutes of the meeting of Scrutiny Committee – Economy held on 9 June 2011, presented by Councillor Cole, were taken as read.

Members declared the following personal (*prejudicial) interests and left the meeting where appropriate:

COUNCILLOR	MINUTE
Bialyk	24 (non-voting member of Exeter Transport Club, Summerland Street)
Morris	24 (member of USDAW) 29 (employed by MP who was being discussed)
Payne	24 and 28 (employee of Exeter College)
Prowse	24 (member of Devon County Council)
Thompson	*24 and *25 (business with Eagle One)

RESOLVED that the minutes of the Scrutiny Committee - Economy held on 9 June 2011 be received.

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SCRUTINY COMMITTEE - RESOURCES - 22 JUNE 2011

The minutes of the meeting of Scrutiny Committee – Resources held on 22 June 2011, presented by Councillor Baldwin, were taken as read.

RESOLVED that the minutes of the Scrutiny Committee - Resources held on 22 June 2011 be received.

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EXECUTIVE - 21 JUNE 2011

The minutes of the meeting of Executive held on 21 June 2011, presented by Councillor Edwards, were taken as read.

Members declared the following personal interests:

COUNCILLOR	MINUTE
S Brock	53 (owner of business subject to inspection)
P Brock	53 (owner of business subject to inspection)
Prowse	71 (Member of Devon County Council) 73 (Student landlord - HMO license holder)

In relation to Minute 60 (Appointment of Representatives to Outside Bodies), the following outstanding appointments were agreed:-

- City Centre Management Partnership – Cllr Edwards to replace former Cllr Wadham
- Councillor Development Steering Group – Cllrs Spackman and Morris to replace Cllrs A Hannaford and Sheldon, Cllr Cole to replace former Cllr Newton
- Devon Playing Fields Association – Cllr D Henson to replace former Cllr Mrs Danks as substitute
- Exeter Arts Council – Cllr Shiel to replace former Cllr Coates
- Exeter Canal and Quay Trust – Cllr Bull to replace Cllr PJ Brock
- Exeter Council for Voluntary Service – to be confirmed
- Exeter Dispensary and Aid in Sickness Fund – no further appointment was made
- Exeter Fairtrade Steering Group – no further appointment was made

- Exeter Municipal Charities (General List) – Cllr Robson to replace former Cllr Wadham
- Exeter Social, Health and Inclusion Partnership – Cllr Macdonald to replace former Cllr Newton
- Royal Albert Memorial Museum Development Trust – Cllr Mitchell to replace former Cllr Wadham
- St Edmund and St Mary Major, Exeter – Cllr M Baldwin to replace former Cllr Coates
- St Loyes College Council – Cllrs R Hannaford and Crow to replace former Cllrs D Baldwin and Mrs Danks. No substitute was appointed.

RESOLVED that the minutes of the Executive held on 21 June 2011 be received and, where appropriate, adopted.

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EXECUTIVE - 5 JULY 2011

The minutes of the meeting of Executive held on 5 July 2011, presented by Councillor Edwards, were taken as read.

Members declared the following personal interests:

COUNCILLOR	MINUTE
Newcombe	73 (owns a property in the area)
Prowse	71 (member of Devon County Council) and 73 (student landlord)

Members recorded their appreciation for the hard work of officers in securing the John Lewis store for Exeter.

RESOLVED that the minutes of the Executive held on 5 July 2011 be received and, where appropriate, adopted.

(The meeting commenced at 6.00 pm and closed at 7.35 pm)

Chair

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Agenda Item 3

PLANNING COMMITTEE

Monday 25 July 2011

Present:-

Councillor Bialyk (Chair)
Councillors Macdonald, P J Brock, Clark, Denham, Edwards, Mrs Henson, Mrs J Morrish, Newby, Prowse, Spackman, Sutton and Winterbottom

Also Present

Director Economy and Development, Head of Planning and Building Control, Development Manager, Planning Solicitor and Member Services Officer (SJS)

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MINUTES

The minutes of the meetings held on 18 April 2011, 23 May 2011 and 27 June 2011 were taken as read subject to an amendment to 27 June 2011 minute 60 to read 'the extract paragraph 3.3 and 3.4 from the Pinhoe Access Strategy' they were signed by the Chair as correct.

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DECLARATIONS OF INTEREST

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

COUNCILLOR	MINUTE
Councillor Bialyk	75 (Member of St Thomas Social Club) 76 (Member of St Thomas Social Club)
Councillor P J Brock	78 (Member of Devon County Council)
Councillor Denham	77* (Member of Exeter Canal & Quay Trust)
Councillor Edwards	77* (Member of Exeter Canal & Quay Trust)
Councillor Mrs Henson	74*(Member of the Conservative Party)
Councillor Macdonald	69 (Sustrans Volunteer Ranger and Member of the RSPB) 70 (Sustrans Volunteer Ranger and Member of the RSPB) 71 (Sustrans Volunteer Ranger and Member of the RSPB) 72 (Sustrans Volunteer Ranger and Member of the RSPB)
Councillor Newby	74*(Member of the Conservative Party)
Councillor Prowse	69 (Student landlord) 70 (Student landlord)
Councillor Sutton	69 (Member of the RSPB) 70 (Member of Devon Wildlife Trust and the RSPB) 71 (Member of Devon Wildlife Trust and the RSPB)
Councillor Winterbottom	74*(Member of the Conservative Party) 77* (Member of Exeter Canal & Quay Trust)

**PLANNING APPLICATION NO.11/0964/03 & LISTED BUILDING CONSENT
NO.11/0965/07 - THOMAS HALL, COWLEY BRIDGE ROAD**

Councillor Macdonald declared a personal interest as a Sustrans Volunteer Ranger and a member of the RSPB.

Councillor Prowse declared a personal interest as a student landlord.

Councillor Sutton declared a personal interest as a member of the RSPB.

The Head of Planning and Building Control presented the planning application for the change of use from student accommodation to hotel and conference centre including extension to the north and west elevation to provide 97 bedrooms, conference and restaurant facilities, car parking, landscaping and external lighting and listed building consent for the demolition of the coach house, alterations to internal windows, doors, ceilings, walls, and extension to the north and west elevation to facilitate hotel and conference centre.

The Head of Planning and Building Control advised Members that Thomas Hall, a Grade II listed building, was currently unoccupied and was on the City Council's listed buildings at Risk Register. Planning permission and listed building consent were granted in 2010 to convert and extend Thomas Hall and the Coach House to form a 79 bed hotel, with conference and function facilities.

Planning permission and listed building consent were now sought to vary the original planning permission to increase the bedrooms to 97 which would involve the demolition of the Coach House, an increase in the size, on the originally approved application, of the south-east corner car park from 14 spaces to 34 and the introduction of a leisure facility, including a swimming pool, below the bedroom block in a semi-basement area.

Members were updated on the main issues of the loss of the Coach House and the impact of the increased car parking in the south-east corner.

Members were circulated with an update sheet giving details of revised plans for the south east corner car park. The revisions were welcomed but did not fully address the concerns about the treatment of this area identified in the report.

The recommendation was to approve the change of use application and the listed building consent subject to the conditions as set out in the report.

Mr Horton spoke against the applications. He raised the following points:-

- local residents do not object in principle to the redevelopment of Thomas Hall
- had reservations regarding this amended application
- the increase from 79 to 97 bedrooms was a 23% increase in size
- main concerns were noise; increased traffic; loss of privacy; and the effect upon the natural environment
- would be noise disturbance from late night functions and at weekends
- increased capacity would mean more staff; concerned that staff would park in surrounding areas late at night and that the anticipated introduction of the Residents Parking Scheme with limited hours of 10.00am to 4.00pm would not stop late night parking on local roads
- additional use of the access lane from West Garth Road would generate undesirable noise
- more traffic would be generated by the proposed new leisure facilities; the Green Travel Plan would be unenforceable

- the third floor of the north facing accommodation would give uninterrupted views into the lower and upper levels of West Garth Road
- identification of legal boundaries between properties in West Garth Road and Thomas Hall remain outstanding
- there would be light pollution and the proposal would have a adverse impact on flora and fauna
- would recommend alterations to accommodation block; restrictions placed on use of rear access; alterations to avoid local roads suffering increase traffic; consultation on boundary lines; bus stop reinstated on Cowley Bridge Road at the entrance to Thomas Hall
- should consider the 1936 Restrictive Covenant which may disallow the building work
- had been no consultation with local residents.

Mr Jewson (agent) spoke in support of the applications. He raised the following points:-

- the proposal would bring investment in to the city
- would bring back into use a building on the listed building at risk register
- provide local jobs
- marketing the property had not been easy and these plans were in response to an operator who was fully on board with the project
- only 5 letters of objection
- noise assessment had been submitted and Environmental Health had recommended conditions to control any noise impact
- the access lane on to West Garth Road was a secondary access and would be key controlled
- the covenant did not relate to the land
- asked Committee to support the recommendation.

In answer to Member's questions, Mr Jewson clarified the following:-

- aware of concerns regarding the gabion walls; these had been reduced but there were engineering reasons as to the need for the gabion walls
- had visited the site
- gabion wall could be planted to help them blend in
- there would be a level of sustainability within the proposal; there was also a condition on sustainability
- the scheme that had approval was not now viable; the bedrooms were oversized and this scheme sought to ensure that the scheme was commercially viable
- the leisure facilities would be available to non-residents
- there would be Green Travel Plan but there was also a need for adequate parking.

During discussion Members raised the following points:-

- concerns regarding the gabion walls and that additional traffic that would be generated on Cowley Road
- good hoteliers should look after staff and provide a mini bus for night shift workers
- there should be enough parking for guests attending functions
- was there an engineering need for the gabion walls?
- planting could help shield the gabion walls
- would the car park be lit at night? this could cause light pollution; lighting should be conditioned
- could the residents parking hours be extended to alleviate local residents concerns

- need to obtain a balance as want to see this Grade II listed building brought back into use
- the need for sustainability and water efficiency.

In response to Member's questions, the Head of Planning and Building Control clarified that revised plans showed that some of the gabion walls had been removed and the external lighting and water efficiency could form conditions as part of any planning approval.

RESOLVED that the application for change of use from student accommodation to hotel and conference centre including extension to the north & west elevation to provide 97 bedrooms, conference and restaurant facilities, car parking, landscaping and external lighting (Amendment to 08/0887/03 granted 12 July 2010 including demolition of coach house and modifications to bedroom wing) be delegated to the Head of Planning and Building Control to **approve** in consultation with the Chair and the Portfolio Holder subject to improvements to the gabion walls and 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 91-92 of the Town and Country Planning Act 1990.
- 2) C15 - Compliance with 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 and the development shall not be started before their approval is obtained in writing and the materials used in the construction of the development shall correspond with the approved samples in all respects.
Reason: To ensure that the materials conform with the visual amenity requirements of the area.
- 4) A detailed scheme for landscaping, including the planting of trees and/or shrubs, the use of surface materials and boundary screen walls and fences shall be submitted to the Local Planning Authority and no development shall take place until the Local Planning Authority have approved a scheme; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and any earthworks required together with the timing of the implementation of the scheme. The landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.
Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 5) Any trees, shrubs and/or hedges on or around the site shall not be felled, lopped or removed (other than those shown on the approved drawings) without the prior written consent of the Local Planning Authority.
Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 6) In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to become established and to prosper for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced with

such live specimens of such species of such size and in such number as may be approved by the Local Planning Authority.

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

- 7) No materials shall be brought onto the site or any development commenced, until the developer has erected tree protective fencing around all trees or shrubs to be retained, in accordance with a plan that shall previously have been submitted to and approved in writing by the Local Planning Authority. This plan shall be produced in accordance with BS 5837:2005 - 'Trees in Relation to Construction'. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.
Reason: To ensure the protection of the trees during the carrying out of the development.
- 8) Unless otherwise agreed in writing, construction work shall not take place outside the following times: 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.
Reason: So as not to detract from the amenities of the nearby residential property.
- 9) A Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development, and adhered to during the construction period. This should include details of monitoring and mitigation measures to control the environmental impact of the development during the construction phase, including site traffic and emissions of noise and dust. This should include details of the phasing and timing of work to minimise noisy activities on Saturdays and measures that will minimise the impact of construction traffic on the local road network, including parking. The CEMP should contain a procedure for handling and investigating complaints as well as provision for regular meetings with appropriate representatives from the Local Authorities during this phase of the development, in order to discuss forthcoming work and its environmental impact.
Reason: In the interests of local amenity.
- 10) There shall be no amplified music, voice or tannoy system used unless routed through a suitable noise limiter that has been installed, operated and maintained as approved in writing by the Local Planning Authority.
Reason: In the interests of local amenity.
- 11) The function room hereby permitted shall not be used between the hours of 00:00 and 07:00 on any day.
Reason: In the interests of local amenity.
- 12) Total noise emissions from the site shall not exceed a rating noise level, (measured in accordance with the provisions of BS4142:1997), of 5dB below the existing LAF90 background level when measured at the site boundary at any time.
Reason: In the interests of local amenity.

- 13) Unless otherwise agreed in writing, the buildings shall not be occupied until details of external plant and equipment and details of sound insulation of the buildings have been submitted to and approved in writing by the local planning authority. The development shall take place only in accordance with the approved details.
Reason: In the interests of local amenity.
- 14) Details of the kitchen extraction system should be submitted and approved in writing by the local planning authority.
Reason: In the interests of local amenity.
- 15) No development shall take place on site until a full survey of the site has taken place to determine the extent of contamination of the land and the results together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. The building(s) shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that the site is in such a condition as to be suitable for the proposed use.
Reason: In the interests of the amenity of the occupants of the building(s) hereby approved.
- 16) No part of the development hereby approved shall be brought into its intended use until the access drive, passing bays, car parking areas and bays, turning areas and servicing areas have been laid out, provided and maintained in accordance with details that shall have been submitted to, agreed and approved in writing by, the Local Planning Authority and retained for that purpose at all times.
Reason: To ensure that adequate facilities are available for the traffic attracted to the site.
- 17) No part of the development hereby approved shall be brought into its intended use until on-site cycle links and secure cycle storage facilities have been laid out, provided and maintained in accordance with details that shall have been submitted to, agreed and approved in writing by, the Local Planning Authority and retained for that purpose at all times.
Reason: To ensure a sustainable mode of transport and to provide and secure facilities for the storage of cycles
- 18) The development hereby permitted shall not be commenced until a wildlife management plan has been submitted to and approved in writing by the local planning authority. The wildlife management plan shall set out how the application site is to be managed (whether or not the plan also applies to other land) and in this regard it shall conform to the requirements of a section 106 agreement dated 1 August 2008 and made between (1) Exeter City Council, (2) Criterion Enterprises Ltd and (3) the University of Exeter.
Reason: In the interests of preserving and enhancing biodiversity on the site.
- 19) Notwithstanding the provisions of the section 106 agreement referred to in the preceding condition, the wildlife management plan approved pursuant to that condition shall be implemented on the application site upon commencement of development hereby permitted, and adhered to at all times thereafter throughout the life of the development.
Reason: In the interests of preserving and enhancing biodiversity on the site.

- 20) Unless otherwise agreed in writing, the developer shall comply with the requirements of the Travel Plan and the Travel Plan Addendum submitted with the planning application at all times.
Reason: In the interests of ensuring that modes of travel used in connection with the approved use are as sustainable as possible.
- 21) No development shall take place within the site until a written scheme of archaeological work has been submitted 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. All works shall be carried out and completed as approved, 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.
- 22) Notwithstanding Condition 2 and unless otherwise agreed in writing, no work shall commence on site under this permission until details of the following have been submitted to and approved in writing by the Local Planning Authority:-
Full elevational and sectional details of the development to a scale of 1:20 and 1:5 to include details of:-
i) windows, cills, headers and reveals, including materials and fixing methods;
ii) all details of parapets, eaves, verges, rainwater goods, louvres, canopies and external doors.
Reason: To ensure full details are submitted in the interest of establishing high quality in the design and external appearance of the development, and in the interests of the character and setting of this Grade II listed building.
- 23) Unless otherwise agreed in writing, a fence shall be constructed along parts of the boundary of the site; the type, height and design of the fence and the time of its construction shall be subject to the agreement in writing of the Local Planning Authority prior to the commencement of the development.
Reason: In the interests of the amenity of the occupants of the adjoining dwellings.
- 24) No development shall begin until an Energy Assessment of the proposal, and a scheme for generating a proportion of the predicted energy requirement of the development from on-site renewable sources, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development is brought into use and shall thereafter be maintained so that it provides the required level of generation.
Reason: In the interests of sustainable development.
- 25) Unless otherwise agreed in writing, no construction traffic or delivery vehicles shall enter or leave the site other than via the Cowley Bridge Road entrance.
Reason: In the interests of local amenity.
- 26) No development shall take place until a scheme for the external lighting has been submitted to and approved in writing by the LPA.
- 27) No development shall take place until a scheme for water conservation relating to the approved use has been submitted to and approved by the LPA. The scheme shall demonstrate a saving of at least 10% compared to a typical development of similar size and use.

RESOLVED that the listed building consent for the demolition of coach house, alterations to internal windows, doors, ceilings, walls, and extension to the north and west elevation to facilitate hotel and conference centre (Amendment to 08/0888/07 granted 12 July 2010 including modifications to bedroom wing) be **approved** subject to the following conditions:-

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
Reason: To comply with section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2) C15 - Compliance with 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 and the development shall not be started before their approval is obtained in writing and the materials used in the construction of the development shall correspond with the approved samples in all respects.
Reason: To ensure that the materials conform with the visual amenity requirements of the area.
- 4) No development shall take place within the site until a written scheme of archaeological work has been submitted 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. All works shall be carried out and completed as approved, 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.
- 5) Notwithstanding Condition 2 and unless otherwise agreed in writing, no work shall commence on site under this permission until details of the following have been submitted to and approved in writing by the Local Planning Authority:-
Full elevational and sectional details of the development to a scale of 1:20 and 1:5 to include details of:-
 - i) windows, cills, headers and reveals, including materials and fixing methods;
 - ii) all details of parapets, eaves, verges, rainwater goods, louvres, canopies and external doors.**Reason:** To ensure full details are submitted in the interest of establishing high quality in the design and external appearance of the development, and in the interests of the character and setting of this Grade II listed building.

(Report circulated)

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PLANNING APPLICATION NO.11/0895/03 - PORTLAND HOUSE, LONGBROOK STREET

Councillor Macdonald declared a personal interest as a Sustrans Volunteer Ranger and member of the RSPB.

Councillor Sutton declared a personal interest as a member of Devon Wildlife Trust and the RSPB.

Councillor Prowse declared a personal interest as a student landlord. Councillor Prowse then left for the remainder of the meeting.

The Development Manager presented the application for change of use of existing office accommodation and extension at 5/6 floors to provide 148 studio apartments for student occupation, retail and cafe/restaurant and associated disabled and cycle parking at Portland House, Longbrook Street, Exeter.

Members were advised that it was proposed to convert the majority of the lower ground floor to retail (Class A1) use with customer access from Longbrook Street. The remainder would be used for refuse storage and plant together with operational/disabled car parking to serve the proposed student accommodation. On the ground floor a cafe/restaurant was proposed fronting on to the junction, with the remainder of the ground floor being used to provide student accommodation, including the student entrance and reception area. The upper floors were proposed for student accommodation in the form of studio rooms. Revised drawings had been submitted which showed a reduction in the number of studios from 153 to 148 and communal space on the sixth floor.

Members were circulated with an update sheet giving details of revised drawings that had been received to address internal amenity concerns and revised wording to condition 4. The revisions were considered acceptable.

The recommendation was that the planning application be delegated to the Head of Planning and Building Control in consultation with the Chair and the Portfolio Holder for Sustainable Development and Transport to approve subject to a Section 106 agreement, conditions as set out in the report and amendment to condition 4.

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

- did not object to this proposal as it was in an area with mostly students and few residents
- did have concerns that this was the right development given claims in the local press that there were over 500 vacant student beds in the city
- would like to see a 24 hour student management plan.

Mr Rocke (agent) spoke in support of the application. He raised the following points:-

- the proposal was designed to blend into the skyline in particular the light grey render to be used on the top floor
- there had been no objection
- had taken advice that demonstrated that there was a need for student built accommodation; Exeter University was expecting a 8% rise in students this year.

In answer to Member's questions, Mr Rocke clarified that there would be a management plan and there was provision for bird and bat boxes.

During discussion Members raised the following points:-

- the need for on-site management
- a contribution towards Council Leisure facilities
- the building was too high.

RESOLVED that the application for change of use of existing office accommodation and extension at 5/6 floors to provide 153 studio apartments for student occupation, retail and cafe/restaurant and associated disabled and cycle parking be delegated to the Head of Planning and Building Control in consultation with the Chair and

Portfolio Holder to **approve** subject to the receipt and consideration of satisfactory revised proposals to address concerns about the amenity of occupants, and subject to the completion of a Section 106 legal agreement in relation to the issues set out in the report and to include a contribution towards Council Leisure Facilities and a Management Agreement and the following conditions:-

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C17 - Submission of Materials
- 4) A detailed scheme for landscaping, including planting, the use of surface materials and any walls and fences shall be submitted to the Local Planning Authority and no development shall take place until the Local Planning Authority have approved a scheme; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and any earthworks required together with the timing of the implementation of the scheme. The landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.
Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 5) C57 - Archaeological Recording
- 6) Construction/demolition work shall not take place outside the following times: 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.
Reason: In the interests of local amenity.
- 7) A Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development, and adhered to during the construction period. This should include details of monitoring and mitigation measures to control the environmental impact of the development during the construction and demolition phases, including site traffic and emissions of noise and dust. This should include details of the phasing and timing of work and measures that will minimise the impact of construction traffic on the local road network, including parking. The CEMP should contain a procedure for handling and investigating complaints.
Reason: In the interests of local amenity.
- 8) Before the use hereby permitted begins, a scheme for the installation of equipment to control the emission of fumes and smell from the premises shall be submitted to, and approved in writing by, the local planning authority and the approved scheme shall be implemented in full thereafter. All equipment installed as part of the scheme shall be operated and maintained in accordance with the manufacturer's instructions or as agreed in writing with the LPA.
Reason: In the interests of local amenity.
- 9) In order to protect future occupants of the development from ambient noise and air pollution and to prevent unacceptable noise emissions from plant associated with the development, the recommendations in the following reports should be implemented in full:
Alan Saunders Associates Noise Impact Assessment Report
AS6499.110506 dated 6 May 2011

WSP Ventilation Report 24590076 dated May 20011

Reason: In the interests of local amenity.

- 10) At the commencement of use of the development the Travel Plan shall be implemented in accordance with the terms and details approved by the Local Planning Authority.
Reason: To minimise the impact of the volume and character of traffic attracted to the site.
- 11) No part of the development hereby approved shall be brought into its intended use until the access, disabled car and cycle parking facilities have been provided and marked out in accordance with the requirements of this permission and retained for those purposes at all times.
Reason: To ensure that adequate facilities are available for the traffic attracted to the site.
- 12) No part of the development hereby approved shall be brought into its intended use until the existing access to Longbrook Street shall be effectively and permanently closed in accordance with details which shall previously have been submitted to, agreed and approved by the Local Planning Authority.
Reason: To minimise the number of redundant accesses on to the public highway, in the interest of public safety.
- 13) No development shall take place until a Wildlife Plan which demonstrates how the proposed development will be managed in perpetuity to enhance wildlife has been submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out entirely in accordance with the approved plan.
Reason: In the interests of protecting and improving existing, and creating new wildlife habitats.

In the event that the Section 106 agreement is not completed by 22 August 2011, authority be delegated to the Head of Planning and Building Control to refuse permission for the reason that inadequate provision has been made for the matters which were intended to be dealt with in the Section 106 agreement.

(In accordance with Standing Order no.43, Councillor Mrs Henson requested that her voted against this decision be recorded.)

(Report circulated)

71 **PLANNING APPLICATION NO.10/1840/01 - LAND OFF HILL BARTON ROAD**

Councillor Macdonald declared a personal interest as a Sustrans Volunteer Ranger and member of the RSPB.

Councillor Sutton declared a personal interest as a member of Devon Wildlife Trust and the RSPB.

The Head of Planning and Building Control presented the application for residential development with associated public open space, amenity space, infrastructure and landscaping with access from Hill Barton Road and pedestrian/cycle/emergency access only onto Green Park Avenue at land off Hill Barton Road, Exeter.

Members were informed that this application was almost identical to one that the Council had refused and subsequently was allowed at appeal. They were updated

on the appeal decision and the implications of this in respect of any possible S106 monies for education and community facilities.

Members were circulated with an update sheet giving details that the Highways Agency had directed that a condition was imposed on any permission requiring a travel plan. Whilst the Inspector on the previous appeal decision did not impose any such condition, the local planning authority must follow the Highways Agency's direction. Two additional objections had been received, both relating to access and highway safety matters which were dealt with in the main report.

The recommendation was to approve the application subject to a Section 106 agreement to include affordable housing, public open space, sustainable transport and car club contribution, the conditions as set out in the report and an additional condition as recommended by the Highway Agency.

During discussion Members raised concerns regarding the conflict between cars and cyclist/pedestrians on Hill Barton Road, limiting the number of houses to be built on this site and education and local community facilities contributions.

RESOLVED that the application for residential redevelopment with associated public open space, amenity space, infrastructure and landscaping with access from Hill Barton Road and pedestrian/cycle/emergency access only onto Green Park Avenue (all other matters reserved for future consideration) be **approved** subject a Section 106 agreement to include affordable housing, public open space, sustainable transport and car club contribution and the following conditions:-

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
Reason: To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
Reason: To ensure compliance with section 91 - 93 of the Town and Country Planning Act 1990.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
Reason: To ensure compliance with section 91 - 93 of the Town and Country Planning Act 1990.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: L01: Site Location Plan; and 20652/001/002: Proposed Highway Works, but only in respect of those matters not reserved for approval.
Reason: In order to ensure compliance with the approved drawings.
- 5) No development shall take place until details of foul drainage have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
Reason: To ensure compliance with section 91 - 93 of the Town and Country Planning Act 1990.
- 6) No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been

submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

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

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

- 7) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

- 8) The dwellings shall achieve Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.

Reason: In the interests of securing a sustainable development.

- 9) No development shall take place until details of how at least 10% of the energy supply of the development shall be secured from a decentralized renewable or low-carbon energy supply, including an implementation programme, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained in operation thereafter.

Reason: In the interests of securing a sustainable development.

- 10) No materials shall be brought onto the site and no development shall take place until details of all existing trees, shrubs and hedgerows on the land, and details of those to be retained, together with measures for their protection in the course of development, have been submitted to and approved in writing by the local planning authority. The protective measures shall be retained until the development is completed.

Reason: In the interests of protection of retained landscape features.

- 11) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with a programme first submitted to and approved by the local planning authority.

Reason: In the interests of securing the implementation of the landscaping.

- 12) Any trees or plants planted in accordance with the landscaping scheme for the site, approved by the local planning authority, which within a period of 5 years from the completion of the development die, are removed or become

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

Reason: In the interests of securing satisfactory long-term planting.

- 13) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the dwelling or use it serves is occupied or brought into use.

Reason: To ensure that satisfactory boundary treatments are secured.

- 14) No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

i) the parking of vehicles of site operatives and visitors;
ii) loading and unloading of plant and materials;
iii) storage of plant and materials used in constructing the development;
iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
v) wheel washing facilities;
vi) measures to control the emission of dust and dirt during construction;
vii) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
viii) a development programme including details of hours in which construction work will take place.

Reason: In the interests of local amenity.

- 15) C57 - Archaeological Recording

- 16) No development shall take place until a scheme for protecting the proposed dwellings and their gardens from commercial, road, railway, and aeroplane/airport noise has been submitted to and approved in writing by the local planning authority. The works which form part of the scheme shall be completed before the dwelling and garden they serve is first occupied and retained as such thereafter.

Reason: In the interests of local amenity.

- 17) No part of the development shall be occupied until details of an Information Pack providing details of the location and times of operation of local public transport, shopping and leisure facilities, has been submitted to and approved in writing by the Local Planning Authority. The Information Pack shall be issued to the incoming residents of each dwelling before first occupation, in accordance with the approved details.

Reason: In the interests of promoting sustainable movement around the city.

- 18) No development shall take place until details of all vehicular and pedestrian accesses, and highway works to serve the site, including a loop road linking the northern boundary, the southern boundary, and the principal access to the site, the means of conjoining the loop road with the access roads on adjoining sites, and a programme for its implementation, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and each individual vehicular and pedestrian access shall be completed before the dwelling they serve are first occupied.

Reason: In the interests of securing a development with satisfactory links to the adjoining land.

- 19) Development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions i) to iv) have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until condition iv) has been complied with in relation to that contamination.
- i) Site Characterisation: An investigation and risk assessment, in addition to any assessment already provided, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site.
- The contents of the scheme are subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR11'* and include:
1. a survey of the extent, scale and nature of contamination;
 2. an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments; and
 3. an appraisal of remedial options, and proposal of the preferred option(s).
- ii) Submission of Remediation Scheme: A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- iii) Implementation of Approved Remediation Scheme: The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority.
- iv) Reporting of Unexpected Contamination: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of i), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of ii), which is subject to the approval in writing of the local planning authority. Following completion of measures

identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with iii).

v) Long Term Monitoring and Maintenance: A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed with the local planning authority, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the local planning authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the local planning authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11'.

Reason: In the interests of long-term health and safety.

- 20) No development shall take place until a Wildlife Plan which demonstrates how the proposed development will be managed in perpetuity to enhance wildlife has been submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out entirely in accordance with the approved plan.

Reason: In the interests of protecting and improving existing, and creating new wildlife habitats.

- 21) A comprehensive Travel Plan will be implemented for the development hereby permitted. The Travel Plan shall be submitted and approved in writing by the Local Planning Authority (who shall both consult with the Local Highway Authority and Highways Agency acting on behalf of the Secretary of State for Transport), in advance of occupation of the development.

- the Travel Plan will need to be prepared in line with prevailing policy and shall include as a minimum
- the identification of targets for trip reduction and modal shift
- the methods to be employed to meet these targets
- the mechanisms for monitoring and review
- the mechanisms for reporting
- the penalties to be applied in the event that targets are not met
- the mechanisms for mitigation
- implementation of the Travel Plan to an agreed timescale or timetable and its operation thereafter

A review of the targets shall be undertaken within six months of the occupation of the development and on an annual basis thereafter, at the time of submission of the Annual Travel Plan Report.

Reason: In order that the development promotes public transport, walking and cycling, and limits the reliance on the private car.

(Report circulated)

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PLANNING APPLICATION NO.11/0787/01 - MILLBROOK VILLAGE (FORMER ST. LOYE'S COLLEGE), TOPSHAM ROAD

Councillor Macdonald declared a personal interest as a Sustrans Volunteer Ranger and member of the RSPB.

The Development Manager presented the outline application for the redevelopment of the southern part of the former St Loye's College site, to provide up to 63 dwellings along with children's play area, landscaping, associated roads, garaging,

car parking and bin and cycle stores, in place of 71 retirement dwellings approved under application 09/0832/01 at Millbrook Village, Topsham Road, Exeter.

Members were advised that this was an alternative scheme to the one approved at the June 2011 Planning Committee and was in response to the current economic climate.

Members were circulated with an update sheet advising that condition 12 relating to permitted development rights should be deleted as it was unnecessary at this stage and could be applied to any future reserved matters approval if appropriate. The applicant had provided further background information as to why the lower part of the site was now being considered for disposal to a private developer.

The recommendation was to approve the application subject to a Section 106 Agreement linking this proposal to the provisions of the previously agreed Section 106 agreement on the outline consent for the retirement village, and including the revised off-site affordable housing contribution and additional contributions in respect of education provision and future maintenance of the Exe Estuary SPA and the conditions as set out in the report.

The Development Manager advised that the provisions of the original Section 106 agreement would still stand and this would include the Extra Care Residential Home.

RESOLVED that the outline application for the redevelopment of the southern part of the site, including the demolition of structures, to provide up to 63 dwellings along with children's play area, landscaping, associated roads, garaging, car parking and bin and cycle stores, in place of 71 retirement dwellings approved under application 09/0832/01 be **approved** subject to a Section 106 Agreement linking this proposal to the provisions of the previously agreed Section 106 agreement on the outline consent for the retirement village, and including the revised off-site affordable housing contribution and additional contributions in respect of education provision and future maintenance of the Exe Estuary SPA and the following conditions:-

- 1) Approval of the details of the layout, appearance of the buildings, and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
Reason: To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
- 2) Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of five years from the date of the permission and the development hereby permitted shall be begun before the expiration of five years from the date of the permission, or before the expiration of two years from the date of the approval of the last of the reserved matters to be approved whichever is the later. The reserved matters application shall accord with the contents of the submitted Design and Access Statement dated April 2011.
Reason: To ensure compliance with section 91 - 93 of the Town and Country Planning Act 1990.
- 3) The development hereby permitted shall not be carried out otherwise than in accordance with the submitted details received by the Local Planning Authority on 4th May 2011 (*dwg. nos. TP-01 Rev B, 13, and TP-05 Rev B*), as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.

- 4) The development shall not begin until full details of drainage works have been submitted to and approved by the Local Planning Authority in writing.
Reason: To ensure the satisfactory drainage of the development.
- 5) Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority and the development shall not be started before their approval is obtained in writing and the materials used in the construction of the development shall correspond with the approved samples in all respects.
Reason: To ensure that the materials conform with the visual amenity requirements of the area.
- 6) C38 - Trees - Temporary Fencing
- 7) Prior to the commencement of the development a detailed phasing plan for the construction of the development, and laying out of the open space, shall be submitted to and be approved in writing by, the Local Planning Authority.
Reason: To ensure that the development is implemented in a logical and appropriate manner in the interests of the amenity of the area.
- 8) None of the dwellings/buildings hereby approved shall be brought into their intended use until the visibility splays, on-site parking, turning, loading and unloading facilities to serve those dwellings have been provided in accordance with the requirements of this permission. Thereafter the said facilities shall be permanently retained solely for those purposes at all times, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure that adequate facilities are available to cater for the traffic attracted to the site.
- 9) The development hereby approved shall not be commenced until details of all proposed boundary walls and fences have been submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be occupied until these have been provided in accordance with the approved details.
Reason: In the interests of the amenities of the area.
- 10) The development hereby approved shall be constructed in accordance with detailed drawings, which shall previously have been submitted to, and approved in writing by, the Local Planning Authority, showing the datum levels at which the development is to be constructed in relation to an agreed fixed point or O.S datum.
Reason: To ensure that the development is constructed at levels appropriate to the surroundings in terms of visual impact and relationship to adjoining properties.
- 12) C34 - Landscape Scheme - Outline
- 13) Prior to the commencement of the development hereby approved a timeframe for the implementation of the landscaping scheme approved as a subsequent reserved matter shall be submitted to, and be approved in writing by, the Local Planning Authority.
Reason: To ensure that the landscaping of the site is carried out within an appropriate timeframe in the interests of the character and visual amenity of the area.

14) Unless otherwise agreed in writing by the local planning authority, no development other than that required to be carried out as part of an approved scheme of remediation shall take place until Points 1 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the contamination to the extent specified in writing by the local planning authority until Point 4 has been complied with.

1. An investigation and risk assessment must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments; and

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11".

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

3. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development (other than development required to carry out remediation) unless otherwise agreed in writing by the local planning authority. The local planning authority must

be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority.

4. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition 6.1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Point 2, which is subject to the approval in writing of the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with Point 3.
5. A monitoring and maintenance scheme to include monitoring the long term effectiveness of the proposed remediation, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the local planning authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the local planning authority. This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11.

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

- 15) Prior to any works commencing on any phase of the development site, a Construction Environmental Management Plan (CEMP) relating to that phase shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall identify the steps and procedures that will be implemented to minimize the creation and impact of noise, vibration, dust, waste resulting from the site preparation and construction phases of development. Once approved the CEMP shall be adhered to at all times, unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interest of the environment of the site and surrounding areas.
- 16) No construction works shall take place and no deliveries taken at the site outside the following times: 8am – 6pm Monday to Friday, 8am – 1pm Saturday nor at any time on Sundays, Bank or Public Holidays.
Reason: In the interests of residential amenity.
- 17) No development shall take place until a Wildlife Plan which demonstrates how the proposed development will be managed in perpetuity to enhance

wildlife has been submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out entirely in accordance with the approved plan. The details submitted pursuant to this condition will be expected to include a Landscape and Biodiversity Management Plan as recommended in the submitted Ecological Appraisal, and incorporate the mitigation measures identified in Section % of the Ecological Appraisal.

Reason: In the interests of protecting and improving existing, and creating new wildlife habitats in the area.

- 18) Prior to commencement of the development a scheme using renewable or low carbon technology and generating a minimum 25% improvement in carbon emissions as measured via the SAP (Standard Assessment Procedure) for dwellings shall be submitted to, and be approved in writing by, the Local Planning Authority. The approved scheme shall be implemented before any of the dwellings are first occupied and shall thereafter be maintained so that it provides the required level of generation.

Reason: To ensure that the development contributes towards the achievement of sustainable development in accordance with guidance contained in PPS1 - Delivering Sustainable Development and PPS22 - Renewable Energy and that the scheme is developed in such a way as to reduce consumption of non-renewable energy sources and maximise energy efficiency in the interest of sustainable development.

- 19) Prior to the first occupation of any individual unit of residential accommodation comprised in the development a Green Travel Plan (including recommendations and monitoring/review arrangements) shall be submitted to, and be approved in writing by the Local Planning Authority. Thereafter the recommendations of the Travel Plan shall be implemented and monitored in accordance with the approved document.

Reason: In order that the development promotes public transport, walking and cycling and limits the reliance on the private motor car in the interests of sustainability.

(Report circulated)

73

PLANNING APPLICATION NO.11/0476/03 & CONSERVATION AREA CONSENT NO.11/0477/14 - KILMORIE HALL, PENNSYLVANIA ROAD

The Head of Planning and Building Control presented the planning application for redevelopment to provide two two storey buildings comprising six student cluster flats, parking and associated works and conservation area consent for demolition of buildings on the east boundary at Kilmorie Hall, Pennsylvania Road, Exeter.

The application site was in the Longbrook Conservation Area and the proposal sought the demolition of the outbuildings and redevelopment to provide two buildings accommodating 26 students in six cluster flats.

The recommendation was to approve the planning application and conservation area consent subject to the conditions as set out in the report.

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

- was the Local Ward Councillor
- the residents of Kingsgate had concerns that the development to the rear would cause overlooking, an increase in noise and anti social behaviour

- why had the Badger set stopped being used?
- as this accommodation was no longer managed by the University there should be a Section 106 Agreement to ensure there was a management agreement in place.

Mr Simons(agent) spoke in support of the applications. He raised the following points:-

- had written to all the Committee Members
- the previous lawn area would now be cycle storage and a rockery to address neighbours concerns regarding potential noise and overlooking
- wildlife issues had been addressed; the badger sett was no longer used although they would still be able to forage within the site once the development was complete
- would be well managed student accommodation
- asked Committee to support application.

In answer to a Member's question, Mr Simons clarified that the garden area adjacent to the boundary with Kingsgate was now a rockery area this was to discourage students from meeting there.

RESOLVED that the application for redevelopment to provide two two storey buildings comprising six student cluster flats, parking and associated works be delegated to the Head of Planning and Building Control be **approved** subject a Section 106 agreement for a student management agreement and 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 91-92 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 the 27 April 2011 and the 8 July 2011 (*dwg. no(s). 1785/10/602C, 1785/10/601B and 1785/10/600D*), 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 and the development shall not be started before their approval is obtained in writing and the materials used in the construction of the development shall correspond with the approved samples in all respects.
Reason: To ensure that the materials conform with the visual amenity requirements of the area.
- 4) Construction/demolition work shall not take place outside the following times: 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.
Reason: In the interests of protecting amenity of adjacent residential units.
- 5) Details of all building services plant, including sound power levels and predicted sound pressure levels at a specified location outside the building envelope, to be submitted to and approved in writing by the LPA. The predicted noise levels shall be submitted prior to commencement of the

development and shall be demonstrated by measurement prior to occupation of the development.

Reason: In the interests of protecting amenity of adjacent residential units.

- 6) Prior to the commencement of the development an assessment of the impact of all external lighting associated with the development shall be submitted to and approved in writing by the Local Planning Authority. The assessment should address the impact of the lights (including hours of use) on the nearest receptors. Thereafter the lighting shall be installed and maintained in accordance with the specifications within the assessment.
Reason: In the interests of protecting amenity of adjacent residential units.
- 7) A detailed scheme for landscaping, including the planting of trees and/or shrubs, the use of surface materials and boundary screen walls and fences shall be submitted to the Local Planning Authority and no development shall take place until the Local Planning Authority have approved a scheme; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and any earthworks required together with the timing of the implementation of the scheme. The landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.
Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 8) In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to become established and to prosper for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced with such live specimens of such species of such size and in such number as may be approved by the Local Planning Authority.
Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 10) No part of the development hereby approved shall be brought into its intended use until a basic Green Travel Plan to inform residents of the 'car free' status of the development and is to include operational transport, public transport routes and services, local and central shopping and leisure facilities in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority and reviewed at six monthly intervals.
Reason: To ensure that residents are aware of the 'car free' status of the development.
- 11) No part of the development hereby approved shall be occupied until the disabled parking and secure cycle parking facilities together with any means of access have been provided, surfaced and marked out in accordance with the requirements of this permission and retained for those purposes at all times.
Reason: To ensure that adequate facilities are available for the traffic attracted to the site.
- 12) No development shall take place until a Wildlife Plan which demonstrates how the proposed development will be managed in perpetuity to enhance wildlife has been submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out entirely in accordance with the approved plan.

Reason: In the interests of protecting and improving existing, and creating new wildlife habitats.

- 13) No materials shall be brought onto the site or any development commenced, until the developer has erected tree protective fencing around all trees or shrubs to be retained, in accordance with a plan that shall previously have been submitted to and approved in writing by the Local Planning Authority. This plan shall be produced in accordance with BS 5837:2005 - 'Trees in Relation to Construction'. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.

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

RESOLVED that the conservation area consent for demolition of buildings on east boundary be **approved** subject to the following conditions:-

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
Reason: To comply with section 18 of the Planning (Listed Buildings and Conservation Areas) 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 the 27 April 2011 and the 8 July 2011 (*dwg. no(s). 1785/10/602C, 1785/10/601B and 1785/10/600D*), as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 3) Construction/demolition work shall not take place outside the following times: 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.
Reason: In the interests of protecting amenity of adjacent residential units.
- 4) No materials shall be brought onto the site or any development commenced, until the developer has erected tree protective fencing around all trees or shrubs to be retained, in accordance with a plan that shall previously have been submitted to and approved in writing by the Local Planning Authority. This plan shall be produced in accordance with BS 5837:2005 - 'Trees in Relation to Construction'. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.

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

(Report circulated)

74

PLANNING APPLICATION NO.11/0620/03 - ELMSIDE HOUSE, ELMSIDE

Councillor Mrs Henson declared a personal and prejudicial interest as a member of the Conservative Party. She left the meeting for consideration of this item.

Councillor Newby declared a personal and prejudicial interest as a member of the Conservative Party. He left the meeting for consideration of this item.

Councillor Winterbottom declared a personal and prejudicial interest as a member of the Conservative Party. He left the meeting for consideration of this item.

The Development Manager presented the application for two semi detached dwellings, access to highway and associated works at Elmside House, Elmside, Exeter.

The site was currently used as car park for the Conservative Club and was in the Belmont Conservation Area. The proposal would result in the loss of 20 car park spaces, adequate parking would remain and there was residents parking in the adjacent streets

Members were circulated with an update sheet advising that under representations in the officer report it should read No 5 Elmside Close.

The recommendation was to approve the application subject to the conditions as set out in the report.

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

- a shed and garage were proposed to be adjacent to her garden
- had concerns that as the land to be developed was higher than her garden causing overlooking
- concern that because of the change in levels the development could cause her garden wall to subside.

In answer to Member's questions, Mrs Owen-Evans clarified that she had not had any contact from the developer; was worried that the foundations of the shed/garage would cause damage to the retaining wall; and that the dwellings would be used as HMO's.

The Development Manager stated that the application was for residential properties.

Mr Dent (Architect) spoke in support of the application. He raised the following points:-

- was the agent/architect
- his client had not yet purchased the land
- would work with the objector to overcome her concerns
- these were family houses
- all the drainage would be directed out to the front of dwellings
- the boundary would be covered by the Party Wall Act
- the garden shed would be on slabs and timber frame with low eaves so as not to overshadow the objectors garden.

RESOLVED that the application for two semi detached dwellings, access to highway and associated works be **approved** subject to the following conditions:-

- 1) C05 - Time Limit - Commencement
- 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 6 April 2011 (dwg. no. J284/02 and Design and Access Statement), 2 June 2011 (dwg. nos. J284/03 Rev. A and J284/04 Rev. A), 1 July 2011 (dwg. no. J284/05 Rev. B) and 8 July 2011 (contents of e-mail from Mr Chris Dent and dwg. no. J284/06), as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 3) C17 - Submission of Materials
- 4) Notwithstanding the provisions of the Town and Country Planning General Development Order 1995 or any Order revoking and re-enacting that Order, no extension, garages or other development shall be carried out within the curtilage of the dwelling(s) without the formal consent of the Local Planning Authority.
Reason: In order to protect the visual and residential amenities of the surrounding area and to prevent overdevelopment.
- 5) Notwithstanding condition no. 2, no work shall commence on site under this permission until full details of the following have been submitted to, and approved in writing by, the Local Planning Authority:-
 - i) all boundary treatments;
 - ii) windows and doors; and
 - iii) the precise location, design and size of the solar panels on the rear roof slope of the dwellings.The works shall thereafter be carried out in accordance with these approved details.
Reason: Insufficient information has been submitted with the application and in the interests of visual amenity.
- 6) Notwithstanding Condition 2, no development shall take place until further details have been submitted to, and approved in writing by, the Local Planning Authority demonstrating how this scheme can maximise wildlife opportunities on the site, specifically through incorporating swift boxes into the fabric of the buildings. The development shall thereafter be carried out in accordance with these agreed details.
Reason: To ensure wildlife opportunities are maximised and in the interests of biodiversity.
- 7) C35 - Landscape Scheme
- 8) C37 - Replacement Planting
- 9) Before the development hereby approved is brought into use the proposed windows on the west elevation of Dwelling A shall be permanently glazed with obscure glass to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent, and thereafter so maintained. Furthermore, no new windows or other openings shall be inserted in this elevation.
Reason: To protect the amenities of the adjoining property.

- 10) No construction works shall take place and no deliveries taken at the site outside the following times: - 8am – 6pm Monday to Friday, 8am – 1pm Saturday nor at any time on Sundays, Bank or Public Holidays.
Reason: In the interests of residential amenity.
- 11) No part of the development hereby approved shall be occupied until the access to Elmside and off-street parking facilities have been provided in accordance with the requirements of this permission and retained for those purposes at all times.
Reason: To ensure that adequate facilities are available for the traffic attracted to the site.
- 12) The garages hereby approved shall be used solely for the storage of private vehicles and shall not be used in connection with any trade or business.
Reason: To control the character, and to minimise the volume, of traffic attracted to the site.
- 13) No part of the development hereby approved shall be commenced until adequate areas have been made available within the site to accommodate plant, materials and operatives' vehicles during the construction period in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority. These areas shall be retained for these purposes during the construction period.
Reason: In the interests of public safety and to minimise obstruction of, and damage to, the adjacent highway.
- 14) No part of the development hereby approved shall be occupied until the bicycle storage facilities in the proposed shed (Dwelling A) and garage (Dwelling B) have been provided in accordance with the requirements of this permission and retained for those purposes at all times.
Reason: To ensure that adequate bicycle storage facilities are available to future occupiers of the dwellings and in the interests of encouraging sustainable forms of transport.
- 15) Notwithstanding the provisions of Schedule 2, Part 3, Class I of the Town and Country Planning General Development Order 1995 (as amended), no change of use from dwellings (Class C3) to Houses in Multiple Occupation (Class C4) shall take place until planning permission has first been sought from, and granted by, the Local Planning Authority.
Reason: In the interests of maintaining a balanced community.
- 16) The shed hereby approved in the rear garden of Dwelling A shall not be erected unless the proposed guttering and attached water butt are also installed and retained permanently in situ for the purposes of collecting surface run-off from the shed roof.
Reason: In the interests of neighbouring residential amenity.
- 17) Notwithstanding Condition 2, no development shall take place until a revised bin storage scheme has been submitted to, and approved in writing by, the Local Planning Authority, which ensures that the facility has a limited visual impact in the street scene. The bin store shall thereafter be provided in accordance with these approved details.
Reason: In the interests of visual amenity.

(Report circulated)

**PLANNING APPLICATION NO.11/0860/38 - FORMER SPEEDWAY GARAGE, 63
COWICK STREET**

Councillor Bialyk declared a personal interest as a member of St Thomas Social Club.

The Development Manager presented the planning application for extension to extant planning permission for a mixed-use development comprising 2 retail outlets and 7 self-contained flats, covered and uncovered parking, access to highway and associated works at former Speedway Garage, 63 Cowick Street, Exeter.

Members were advised that in respect of applications for renewals the Government had produced guidance which encouraged the Local Planning Authority to take a positive and constructive approach to ensure that appropriate and sustainable development continue to be promoted. It did however comment that that any change to adopted policy since the time of the original approval should be treated a material consideration. Since the scheme's original approval in 2008 the Council had adopted the Residential Design Supplementary Planning Document (SPD). This application was broadly compliant with the SPD.

The recommendation was to approve the application subject to the conditions as set out in the report.

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

- would like to see this permission implemented
- was in a high visible part of Cowick
- as there had been an increase in the number of dwellings in the area since the original permission the Council should request a contribution of £1,500 towards traffic managements measures.

During discussion Members raised the issue of Section 106 monies towards traffic management in the area.

The Development Manager advised that a pragmatic view should be taken with regards to monies towards traffic calming measures and that he would approach the applicants to seek a contribution of £1,500 for a traffic order.

RESOLVED that the application for extension to extant planning permission for a mixed-use development comprising 2 retail outlets and 7 self-contained flats, covered and uncovered parking, access to highway and associated works (Extension of time for extant planning permission Ref No. 08/1052/03 granted 01 08 2008) be **approved** subject to the following conditions:-

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
Reason: To ensure compliance with sections 91-92 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 6 June 2008 (dwg no. P 1675-100 A) & 16 July 2008 (P 1675101 B; P 1675-102 A & P 1675-103 A), 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 and the development shall not be started before their approval is obtained in writing and the materials used in the construction of the development shall correspond with the approved samples in all respects.
Reason: To ensure that the materials conform with the visual amenity requirements of the area.
- 4) The commercial premises to which this permission relates shall not be open to or used by any member of the public after 11pm on any evening.
Reason: In the interests of residential amenity.
- 5) No development shall take place within the site until a written scheme of archaeological work has been submitted 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. All works shall be carried out and completed as approved, 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.
- 6) No development shall take place on site until a full survey of the site has taken place to determine the extent of contamination of the land and the results together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. The building(s) shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that the site is in such a condition as to be suitable for the proposed use.
Reason: In the interests of the amenity of the occupants of the building(s) hereby approved.
- 7) No part of the development hereby approved shall be occupied/brought into its intended use until the access to Old Vicarage Road, off-street parking facilities, loading and unloading have been provided, surfaced and marked out in accordance with the requirements of this permission and retained for those purposes at all times.
Reason: To ensure that adequate facilities are available for the traffic attracted to the site.
- 8) No part of the development hereby approved shall be occupied/brought into its intended use until the footway, including reinstatement of existing accesses on the Cowick Street and Old Vicarage Road frontages shall have been provided in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority.
Reason: In the interest of public safety and to ensure that adequate facilities are available for the traffic attracted to the site.
- 9) 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 during the construction period in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority.

Reason: In the interests of public safety and to avoid obstruction of and to the adjoining highway.

10) Notwithstanding condition no.2, no work shall commence on this site under this permission until full details have been submitted to and approved in writing by the Local Planning Authority and the following shall thereafter be provided in accordance with such details:

(a) windows to include materials, means of opening, reveals, cills and headers;

(b) external doors;

(c) rainwater goods;

(d) lighting;

(e) hours of construction

(f) parking area surfacing

(g) mechanical extract ventilation scheme

Reason: Insufficient information has been submitted with the application and in the interests of visual amenity.

(Report circulated)

76 **PLANNING APPLICATION NO.11/0813/03 - FORMER SPEEDWAY GARAGE, 63 COWICK STREET**

Councillor Bialyk declared a personal interest as a member of St Thomas Social Club.

The Development Manager presented the application for mixed use development comprising 244 sq m of commercial floor space, 7 self contained flats, 6 courtyard houses, parking court and associated works at the former Speedway Garage, 63 Cowick Street, Exeter.

Members were circulated with an update sheet giving details of revised plans from the agent which sought to address the concerns raised in the Committee Report regarding the rear parking court and poor level of amenity space for future residents. The agents considered that their scheme complied with the requirements of the Environment Agency.

Members were advised that whilst the principle of the use and the contemporary design approach was welcomed there were concerns regarding the amenity of the townhouses to the rear and the domination of this area by car parking. Although revised plans had been submitted by the agents these had not addressed officers concerns regarding the rear parking court and poor level of amenity space.

The recommendation was to refuse the application subject to the reason as set out in the report.

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

- the Police Architectural Liaison Officers had concerns regarding the open stairways attracting anti social behaviour; these should be secure
- if approved should ensure that there was adequate refuse storage
- Western Area Working Party Members felt that it was over development
- would over look St Thomas Medical Practice causing a privacy issue
- was over development of the site and should be refused.

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

- had lived in St Thomas for 48 years
- was a village like community in the area
- past 5 years there had been a lot of development in the area causing an increase in traffic and people
- local back roads were becoming 'rat runs'
- the site as it was helped to create a feeling of space
- accepted that the area would be developed but careful consideration was needed
- asked that there were no more takeaways or off-licences.

Mr Eaton (Architect) spoke in support of the application. He raised the following points:-

- had submitted revised plans to move some car parking away from the town houses
- houses did have adequate amenity space and roof top gardens
- the roof top gardens would not cause overlooking; they would have distance views
- on this site it was a balance to achieve quality and viability
- this was high quality scheme in an urban location
- asked Committee to approve the application.

In answer to Members questions, Mr Eaton clarified that in response to the Police Architectural Liaison Officer's comments the staircase would be gated and as the court yard would be overlooked he considered it to be safe; the roof gardens would have screens to the rear; although the houses were not dual aspect they would have plenty of light and glazed staircases; the properties would be well insulated so as to prevent noise from the adjacent Social Club; there would be communal planting boxes although the roof top terraces would be by individual residents.

Whilst some Members welcomed the modern design of the development, other Members had concerns regarding the overdevelopment of the site, poor amenity space and the domination of car parking to the rear.

RESOLVED that the application for mixed use development comprising 244 sq m of commercial floor space, 7 self contained flats, 6 courtyard houses, parking court and associated works be **refused** subject to the following reason:-

- 1) The proposal would be contrary to Policies ST1, CO6 and CO7 of the Devon Structure Plan 2001 – 2016, Policies C1 and DG1 of the Exeter Local Plan First Review 1995 to 2011 and Residential Design Supplementary Planning Document because:
 - i) it constitutes an overdevelopment of a constrained site which would provide a poor residential environment for future occupiers as it would providing inadequate amenity space provision, in terms of both amount and quality of communal and private open space, to serve the occupants of the proposed residential units; and
 - ii) the dominating of the hardstanding with the rear courtyard would be unsympathetic with, and detrimental to, the character and appearance of this established residential area and Cowick Street Conservation Area

(Report circulated)

**PLANNING APPLICATION NO.11/0898/38 - LAND ADJACENT TO MACLAINES
WAREHOUSES, HAVEN ROAD**

Councillor Denham declared a personal and prejudicial interest as a member of Exeter Canal and Quay Trust. She left the meeting during consideration of this item.

Councillor Edwards declared a personal and prejudicial interest as a member of Exeter Canal and Quay Trust. He left the meeting during consideration of this item.

Councillor Winterbottom declared a personal and prejudicial interest as a member of Exeter Canal and Quay Trust. He left the meeting during consideration of this item.

The Head of Planning and Building Control presented the extension to extant planning consent for a three storey building to provide restaurant (Class A3) on the ground floor and twelve self-contained flats on the first and second floor levels and associated works at land adjacent to Maclaines Warehouses, Haven Road, Exeter.

Members were advised of the National Government Guidance in respect of extension of time applications and since the scheme's original approval in 2008 the Council had adopted the Residential Design Supplementary Planning Document (SPD). Although the units failed to meet the space standards criteria as required by the adopted Residential Guide, Government Guidance recognised that the viability of the overall scheme was a material consideration when determining applications.

Members were circulated with an update sheet giving details of a letter received from the applicant raising concern about the viability of the project if the number of units was reduced to comply with the requirements of the Residential Guide Supplementary Planning Document.

The recommendation was to delegate to the Head of Planning and Building Control to approve the application subject to receipt of confirmation of the flood modelling scheme acceptance by the Environment Agency, the completion of a supplementary deed linking this application to the original Section 106 Agreement in respect of the provision of affordable housing, financial contribution to highway works, traffic orders, public realm and public art in the area and the conditions as set out in the report.

Mr Whitehead spoke against the application. He circulated photographs to Members, he raised the following points:-

- objected to the renewal of this application
- there was no commercial need for another restaurant in the area
- would lose valuable open space and obscure views between the river and canal
- was too large a building for the area
- application should be refused.

In answer to Member's questions, Mr Whitehead clarified the following:-

- lived at 4 Colleton Crescent
- was representing views of some neighbours
- the area was a quiet early in the evening and he did not feel there was a need for any further restaurants on the Piazza
- the Piazza got noisy later at night when people left bars and nightclubs.

Whilst some Members welcomed the renewal and chance to regenerate the area, other Members were of the opinion that the proposed building was too large and as the internal floor space of the flats did not meet the Council's requirements of the

Residential Guide Supplementary Planning Document, the application should be refused.

RESOLVED that the application for extension to extant planning consent for a three storey building to provide restaurant (Class A3) on ground floor and twelve self-contained flats on first and second floor levels and associated works (Extension of time for extant planning permission Ref No. 06/2496/03 granted 12 06 2008) be delegated to the Head of Planning and Building Control to **approve** subject to receipt of confirmation of the flood modelling scheme acceptance by the Environment Agency, the completion of a supplementary deed linking this application to the original Section 106 Agreement in respect of the provision of affordable housing, financial contribution to highway works, traffic orders, public realm and public art in the area and the following conditions:-

- 1) The development to which this permission relates must be begun not later than the expiration of 18 months beginning with the date on which this permission is granted.
Reason: To ensure compliance with sections 91-92 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 24 November 2006 (SD 03; SD 25; SD 26; SD 27; SD 28 SD 29; SD 30; SD 31; SD 32 & SD 33) 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 and the development shall not be started before their approval is obtained in writing and the materials used in the construction of the development shall correspond with the approved samples in all respects.
Reason: To ensure that the materials conform with the visual amenity requirements of the area.
- 4) The development shall not begin until full details of drainage works have been submitted to and approved by the Local Planning Authority in writing.
Reason: To ensure the satisfactory drainage of the development.
- 5) No development shall take place within the site until a written scheme of archaeological work has been submitted 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. All works shall be carried out and completed as approved, 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.
- 6) Notwithstanding condition no.2, no work shall commence on this site under this permission until full details have been submitted to and approved in writing by the Local Planning Authority and the following shall thereafter be provided in accordance with such details:
 - (a) windows to include materials, means of opening, reveals, cills and headers;
 - (b) external doors;
 - (c) rainwater goods;
 - (d) lighting;

- (e) boundary treatment; and
- (f) refuse storage;
- (g) hours of construction and location of site compound.

Reason: Insufficient information has been submitted with the application and in the interests of visual amenity.

- 7) No development shall commence until details of the works to be carried out in association with the adopted Canal Basin Public Realm Plan have been submitted to and approved by the Local Planning Authority and there after carried out in accordance with the approved details.

Reason: To accord with the requirements of the Public Realm Plan and in the interests of visual amenity.

- 8) The restaurant use hereby approved shall not be carried on other than between the hours of 0900 hrs and 2400 hrs.

Reason: So as not to detract from the amenities of the near-by residential property.

- 9) No buildings, plant or machinery shall be erected on the roof of the building hereby approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

- 10) No development shall commence until a Wildlife Plan has been submitted to and approved by the Local Planning Authority which demonstrate how the fabric of the building has been adapted to allow for breeding bats and birds. Following the written approval of the Wildlife Plan by the Local Planning Authority the recommendations shall be undertaken in accordance with the approved details.

Reason: In the interests of improving wildlife habitats in the area.

- 11) No development shall commence until full details of the ventilation/extraction equipment has been submitted to and approved in writing by the Local Planning Authority and thereafter provided in accordance with such details.

Reason: Insufficient information has been submitted with the application and in the interests of visual amenity.

- 12) Prior to the bringing in use of the development hereby permitted one bat box/roosting area and one bird box/cavity shall be provided within the building in accordance with details that have previously been agreed in writing by the Local Planning Authority.

Reason: In the interests of improving wildlife habitats in the area.

- 13) C70 - Contaminated Land

(Report circulated)

78

**PLANNING APPLICATION NO.11/0973/03 - THE EXEBRIDGE CENTRE,
COWICK STREET**

Councillor P J Brock declared a personal interest as a Member of Devon County Council.

The Head of Planning and Building Control presented the application for change of use of the round floor of approved units from shops to shops and/or cafe/restaurant at the Exebridge Centre, Cowick Street, Exeter.

Members were circulated with an update sheet giving details of a request from the agent to change the proposed hours of opening from 09.00 to 23.00hrs each day as the 11.30 to 22.00hrs proposed was considered too restrictive and would provide an unreasonable constraint on any future restaurant business.

The recommendation was to approve the application subject to the conditions as set out in the report with an amendment to condition 2 to allow the opening from 09.00 to 23.00hrs.

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

- had no objection to the change of use
- concern regarding the commitment to provide the library
- asked for a condition to ensure that the library was provided
- the original application for a library was in 2009 and it still had not been provided.

During discussion Members raised concerns regarding Devon County Council's commitment to provide the library.

The Head of Planning and Building Control confirmed that the planning approval for the building restricted the use of the upper floor for library use.

RESOLVED that the application for change of use of ground floor of approved units from shops to shops and cafe/restaurant be delegated to the Head of Planning and Building Control to **approve** following discussions with Devon County Council regarding further information into the future of the library and subsequently briefing Members and the following conditions:-

- 1) C05 - Time Limit - Commencement
- 2) The use hereby approved shall not be carried on other than between the hours of 09.00 and 23.00 hours on any day.
Reason: So as not to detract from the amenities of the near-by residential property.
- 3) The use shall not be commenced until the details shown on the approved plans full details of the proposed flues including size, height and position in relation to the roof plane (by way of a cross-sectional drawing) shall have been submitted to and agreed in writing by the Local Planning Authority prior to insertion.
Reason: To protect and preserve the character of the area.
- 4) C69 - Mechanical Ventilation
- 5) The area identified for outside seating shall not be used until full details of the proposed tables, chairs, umbrellas or any other street furniture associated with the use of the pavement cafe/restaurant area have been submitted to and agreed in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details. No other area around the building shall be used for outside seating unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of visual amenity.

(Report circulated)

79

PLANNING APPLICATION NO.11/1002/26 - FORMER RENWICKS GARAGE, 13 MARSH BARTON ROAD

The Development Manager presented the Devon County Council consultation for the change of use from car showroom to waste transfer - increasing the height of building, re-cladding, renovating and refurbishment at the former Renwicks Garage, 13 Marsh Barton Road, Exeter.

The recommendation was that the City Council raise no objection to the proposed application subject to the production of a comprehensive landscape plan to all frontages of the site and in particular incorporating significant tree planting and improved fencing details to the Marsh Barton Road frontage to reduce the impact of the proposed new building, the provision of additional cycle parking, a condition requiring a contamination survey, a noise survey and hours of operation in respect of demolition and construction.

RESOLVED that the City Council raise **no objection** to the proposed application subject to the production of a comprehensive landscape plan to all frontages of the site and in particular incorporates significant tree planting and improved fencing details to the Marsh Barton Road frontage to reduce the impact of the proposed new building, the provision of additional cycle parking, a condition requiring a contamination survey, a noise survey and hours of operation in respect of demolition and construction.

(Report circulated)

80

PLANNING DECISIONS TAKEN UNDER DELEGATED POWERS AND WITHDRAWN APPLICATIONS

The report of the Head of Planning and Building Control was submitted.

RESOLVED that the report be noted.

(Report circulated)

81

ENFORCEMENT PROGRESS REPORT

The Head of Planning and Building Control presented the report updating Members on enforcement matters. Members were advised that the appeal on 21-25 Magdalen Road had been dismissed and the appeal at 6 Trusham Road had been allowed.

RESOLVED that the report be noted.

(Report circulated)

82

APPEALS REPORT

The Head of Planning and Building Control presented the schedule of appeal decisions and appeals lodged.

RESOLVED that the report be noted.

(Report circulated)

SITE INSPECTION PARTY

RESOLVED that the next Site Inspection Party will be held on Tuesday 23 August 2011 at 9.30 a.m. The Councillors attending will be Edwards, Macdonald and Newby.

(The meeting commenced at 5.30 pm and closed at 10.05 pm)

Chair

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PLANNING COMMITTEE

Monday 5 September 2011

Present:-

Councillor Bialyk (Chair)
Councillors Macdonald, P J Brock, Clark, Denham, Edwards, Mrs Henson, Mrs J Morrish, Prowse, Spackman, Sutton and Winterbottom

Also Present

Director Economy and Development, Head of Planning and Building Control, Development Manager, Planning Solicitor and Member Services Officer (SJS)

84

DECLARATIONS OF INTEREST

Members declared the following personal interests:-

COUNCILLOR	MINUTE
Councillor Macdonald	86 (member of Sustrans)
Councillor Prowse	86 (Student landlord) 87 (Student landlord)

85

PLANNING APPLICATION NO.11/1311/03 - ROYAL DEVON & EXETER HOSPITAL, BARRACK ROAD, EXETER

The Head of Planning and Building Control advised that the application for the demolition of existing Postgraduate centre building and redevelopment to provide a Research, Innovation, Learning & Development (RILD) centre over 4 storeys with associated landscaping and enclosed roof top plant at the Royal Devon and Exeter Hospital, Barrack Road, Exeter would be deferred until the Planning Committee on 3 October 2011 to allow for the consultation period to expire.

RESOLVED that the planning application be deferred to allow for the consultation period to expire.

(Report circulated)

86

PLANNING APPLICATION NO. 11/0959/03 - KINGFISHER HOUSE/STAG HOUSE, WESTERN WAY, EXETER

Councillor Macdonald declared a personal interest as a member of Sustrans.

Councillor Prowse declared a personal interest as a student landlord.

The Development Manager presented the application for redevelopment to provide student accommodation of 179 rooms including concierge studio, access to highway and associated works at Kingfisher House/Stag House, Western Way, Exeter.

Members were informed of the main objections raised which included the creation of an imbalance in the local community; pressure on local facilities, in particular Belmont Park and Clifton Hill Sports Centre; the privacy of the residents in the

adjacent Fountain House; noise and disturbance; and the design, scale and massing of the scheme.

The Development Manager advised Members of the Supplementary Planning Guidance relating to the expansion of the University which included favouring city centre locations; the proposed Section 106 agreement had provision for monies towards local community facilities; the relationship to adjacent properties was considered acceptable, the windows in the flats of Fountain House that looked on to the proposal were bedrooms, a kitchen and bathroom; condition 13 would control the hours of construction; and the design and scale respected that of the buildings in the area and was 1.5 metres lower than the recommended maximum height limit of 17 metres in the Grecian Quarter Heights Constraints Analysis.

Members were circulated with an update sheet giving details of proposed cycle parking, restricted parking distance for student tenants, the negotiations regarding the Section 106 contributions and a letter of objection from the developers of the adjoining scheme.

The recommendation was to approve the application subject to the satisfactory outcome of negotiations regarding Section 106 contributions, the completion of a Section 106 Agreement and conditions as set out in the report.

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

- the height and scale would have a negative impact on distant views
- the Area Working Party and Site Inspection Party had raised concerns
- an application for 23 students was refused on this site in 2009
- Environmental Health recommended a condition regarding land contamination: this should be more than just a desk top study
- the Public Consultation was inadequate being held at the Phoenix Centre; there were only four written comments; the exhibition should have been held in the ward; Ward Councillors and local residents were not informed of the consultation
- with recent approved developments; there would now be an over concentration of students in the area and there could be more in the future with possible development at Exeter City Football Ground
- this was an edge of city centre location, not city centre, therefore the Supplementary Planning Guidance on location of student accommodation did not apply
- would result in a loss of retail space and jobs
- would put pressure on local community facilities including Belmont Park and Hut and Clifton Hill Sport Centre
- Mr Harrison, in his objection, letter had raised concerns regarding the developer's lack of financial contributions towards local facilities, particularly as students use Belmont Park and other developer's of student accommodation in the area had recognised this and contributed
- had been contacted by the developer of Townsends who objected and had concerns that there was not a robust management plan which could reflect badly on their development if there were issues of anti social behaviour
- was there a need for more student accommodation? as not all the purpose built accommodation on the campus was occupied
- this application would cause loss of retail space and employment land; was too high and would be an eyesore on the skyline; had no covered cycle parking; the developer had not taken account of local residents concerns; there had not been a robust public consultation; the lack of objection letters indicated apathy and lack of faith in the Council by local residents.

In answer to a Member's question, Councillor Branston clarified that he had not received an invitation to attend the public consultation.

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

- lived in Belmont Road
- this type of student accommodation was not necessary as students could not afford it
- already too much purpose built accommodation in the City
- there was a need for general housing
- this site would be suitable for housing for the elderly
- the buildings had no architectural merit; it was bland and too dense
- it would dominate the area and enclose the street scene.

In answer to a Member's question, Mr Palmer clarified that he did not know about the public consultation.

Mr Lees (Architect) spoke in support of the application. He raised the following points:-

- had been working with officers for four months to put together an acceptable scheme
- had taken on board concerns of the Area Working Party and reduced the scale of the scheme
- the Supplementary Planning Guidance clearly stated that city centre locations were preferable for purpose built student accommodation
- the height was 1.5 metres below that recommended in the Grecian Quarter Heights Constraints Analysis
- the design was in keeping with the proposal on the Townsend site
- there would be full time management on site with a 24 hour concierge
- accommodation would be available to second and third year students therefore freeing up housing for local families
- there would be a gym and library on site
- the Section 106 agreement required a contribution towards local community facilities
- was a quality scheme and in sympathy with the adjacent buildings.

In answer to Members' questions, Mr Lees clarified the following:-

- had undertaken a four day consultation at the Phoenix and had advertised it in the Express and Echo and by way of a poster on the Townsend building
- there would be a management plan in place and an on site 24 hour concierge
- adhered to the Council's Supplementary Planning Guidance for student accommodation in city centre locations
- could cover the cycle storage
- would take advice from the Highway Authority with regards to the need for time slots for the dropping off and picking up of students at the start and end of term.

The Development Manager stated that condition nine would cover the details of cycle storage.

The Head of Planning and Building Control outlined to Members the principles of the Supplementary Planning Guidance relating to expansion of the University which had been adopted in 2007.

During discussion Members raised the following points:-

- students want to live in the community not purpose built units
- the public consultation was inadequate
- did it fit in with the Exeter Vision for the future?
- need to keep pace with the students coming to the City and free up family homes
- the Ward Councillors were not aware of the consultation
- only a minority of students caused problems
- 179 bed spaces would free up housing for local families
- should be a residential development
- the proposed building was too high
- students do bring their cars to the City
- concerns that there were no Section 106 monies towards a Traffic Order
- would cause over concentration of students in the area
- the Section 106 contribution towards cycle link improvements should be re-allocated; should be more monies towards community facilities in the area.

The Development Control Manager confirmed that the Council had notified 350 local residents, put sites notices up and advertised in the Express and Echo.

Members raised concerns regarding the usefulness of the Section 106 monies towards cycle link improvements and that the applicant was not contributing adequate monies towards local community facilities.

RESOLVED that the application for re-development to provide student accommodation of 179 rooms, concierge studio, access to highway and associated works at Kingfisher House/Stag House, Western Way, Exeter be delegated to the Head of Planning and Building Control in consultation with the Chair and the Local Ward Members to **approve** subject to the satisfactory outcome of negotiations regarding Section 106 contributions including an increase in the figure for community facilities originally sought by officers, the completion of a Section 106 Agreement and the following conditions:-

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C17 - Submission of Materials
- 4) C35 - Landscape Scheme
- 5) C37 - Replacement Planting
- 6) C57 - Archaeological Recording
- 7) C70 - Contaminated Land
- 8) 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 (LPA)) shall be carried out until the developer has submitted, and obtained written approval from the LPA for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.
Reason: In the interests of the amenity of the occupants of the buildings hereby approved and to prevent groundwater pollution.

- 9) No part of the development hereby approved shall be brought into its intended use until the disabled car parking space and the cycle parking facilities indicated on drawing no. 1041-SK101, have been provided and made available for use of the occupants. Prior to the commencement of the development details of the storage systems for all the cycle parking, and a means of cover to the cycle parking spaces located between the gable of Fountain House and the new building, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the said facilities shall be installed in accordance with these details and be permanently retained and made available for their intended use unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure that adequate provision is made for parking facilities to serve the development and to encourage travel by sustainable means in accordance with Local Plan policy T3.
- 10) No part of the development hereby approved shall be brought into its intended use until a Green Travel Plan in respect of the development has been implemented in accordance with details that shall previously have been submitted to and approved in writing by, the Local Planning Authority. Within 3 months of the first occupation of any part of the development, and at periods not exceeding 12 months thereafter, a responsible person shall be appointed to update and circulate amendments to the Travel Plan with a view to implementing and encouraging sustainable modes of transport.
Reason: To ensure that a Green Travel Plan is implemented and updated in the interests of promoting the use of sustainable travel choices by occupants of the building.
- 11) Prior to the commencement of the development a scheme for the installation of swift nesting boxes, specifying the number, type, position and timing of the installation of the boxes, shall be submitted to, and be approved in writing by, the Local Planning Authority. Thereafter the development shall be completed in accordance with the approved details.
Reason: To ensure that the opportunity to enhance the ecological contribution of the site is maximised in accordance with the advice of the Royal Society for the Protection of Birds.
- 12) Prior to the commencement of the development a detailed risk assessment with regard to the potential presence of unexploded ordnance on the site, in accordance with the requirements of CIRIA C681 " Unexploded Ordnance (UXO) - A Guide for the Construction Industry" Risk Management Framework shall be submitted to the Local Planning Authority. The report shall describe how and what measures will be implemented to eliminate the risk, including copies of any documentary procedures developed.
Reason: In order to ensure that the potential risk in relation to unexploded ordnance on the site is fully appraised and if necessary mitigated to minimise the risk to the public and property in the area.
- 13) Construction/demolition work shall not take place outside the following times; 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.
Reason: In the interest of residential amenity
- 14) Prior to the first occupation of the accommodation hereby approved all boundary treatments shall be erected strictly in accordance with the detailed drawings hereby approved.

Reason: In the interests of the character and appearance of the area and to provide appropriate defensible space between the buildings and the public realm.

- 15) The development hereby approved shall not commence until details of the proposed finished floor levels and overall heights of the buildings, in relation to an agreed fixed point or O.S datum have been submitted to, and been approved in writing by, the Local Planning Authority.

Reason: In the interests of the visual amenities of the area and the residential amenities of the occupants of surrounding properties.

- 16) Prior to the commencement of the development a scheme for protecting the proposed development from noise shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the finalised structural and glazing design for all facades and where possible be compared to octave or third octave band noise levels to demonstrate the internal levels which will be achieved. Comparison should also be made to Lmax data where available. Thereafter the scheme shall be completed in accordance with the approved details prior to first occupation.

Reason: To ensure that appropriate provisions are incorporated into the design of the building to minimise the impact of existing noise on potential occupants of the buildings.

- 17) A Construction and Demolition Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development, and adhered to during the construction period. This should include details of the monitoring and mitigation measures to control the environmental impact of the development during the construction and demolition phases, including site traffic and emissions of noise and dust. This should include details of the phasing and timing of work and measures that will minimise the impact of construction traffic on the local road network, including parking. The CEMP should contain a procedure for handling and investigation complaints as well as provision for regular meetings with appropriate representatives from the Local Authorities during the development, in order to discuss forthcoming work and its environmental impact.

Reason: To minimise the potential for disruption during the construction process.

- 18) Prior to occupation of the development hereby permitted, the cycle parking shown on the application drawings shall be provided in accordance with details (including storage systems and means of cover) previously submitted to and approved in writing by the Local Planning Authority, and the cycle parking shall be maintained thereafter.

Reason: to ensure that cycle parking is provided, to encourage travel by sustainable means in accordance with Local Plan policy T3.

- 19) Before the development hereby approved is brought into use the proposed corridor windows in the north elevation of the building facing towards the gable of Fountain House shall be permanently glazed with obscure glass to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent, and thereafter so maintained. Furthermore, no new windows or other openings shall be inserted in this elevation.

Reason: To protect the amenities of the adjoining property.

In the event that the Section 106 agreement is not completed within six months of the date of this committee meeting, authority be delegated to the Head of Planning

and Building Control to refuse permission for the reason that inadequate provision has been made for the matters which were intended to be dealt with in the Section 106 agreement.

(Report circulated)

87

PLANNING APPLICATION NO. 11/0993/03 - 14 EXE STREET, EXETER

Councillor Prowse declared a personal interest as a student landlord.

The Head of Planning and Building Control presented the application for a four storey building to provide a house in multiple occupation, pedestrian access to the highway and associated works at 14 Exe Street, Exeter.

Members were advised that 14 Exe Street was a mid-terrace former public house/restaurant located in St Davids. In 2004, the building had been demolished without consent resulting in a broken street scene. The site bounded the communal gardens of Dinham Crescent. The development had been designed to reflect the design principles established by the planning approval on the site for seven, one bed flats in a four storey block in 2007.

This application was for twelve student bed spaces over three floors with common rooms in the roof space which would have velux style rooflights to the front and dormer windows to the rear. The materials to be used would be a smooth render, with reconstituted stone cills, timber sliding sash windows and natural slate roofing.

The recommendation was to approve the application subject to a Section 106 Agreement requiring a Management Plan and the conditions as set out in the report.

In response to Members, the Head of Planning and Building Control stated that the windows on the ground floor had been increased in size to maximise natural light and that the Management Plan would be the Council's standard management agreement for student accommodation, tailored to the size of the development.

RESOLVED that the application for four storey building to provide house in multiple occupation, pedestrian access to highway and associated works be **approved** subject to a Section 106 Agreement requiring a Management Plan and the following conditions:-

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C17 - Submission of Materials
- 4) C35 - Landscape Scheme
- 5) C37 - Replacement Planting
- 6) C57 - Archaeological Recording
- 7) Notwithstanding Condition 2, no work shall commence on site under this permission until details of the following have been submitted to and approved in writing by the Local Planning Authority:-
 - a) full elevational and sectional details of the development to a scale of 1:20 to include details of:-
 - i) windows, including colour, materials, cills, headers and reveals; and,

ii) the roof ridge, eaves, verges, rainwater goods and external doors.
Reason: To ensure full details are submitted in the interest of establishing high quality in the design and external appearance of the development within the St David's Conservation Area.

- 8) 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 shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.
Reason: In the interests of the amenity of the occupants of the building hereby approved.
- 9) Construction work shall not take place outside the following times: 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.
Reason: In the interests of residential amenity.
- 10) The development hereby approved shall not commence until details of the proposed finished floor levels, eaves height and overall ridge heights of the building, in relation to an agreed fixed point or O.S datum have been submitted to, and been approved in writing by, the Local Planning Authority.
Reason: In the interests of the visual amenities of the area and the residential amenities of the occupants of surrounding properties.
- 11) No part of the development hereby approved shall be occupied until all residents have been issued with a Green Travel Pack to inform them that they will not qualify for on-street parking permits and shall include the locations, routes and times of public transport services, the locations of walking and cycle routes, central shopping and leisure facilities in accordance with details that shall have previously been submitted to, agreed and approved in writing by the Local Planning Authority and shall be updated annually.
Reason: To ensure that all residents are aware of the 'car free' status of the development.
- 12) No part of the development hereby approved shall be occupied until the cycle parking facilities have been provided in accordance with the requirements of this permission and retained for that purpose at all times.
Reason: To ensure that adequate facilities are available for the traffic attracted to the site.

(Report circulated)

88

PLANNING APPLICATION NO. 11/1025/03 - 43 SHEPPARD ROAD, EXETER

The Head of Planning and Building Control presented the application for a balcony on the north elevation at 43 Sheppard Road, Exeter. The balcony measured 4 metres in length and 1.50 metres in depth and enabled access to be made from the existing lounge. The materials to be used were stainless steel handrails and posts with glazed screens. Neighbouring properties had similar structures.

Members were circulated with an update sheet advising that the spiral staircase was to be omitted due to structural difficulties.

The recommendation was to approve the application subject to the conditions as set out in the report.

RESOLVED that the application for balcony on north elevation be **approved** subject to the following conditions:-

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
Reason: To ensure compliance with sections 91-92 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 the 13 June 2011 (*dwg. Plan and elevations as proposed*), 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 and the development shall not be started before their approval is obtained in writing and the materials used in the construction of the development shall correspond with the approved samples in all respects.
Reason: To ensure that the materials conform with the visual amenity requirements of the area.

(Report circulated)

89 **TREE PRESERVATION ORDER NO. 630 - (LATCHETTS, DEEPDENE PARK, EXETER) 2011**

The Head of Planning and Building Control presented the report giving details of an objection that had been received by the Council to Tree Preservation Order (TPO) No. 630. This TPO was for the protection of one Silver Birch tree in the garden of Latchetts, Deepdene Park, Exeter.

Members were advised that there was no evidence to support the objection that the roots of the trees had invaded the drains.

RESOLVED that the order be confirmed without modification.

(Report circulated)

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

The report of the Head of Planning and Building Control was submitted.

RESOLVED that the report be noted.

(Report circulated)

91 **LISTED BUILDINGS AT RISK REPORT**

The Head of Planning and Building Control presented the listed buildings at risk report. He advised that Rectory Barn, Rectory Drive, Alphington had moved to a

higher risk category as the owner had not undertaken the required works, the Council would undertake a survey with a view to commencing enforcement proceedings.

Members were informed that two buildings had been added to the register Prezzo, 202 High Street and the wall to the alleyway between Notaries House and 10 Cathedral Yard. The Conservation Officer was in contact with the agent and owners to investigate the necessary action required.

RESOLVED that the report be noted.

(Report circulated)

92

ENFORCEMENT PROGRESS REPORT

The Head of Planning and Building Control presented the report updating Members on enforcement matters. He advised that the appeal on 6 Trusham Road, Marsh Barton had been allowed, the enforcement notice quashed and planning permission granted, subject to a 'bulky goods' condition.

RESOLVED that the report be noted.

(Report circulated)

93

APPEALS REPORT

The Head of Planning and Building Control presented the schedule of appeal decisions and appeals lodged.

RESOLVED that the report be noted.

(Report circulated)

94

SITE INSPECTION PARTY

RESOLVED that the next Site Inspection Party will be held on Tuesday 20 September 2011 at 9.30 a.m. The Councillors attending will be Denham, Prowse and Spackman.

(The meeting commenced at 5.30 pm and closed at 7.55 pm)

Chair

PLANNING COMMITTEE

Monday 3 October 2011

Present:-

Councillor Bialyk (Chair)
Councillors Macdonald, P J Brock, Clark, Denham, Edwards, Mrs Morrish, Newby, Prowse, Spackman and Sutton

Also Present

Director Economy and Development, Head of Planning and Building Control, Development Manager, Planning Solicitor and Member Services Officer (SJS)

95

DECLARATIONS OF INTEREST

Members declared the following personal interests:-

COUNCILLOR	MINUTE
Councillor Denham	96 (objector is a former colleague)
Councillor Prowse	96 (student landlord) 97 (member of Devon County Council)

96

PLANNING APPLICATION NO.11/1311/03 - ROYAL DEVON & EXETER HOSPITAL, BARRACK ROAD, EXETER

Councillor Denham declared a personal interest as the objector is a former colleague.

Councillor Prowse declared a personal interest as a student landlord.

The Development Manager presented the application for the demolition of the existing Postgraduate centre building and redevelopment to provide a Research, Innovation, Learning and Development (RILD) centre over four storeys with associated landscaping and enclosed roof top plant at the Royal Devon and Exeter Hospital, Barrack Road, Exeter.

Members were informed that the building would extend over four floors with the plant area on the roof also enclosed and comprise of two wings on either side of a central area called the 'Hub'. There would be a physical link between the proposed building and the existing Peninsula College of Medicine and Dentistry building at both ground and first floor levels.

The Development Manager informed Members of the main considerations in respect of the proposal which were the design of the building and its impact upon the character of the area and long range views. It was not anticipated that there would be any adverse impact on the highway. This was a new landmark contemporary building which would enhance the campus and add interest to Barrack Road.

Members were circulated with an update sheet advising that the applicant's agent had confirmed that an additional ten cycle parking spaces could be incorporated within the development. The Development Manager informed Members that

discussions were continuing between the applicant and Exeter School with regards to any potential disturbance during exam times from construction noise emanating from the site. This was a significant enough matter to warrant refusal of the application and could not be controlled by condition.

The recommendation was to approve the application subject to the conditions as set out in the report.

Mr Aspinwall spoke against the application. He circulated photographs and raised the following points:-

- was a resident at Baker Street
- the photographs showed the effect that the building would have on the long range views
- was two storey's higher than the existing Peninsula College plus a hidden floor housing the plant; this was to save costs
- would cut out any long range views: would Halden View now be renamed?
- there was an existing parking problem in the area: the travel plan did not address this issue
- the 62 residents of Baker Street would be denied their view of the hills around Exeter.

Members raised concerns regarding the parking problems in the vicinity of the proposal particularly in light of the defective traffic order on the area.

The Development Manager clarified that there was already an existing Postgraduate Centre on this site and this proposal was to improve facilities and would not generate a significantly higher number of students.

RESOLVED that the application for demolition of existing Postgraduate centre building and redevelopment to provide a Research, Innovation, Learning and Development (RILD) centre over four storeys with associated landscaping and enclosed roof top plant be **approved** subject to the following conditions:-

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C17 - Submission of Materials
- 4) C35 - Landscape Scheme
- 5) C37 - Replacement Planting
- 6) C38 - Trees - Temporary Fencing
- 7) H02 - Highways - Provision parking, etc
- 8) No part of the development shall be occupied until a Travel Plan (including recommendations and arrangements for monitoring and review) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the recommendations of the Travel Plan shall be implemented, monitored and reviewed in accordance with the approved document, or any amended document subsequently approved in writing by the Local Planning Authority.
Reason: To encourage travel by sustainable means, in accordance with Local Plan policy T3.

- 9) Construction/demolition work shall not take place outside the following times; 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.
Reason: In the interest of residential amenity.
- 10) The development hereby approved shall not commence until details of the proposed finished floor levels and overall heights of the buildings, in relation to an agreed fixed point or O.S datum have been submitted to, and been approved in writing by, the Local Planning Authority.
Reason: In the interests of the visual amenities of the area and the residential amenities of the occupants of surrounding properties.
- 11) Prior to occupation of the development hereby permitted, the cycle parking shown on the application drawings shall be provided in accordance with details (including storage systems and means of cover) previously submitted to and approved in writing by the Local Planning Authority, and the cycle parking shall be maintained thereafter.
Reason: To ensure that cycle parking is provided, to encourage travel by sustainable means in accordance with Local Plan policy T3.
- 12) The development hereby approved shall not be commenced until details of all proposed boundary walls and fences have been submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be occupied until these have been provided in accordance with the approved details.
Reason: In the interests of the amenities of the area.
- 13) No development shall take place until a Wildlife Plan which demonstrates how the proposed development will be managed in perpetuity to enhance wildlife has been submitted to and approved by the Local Planning Authority. The Wildlife Plan will be expected to include the provision of integral bird nesting boxes/bricks within the fabric of the building. Thereafter the development shall be carried out entirely in accordance with the approved plan.
Reason: In the interests of protecting and improving existing, and creating new wildlife habitats in the area.
- 14) 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 shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.
Reason: In the interests of the amenity of the occupants of the building hereby approved.
- 15) The building hereby approved shall be designed and constructed to achieve BREEAM rating of 'Excellent' unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure that the development achieves a high level of performance in terms of sustainability.
- 16) The development hereby approved shall be designed and constructed so as to be capable of connecting to the proposed Local Energy Network scheme (LEN) for Exeter, so far as is practicable having regard to the technical

information concerning the LEN scheme available at the time of the detailed design and construction of the scheme. The requirements of this condition shall only relate to works within, and up to the boundary of the application site.

Reason: To ensure that the potential for the development to make use of a future sustainable source of energy is incorporated within the detailed design of the building in the interests of sustainable development.

(Report circulated)

97 **PLANNING APPLICATION NO.11/1301/16 - OPEN SPACE, BENNETT SQUARE, EXETER**

Councillor Prowse declared a personal interest as a member of Devon County Council.

The Head of Planning and Building Control presented the application for a two storey residential development to provide ten self contained flats, access to highway and associated works off Bennett Square, Exeter.

The proposal would involve the demolition of two dwellings in Bennett Square to create an adoptable highway access into the site. The flats had two bedrooms, the ground floor flats had private patios and the first floor flats would have balconies. There would also be a communal garden. Two of the ground floor flats were mobility units. A further two flats, at first floor, were designed so that they could be used as mobility units in the future, subject to the installation of a lift. Parking was provided for nine vehicles and there would be 20 cycle spaces. Part of the public footpath across the site would be diverted and this right of way retained, the realigned path would be 2.5m wide.

The application also indicated that the goalposts and the teen shelter on the site would be relocated. The goalposts would be moved to an existing play area to the west of Widgery Road and the teen shelter located on another small area of open space to the north-east of Bennett Square.

A previous application on this site had been withdrawn to allow for more widespread consultation on the proposal.

The Head of Planning and Building Control advised Members of the conflict between the need to provide more affordable housing and safe guarding open space in the city. He stated that the internal arrangement of the flats had been altered and they now met the Council's SPD on space standards.

Members were circulated with an update sheet clarifying that the proposed footprint position and the distances to the neighbours was the same as the previous scheme; the details of an education contribution from the County Director of Place; comments from the Northern Area Working Party; a revised recommendation, amended wording for condition nine and an additional condition regarding the design of the cycle storage.

The recommendation was to approve the application subject to the payment for Natura 2000 sites contribution (£350) and the education contribution as requested by the County Director of Place; that Officers to be authorised to make an order under Section 257 of the Town and Country Planning Act 1990 for the diversion of the section of footpath within the application site; the conditions as set out in the report, with condition nine amended as per the update sheet and an additional condition regarding the design of the cycle storage.

In answer to Members' questions, the Head of Planning and Building Control stated that, although the units were intended for down sizing, they would not be limited to 'over 55's'; the education contribution was the standard requested by the County Council; the Council had taken contributions for Natura 2000 on other developments.

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

- this application needed to ensure there was a balance between open space and the need for affordable housing
- the play equipment on this site had been installed some 8 ½ years ago after consultation with local residents and Councillors
- the goal posts and teen shelter would be relocated to other open spaces within the vicinity bringing those open spaces into use
- supported the building of 'Passiv-Haus' which were energy efficient
- it was a priority for the City Council to deliver more affordable housing
- need to bring under occupied family homes into use by providing homes for down sizing
- although the community was divided, on balance this proposal should be supported.

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

- this site was well used open space which should not be lost
- it would be pointless to demolish two occupied houses
- the Council's guidelines had been ignored as there was not 22 metres between the proposed building and the existing dwellings
- the proposed area for the goal posts was sloping and the site for teen shelter was hidden away and unlit
- only 44 residents had been notified of the application; therefore not many residents registered their objections.

Ms Osmundsen (supporter) spoke in support of the application. She raised the following points:-

- was the Housing Development Manager for the City Council and the applicant
- this application was driven by need; there were 8,700 people on the Council's housing waiting list; 1579 of these were in A,B or C category; there were 33 families in need of mobility units
- this site was an HRA in-fill site
- this site was in a good location near to the city centre
- after concerns from the Planning Committee regarding public consultation the original application had been withdrawn
- had undertaken a full public consultation with regard to the proposal and the relocation of the goalposts and teen shelter.

In answer to Members' questions, Ms Osmundsen clarified that limiting the units to the over 55's would prevent flexibility when letting the mobility units to those residents who urgently need this type of accommodation. The residents in the two properties to be demolished had been kept fully informed of the position and would be re-housed.

During discussion, Members raised the following points:-

- there was a need for more affordable housing in the City
- would bring into use unused open space

- concern that the development was not limited to over 55's and residents in need of mobility units
- the education contribution seem excessive if the flats were occupied by the over 55's
- did the Council have to contribute £350 toward Natura 2000?

The Head of Planning and Building Control stated that the distance of the proposal from neighbouring properties was acceptable as the closest walls did not have habitable room windows in; the education contribution should be paid on the basis of units not limited to over 55 years when occupation took place and the Natura 2000 contributions should be confirmed when occupation took place in accordance with the Council's position at the time.

The majority of Members were of opinion that although the application was finely balanced the need to provide affordable housing outweighed the loss of the open space, although they had concerns regarding the education and Natura 2000 contributions.

RESOLVED that the application for a two storey residential development to provide ten self contained flats, access to highway and associated works be **approved** subject to the following:-

(1) that the Planning Committee expects, prior to occupation of the dwellings

- a payment of £350 towards mitigation for the Natura 2000 if the Council applies such a policy at time of occupation; and
- £13,329.50 for Primary School Places for any dwelling not occupied by persons over 55 years of age

(2) that Officers be authorised to make an order under Section 257 of the Town and Country Planning Act 1990 for the diversion of the section of footpath within the application site, Committee being satisfied that it is necessary to do so in order to enable the development to be carried out and subject to the following conditions:-

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C17 - Submission of Materials
- 4) C35 - Landscape Scheme
- 5) C37 - Replacement Planting
- 6) C36 - No Trees to be Felled
- 7) C38 - Trees - Temporary Fencing
- 8) The proposed estate road, cycleway/footpath, footways, verges, junction, street lighting, sewers, drains, retaining walls, service routes, road maintenance/vehicle overhang margins, embankments, access, on-site car/cycle parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: To ensure that adequate information is available for the proper consideration of the detailed proposals.

- 9) No part of the development hereby approved shall be commenced until footpath diversion and temporary closure orders have been made, and the diverted footpath shall be re-established in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority before the occupation of the development.
Reason: To ensure that existing highway is closed during the construction period and re-established before the occupation of the development.
- 10) No part of the development hereby approved shall be occupied until the on-site car and cycle parking facilities together with any means of access shall have been provided in accordance with the requirements of this permission and retained for those purposes at all times.
Reason: To ensure that adequate access and parking facilities are available for the traffic attracted to the site.
- 11) The cycle parking shown on drawing AA(0)17 - 401 P3 shall be provided prior to occupation of the development, and the cycle parking shall be maintained thereafter.
Reason: To ensure that the cycle parking specified in the application is provided, to encourage travel by sustainable means, in accordance with Local Plan policy T3.
- 12) Construction/demolition work shall not take place outside the following times: 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.
Reason: In the interests of local amenity.
- 13) No development shall take place on site until a full survey of the site has taken place to determine the extent of contamination of the land and the results, together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. The building shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that the site is in such a condition as to be suitable for the proposed use.
Reason: In the interests of the amenity of the occupants of the building hereby approved.
- 14) No development shall begin until a scheme for generating a proportion of the energy requirement of the development from on-site renewable sources which reduce the predicted CO2 emissions by 10 per cent (or other proportion as agreed in writing), has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development is brought into use and shall thereafter be maintained so that it provides the required level of generation.
Reason: In the interests of sustainable development.
- 15) No development shall take place until a Wildlife Plan which demonstrates how the proposed development will be managed in perpetuity to enhance wildlife has been submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out entirely in accordance with the approved plan.

Reason: In the interests of protecting and improving existing, and creating new wildlife habitats in the area.

- 16) Unless otherwise agreed in writing, no development shall take place until details of provision for nesting swifts has been submitted to, and approved in writing, by the Local Planning Authority in consultation with the RSPB. The above shall thereafter be provided, and retained, in accordance with these approved details.

Reason: In the interests of the preservation and enhancement of biodiversity in the locality.

- 17) Prior to the commencement of the development hereby permitted, the teen shelter and goal posts on the site shall be replaced and made available for use in accordance with details (including appearance and specification) which shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that appropriate play/leisure facilities are available in the area.

- 18) No development shall take place until the specification, design and appearance of the proposed cycle storage is approved in writing by the Local Planning Authority. The development shall take place only in accordance with the approved details.

Reason: In the interests of visual amenity and ensuring that appropriate and useable cycle storage is provided

(Report circulated)

98 **PLANNING APPLICATION NO.11/1354/18 - 23 WESSEX CLOSE, TOPSHAM, EXETER**

The Development Manager presented the application for a Certificate of Lawfulness for a ground floor extension on the south west elevation at 23 Wessex Close, Topsham, Exeter.

The recommendation was that the Certificate of Lawfulness be granted.

RESOLVED that the Certificate of Lawfulness for a ground floor extension on the south west elevation be granted.

(Report circulated)

99 **PLANNING APPLICATION NO.11/1365/03 - 4 PAMELA ROAD, EXETER**

The Head of Planning and Building Control presented the application for a replacement outbuilding on the west boundary at 4 Pamela Road, Exeter. The materials to be used would be controlled by a condition.

The recommendation was to approve the application, subject to the conditions as set out in the report.

RESOLVED that the application for replacement outbuilding on west boundary be **approved** subject to the following conditions:-

- 1) C05 - Time Limit - Commencement

- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 25 August 2011, as modified by other conditions of this consent.

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

- 3) C17 - Submission of Materials

(Report circulated)

100 **TREE PRESERVATION ORDER NO. 633 (3 HEATHBROOK MEWS, EXETER) 2011**

The Head of Planning and Building Control presented the report updating Members on objections that had been received by the Council to Exeter City Council Tree Preservation Order (TPO) No. 633 (Heathbrook Mews, Exeter) 2011.

He advised Members that the site was previously subject to TPO 222 made in 1992 and following a review in 2006, TPO 222 had been revoked because it was outdated. An area TPO had been signed on 24 May 2011 and remained in force for a period of six months. It was proposed that the TPO should be modified so as to apply to four individual trees (two Willows and two Oaks) and one group of trees (one Oak, one Ash and two Cherries) which were identified to be of high public amenity value.

Members were circulated with an update sheet giving details of an on-site meeting that had been held with the owner of 3 Heathbrook Mews.

The recommendation was that the TPO 633 be confirmed with the modification referred to in paragraph 2.4 of the report.

Mr Jones spoke in support of the Tree Preservation Order. He raised the following points:-

- was the owner of the trees
- did not realise the original TPO had been removed until approached by a developer in late 2009
- did not want to see the trees removed
- would like to build a bungalow on the site for himself and his wife
- concerns regarding works that may need to be undertaken to the two oak trees that had power lines above them.

The Head of Planning and Building Control stated that should pruning works need to be undertaken to the Oak trees the owner could make an application for tree works.

The Planning Solicitor clarified that Utility Companies could undertake works to trees covered by a TPO if they were essential for operational purposes.

RESOLVED that the TPO 633 be confirmed with the modification referred to in paragraph 2.4 of the report.

(Report circulated)

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

The report of the Head of Planning and Building Control was submitted.

RESOLVED that the report be noted.

(Report circulated)

102

ENFORCEMENT PROGRESS REPORT

The Head of Planning and Building Control presented the report updating Members on enforcement matters.

Members were updated on the position with regards to the unauthorised works to copper beech trees in 19 New North Road and the rear loft boxes in Jubilee Street.

RESOLVED that the report be noted.

(Report circulated)

103

APPEALS REPORT

The Head of Planning and Building Control presented the schedule of appeal decisions and appeals lodged.

RESOLVED that the report be noted.

(Report circulated)

104

SITE INSPECTION PARTY

RESOLVED that the next Site Inspection Party will be held on Tuesday 18 October 2011 at 9.30 a.m. The Councillors attending will be Bialyk, Prowse and Sutton.

(The meeting commenced at 5.30 pm and closed at 7.15 pm)

Chair

LICENSING COMMITTEE

26 July 2011

Present:

Councillor Moira Macdonald (Chair)

Councillors Choules, Fullam, A Hannaford, D J Henson, Robson, Ruffle, Shiel, Thompson and Tippins

Head of Environmental Health Services, Licensing Solicitor, Principal Licensing Officer (IL) and Member Services Officer (SLS)

43 **Declarations of Interest**

The following Members declared a personal interest as indicated:-

COUNCILLOR	MINUTE
Councillor Choules	47 (Known to the applicant)
Councillor Robson	47 (Known to the applicant)

44 **Street Trading Policy**

The Head of Environmental Health Services presented the report setting out a street trading policy for Exeter. A copy of the draft Policy was circulated as an appendix to the report. By adopting the Policy it would enable traders offering a diverse range of goods to apply for street trading consents, as well as identifying and addressing the areas of potential concern that could lead to the refusal of an application it would also ensure, as far as possible, that the traders, their customers and the public living in the vicinity of traders would not be subject to undue detriment from the issuing of consents.

The Principal Licensing Officer presented the report and sought approval to amend the scheme of delegations to allow the Head of Environmental Health Services in conjunction with the Chair of the Licensing Committee to determine non-contentious street trading consent renewals. Members made a number of amendments which will be incorporated into the policy.

RECOMMENDED that the street trading policy, as set out in the circulated report, be amended and then approved for implementation in Exeter, and the Scheme of Delegations in the Council's Constitution be amended, authorising the Head of Environmental Health Services in conjunction with the Chair of the Licensing Committee to determine those street trading applications which receive no representations.

(Report circulated)

TRANSPORT ACT 1985

45 **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 items on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 1 of Part I, Schedule 12A of the Act.

TOWN POLICE CLAUSES ACT 1847/TRANSPORT ACT 1985, SECTION 16

46 **Application for the Issue of a Hackney Carriage Vehicle Licence (Mr A.J.)**

The Principal Licensing Officer reported that Mr AJ had applied for a hackney carriage vehicle licence.

Mr AJ attended and spoke in support of his application, and stated that in his view there was an unmet demand for taxis in Exeter. He hoped to purchase a Peugeot E7 taxi, which could carry up to seven people or configured to carry two occupied wheelchairs with room for their carers. He suggested that a larger taxi would make more economic sense for passengers, with larger groups able to travel and share the cost of the taxi fare. He was unable to supply any additional information in relation to the levels of unmet demand of hackney carriages in Exeter.

The Licensing Committee retired to make its decision in the presence of the Licensing Solicitor and the Member Services Officer.

RESOLVED that Mr AJ's application be refused. The Licensing Committee was satisfied with the conclusion of the Mouchel Ltd. survey (published in September 2010) together with a top-up survey published by the same firm (published in March 2011) that there was no significant unmet demand for hackney carriages in Exeter. Mr AJ had adduced no evidence that cast doubt on the survey findings or persuaded the Licensing Committee that there was significant unmet demand. The Licensing Committee found no reasons that justified a departure from the policy of not exercising its discretion to grant further hackney carriage licences.

(Report circulated to Members)

47 **Application for the issue of a Hackney Carriage Vehicle Licence (Mr K.J.)**

Councillors Choules and Robson declared a personal interest as the applicant is known to them and left the room whilst the application was considered.

The Principal Licensing Officer reported that Mr KJ had applied for a hackney carriage vehicle licence.

Mr KJ attended the meeting and spoke in support of his application. He reiterated that he had on previous occasions, submitted letters of evidence from potential users of his service which supported his stance that an unmet demand existed. In his opinion the new shops and increase in student accommodation did suggest that more taxis would be required in the future. The Chair sought clarification on the history of Mr KJ's plate ownership. Mr KJ explained that previously he had purchased a licensed hackney carriage, but a change in personal circumstances had led him to relinquish it's ownership.

The Licensing Committee retired to discuss the matter in the presence of the Licensing Solicitor and the Member Services Officer.

RESOLVED that Mr KJ's application be refused. The Licensing Committee was satisfied with the conclusion of the Mouchel Ltd. survey (published in September 2010) together with a top-up survey published by the same firm (published in March 2011) that there was no significant unmet demand for hackney carriages in Exeter. Mr KJ had adduced no evidence that cast doubt on the survey findings or persuaded the Licensing Committee that there was significant unmet demand. The Licensing Committee found no reasons that justified a departure from the policy of not exercising its discretion to grant further hackney carriage licences.

(Report circulated to Members)

48 Application for the issue of a Hackney Carriage Vehicle Licence (Mr S.B.R.)

The Principal Licensing Officer reported that Mr SBR had applied for a hackney carriage licence.

Mr SBR attended the meeting and spoke in support of his application, and stated that in his view there was an unmet demand for taxis in Exeter. He declared that owning his own hackney carriage licence would offer him more stability with more of a guarantee of permanent employment. He confirmed that he had also sent in details of a more sustainable 'green' taxi that he would like to purchase. The Principal Licensing Officer advised that no record of this has been received, but that Mr SBR was able to submit a new application if he wished.

As the application appeared to have been made in respect of a different vehicle, Mr SBR was advised to submit a new application in respect of the "green" taxi and there was nothing for the Licensing Committee to determine.

(Report circulated to Members)

The meeting commenced at 5.30 pm and closed at 7.20 pm

Chair

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LICENSING COMMITTEE

28 July 2011

Present:

Councillor Moira Macdonald (Chair)

Councillors A Hannaford, D J Henson, Robson, Ruffle, Shiel, Thompson and Tippins

Head of Environmental Health Services, Licensing Solicitor, Principal Licensing Officer and Member Services Officer (SLS)

49 **Declarations of Interest**

No declarations of interest were made by Members.

50 **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 items on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 1 of Part I, Schedule 12A of the Act.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

51 **Application for the issue of a Street Trading Consent (Mrs MG)**

The Principal Licensing Officer presented an application for consent to street trade from Mrs MG for a period of two months on any of the consent streets excluding Castle Street and the Quay area. She had traded in Exeter since 2009 selling ice creams in a purpose built ice cream van across the City. The times of day requested were Mondays to Sundays from 14.00 hours to 19.00 hours.

Ms MG was not required to attend the meeting, as no representations or complaints have been received in respect of the application.

RESOLVED that consent be granted for a period of two months.

(Report circulated to Members)

52 **Application for the issue of a Street Trading Consent (Ms NH)**

The Principal Licensing Officer presented an application for consent to street trade from Ms NH for a period of twelve months at Exhibition Way, Pinhoe Trading Estate, Exeter.

Ms H had traded on Exhibition Way selling fast food since purchasing the business in July 2010. However, the vehicle, a static trailer, had been on that site and trading since 2005 under previous traders. The times of day requested were Mondays to Sundays from 06.00 hours to 18.00 hours. Ms H was not required to attend the

meeting, as no representations or complaints have been received in respect of the application.

RESOLVED that consent be granted for a period of twelve months.

(Report circulated to Members)

53 **Application for the issue of a Street Trading Consent (Mr PL)**

The Principal Licensing Officer presented an application for consent to street trade from Mr PL for a period of six months on any of the consent streets excluding Castle Street and the Quay area. Mr PL had traded in Exeter selling fish and chips using a built in fish and chip van since February 2009 for two hours on one evening a week on Collins Road, Pennsylvania, Exeter.

Mr PL was not required to attend the meeting, as no representations or complaints have been received in respect of the application.

RESOLVED that consent be granted for a period of six months.

(Report circulated to Members)

54 **Application for the issue of a Street Trading Consent (Mr JL)**

The Principal Licensing Officer presented an application for consent to street trade from Mr JL for a period of twelve months on Retail Park Close, Marsh Barton Trading Estate, Exeter.

Mr L had traded in fast food from this site since 1999 using a purpose built catering unit, 8ft by 6ft which was removed from the area at the end of the day. The times of day requested were Mondays to Saturdays from 08.00 hours to 14.00 hours.

Mr L was not required to attend the meeting, as no representations or complaints have been received in respect of the application.

RESOLVED that consent be granted for a period of twelve months.

(Report circulated to Members)

55 **Application for the issue of a Street Trading Consent (Mr ARL)**

The Principal Licensing Officer presented an application for consent to street trade from Mr ARL for a period of twelve months on any of the consent streets excluding Castle Street and the Quay area. Mr ARL had traded in Exeter selling ice creams in a purpose built ice cream van across the City since 1981. The times of day requested were Mondays to Sundays from 12.00 hours to 19.00 hours.

Mr ARL was not required to attend the meeting, as no representations or complaints have been received in respect of the application.

RESOLVED that consent be granted for a period of two months.

(Report circulated to Members)

56 **Application for the issue of a Street Trading Consent (Ms JC)**

The Principal Licensing Officer presented an application for consent to street trade from Love Local Food of Shillington Abbot who were seeking consent to street trade for a period of 12 months in Exeter to trade on any of the consent streets excluding Castle Street and the Quay area. They were currently trading in Exeter selling vegetables, fruit, bread, eggs, cheese, meat, preserves, flour, cakes, fair-trade and organic produce. The majority of products sold were produced or grown from within a 10 mile radius of Exeter. Other products were sourced from within Devon and some organic/fair-trade products were brought from Bristol. The times and days requested were from 08.00 hours to 20.00 hours Wednesday to Saturday using a LGV convoy van (1.8m x 5m).

Ms C attended the meeting and spoke in support of the application. Members were advised that no representations or complaints have been received in respect of the application.

Love Local Food had also made a request that the street trading consent fee be waived as they were a “not for profit” organisation and the income generated went into the organisation’s education fund and trade in disadvantaged areas of Exeter. The Head of Environmental Health Services advised that this application did not meet the criteria allowing the ‘waiving’ of the street trading licence fee under the new street trading legislation. He suggested that determination of the application be deferred to clarify this aspect of the legislation.

RESOLVED that determination of the application be deferred to consider more fully the request for a waiving of the street trading fees.

(Report circulated to Members)

57 **Application for the issue of a Street Trading Consent (Mr TB)**

The Principal Licensing Officer presented an application for consent to street trade from Mr TB for a period of 12 months in Cowley Bridge Road, Exeter utilising a lay-by on the entrance to the City at that point. This area was designated a consent street under the provisions of the above legislation. Mr B has submitted an application to trade in fast food from this site, together with a petition signed by 48 people supporting the continuing trading at this site. Mr B had become aware of comments from local residents about noise from generators and had stated that he now operated without generators and had removed table and chairs from the site. The times and days requested were from 07.30 hours to 19.30 hours Monday to Friday and from 09.00 hours to 13.00 hours Saturday using a 10ft x 5ft trailer.

Mr TB had previously indicated that he would be unable to attend the meeting due to previous fixed commitments. A number of representations, including a petition have been received in respect of the application.

RESOLVED that determination of the application be deferred until the next meeting of the Licensing Committee.

(Report circulated to Members)

58 **Application for the issue of a Street Trading Consent (Mr AC)**

The Principal Licensing Officer presented an application for consent to street trade from Mr AC for a period of six months on Glasshouse Lane, Exeter.

Mr C had traded in Glasshouse Lane since June 2011 selling fast food at other sites in Exeter for a little over a year. The times and days requested were from 15.00 hours to 23.00 hours Monday to Sunday using a 14ft x 20 ft mobile trailer.

Mr C attended the meeting with a colleague Mr B who spoke on his behalf in support of his application.

The proprietors of a nearby fish and chip shop, Mr and Mrs T attended with an employee and a family member to speak against the application and voice their concerns. A petition containing 181 names and also a number of complaints had been received regarding this trader relating to the site at which he was trading. Copies of this were circulated to all parties. The tone of the complaints were in respect of an increased potential for disturbance, anti social behaviour, litter and both the application taking parking spaces. It was noted that the Police had no concern, nor were there representations from Environmental Health or from the Local Highways Authority.

The Licensing Committee retired to make its decision in the presence of the Licensing Solicitor and the Member Services Officer. Members

RESOLVED that consent to street trade be granted for a period of six months with the amendment of only trading from Monday to Saturday from 4.00pm until 10.00pm.

(Report circulated to Members)

59 **Licensing Solicitor**

Members of the Licensing Committee requested that their gratitude for the professional guidance given by the Licensing Solicitor during the meeting to be recorded.

The meeting commenced at 2.00 pm and closed at 4.15 pm

Chair

LICENSING COMMITTEE

27 September 2011

Present:

Councillor Macdonald (Chair)

Councillors Branston, Choules, Fullam, A Hannaford, D J Henson, Newby, Payne, Robson, Ruffle, Thompson and Tippins

Head of Environmental Health Services, Principal Licensing Officer, Licensing Solicitor and Member Services Officer (HB)

60 Minutes

The minutes of the meetings held on 19 April and 14 June 2011 were taken as read and signed by the Chair as correct records.

61 Declarations of Interest

The following Members declared personal interests as indicated:-

COUNCILLOR	MINUTE
Councillors Choules and Robson	65 (known to the applicant)
Councillors Choules and Robson	68 (known to the applicant)

62 Street Trading Policy

The Head of Environmental Health Services advised Members of the following amendments required to the Street Trading policy supported at the meeting of this Committee on 26 July and which would be submitted to Council on 18 October 2011 for approval:

- the addition, at the end of 2.3, of the following sentence - "For the avoidance of doubt, street trading is also deemed to include the offering for sale or selling of vehicles on the highway"; and
- the amendment of the second bullet point at 4.1 to read - "Non-commercial, charitable or educational purpose".

In response to Members' questions, the Head of Environmental Health Services explained that the policy would impact on those trying to sell cars from the street as part of a business venture rather than an individual private sale and confirmed that enforcement action may be taken in respect of breaches of the policy.

RECOMMENDED that the above be included in the draft street trading policy for approval by Council.

63 Taxi Issues

Members had been circulated with information relating to proposals for a review of the current regulatory regime in respect of taxi cabs and private hire vehicles. The Law Commission had provided information on proposals for the review of taxi and

private hire legislation. It was anticipated that consultation on proposals would commence in 2012.

The content of the Law Commission report was noted.

64 **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 items on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 1 of Part I, Schedule 12A of the Act.

TOWN POLICE CLAUSES ACT 1847
TRANSPORT ACT 1985, SECTION 16

65 **Application for the issue of a Hackney Carriage Vehicle Licence (Mr K.J.)**

Councillors Choules and Robson declared personal interests as the applicant was known to them and left the meeting whilst the application was considered.

The Principal Licensing Officer reported that Mr KJ had applied for a hackney carriage licence.

Mr KJ attended the meeting and spoke in support of his application. He was shown a copy of an anonymous letter that referred to Mr KJ, received in respect of his application, and advised that the contents of the letter would not be taken into consideration in the determination of his application. He stated that, in his opinion, there was an unmet demand as the new shops and increase in student accommodation did suggest that more taxis would be required in the future. He circulated a picture of a yellow London type cab (TX4) which he proposed to put on the circuit.

In response to Members' questions, he advised how he would respond in situations where a disabled person was queuing but not at the front of the queue. He also confirmed that his request for letters of support from residential homes etc. had included reference to his intention of securing a wheelchair accessible vehicle.

The Licensing Committee retired to discuss the matter.

RESOLVED that Mr. KJ's application be refused. The Licensing Committee was satisfied with the conclusion of the Mouchel Ltd. survey (published in September 2010) together with a top-up survey published in March 2011 that there was no significant unmet demand for hackney carriages in Exeter. Mr. KJ had adduced no evidence that cast doubt on the survey findings or persuaded the Licensing Committee that there was significant unmet demand. The Licensing Committee found no reasons that justified a departure from the policy of not exercising its discretion to grant further hackney carriage licences or not to grant a licence to a person who had previously held a hackney carriage licence.

(Report circulated to Members)

Councillor Fullam left the meeting at this point.

66 **Application for the issue of a Hackney Carriage Vehicle Licence (Mr D.P.)**

The Principal Licensing Officer reported that Mr DP had applied for a hackney carriage licence. He had indicated that, if successful, he would put a Toyota Prius onto the circuit.

It was noted that between June 2004 and April 2007, Mr DP had been the proprietor of a hackney carriage but that the plate had been sold on for health reasons.

Mr DP attended the meeting and spoke in support of his application. He advised that because of health problems he would drive the vehicle for limited hours only and that he would engage another individual to drive for the other periods. He stated that the vehicle would not be wheelchair accessible but would be "green" in regard to environmental issues as it was an electric vehicle. As such, he felt that he would be meeting an unmet demand in respect of those individuals who wished to hire a taxi that was environmentally friendly. The Licensing Solicitor stated that the issue of unmet demand related to the services of hackney carriages and no other reason.

The Licensing Committee retired to make its decision.

RESOLVED that Mr DP's application be refused. The Licensing Committee was satisfied that there were no exceptional reasons to depart from the policies and was also satisfied with the conclusion of the Mouchel Ltd. survey (published in September 2010) together with a top-up survey published in March 2011 that there was no significant unmet demand for hackney carriages in Exeter. Mr DP had adduced no evidence that cast doubt on the survey findings or persuaded the Licensing Committee that there was significant unmet demand. The Licensing Committee found no reasons that justified a departure from the policy of not exercising its discretion to grant further hackney carriage licences or the policies not to grant a licence to a person who had previously held a hackney carriage licence nor to grant a licence to a vehicle that was not wheelchair accessible.

(Report circulated to Members)

Councillors Branston, Choules and Robson left the meeting at this point.

67 **Application for the issue of a Hackney Carriage Vehicle Licence (Mr S.H.)**

The Principal Licensing Officer reported that Mr SH had applied for a hackney carriage licence. He had indicated that, if successful, he would put a London type cab (TX4 Elegance) onto the circuit.

Mr SH attended the meeting and spoke in support of his application. He was shown a copy of an anonymous letter that referred to Mr SH, received in respect of his application, and advised that the contents of the letter would not be taken into consideration in the determination of his application. He referred to letters of evidence from potential users of his service which supported his stance that an unmet demand existed. Three further letters were tabled and he referred to a comment in one of those letters from the County Council stating that there was a demand for such a vehicle/service.

It was also noted that he was a joint proprietor with the holder of a licence in respect of hackney carriage bearing plate number 34, a saloon car that had been adapted by the installation of a swivel seat. Therefore, if the application was granted, he would be the holder of two plates. He explained his relationship to the other joint owner.

The Licensing Committee retired to make its decision.

RESOLVED that Mr SH's application be refused. The Licensing Committee was satisfied with the conclusion of the Mouchel Ltd. survey (published in September 2010) together with a top-up survey published in March 2011 that there was no significant unmet demand for hackney carriages in Exeter. Mr SH had adduced no evidence that cast doubt on the survey findings or persuaded the Licensing Committee that there was significant unmet demand. The Licensing Committee found no reasons that justified a departure from the policy of not exercising its discretion to grant further hackney carriage licences or the policy not to grant a licence to a person who holds a hackney carriage licence.

(Report circulated to Members)

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

68 Application for the issue of a Street Trading Consent (Mr T.B.)

Councillors Choules and Robson had declared personal interests as the applicant was known to them and had already left the meeting prior to the consideration of this application.

Councillor Prowse spoke as an objector on behalf of the residents in Cowley Bridge Road.

The Head of Environmental Health Services presented an application for consent to street trade from Mr TB for a period of 12 months in Cowley Bridge Road, Exeter utilising a lay-by on the entrance to the City. This area was designated a consent street under the provisions of the above legislation. The application had originally been submitted to this Committee for consideration at the meeting on 28 July 2011 but deferred as Mr TB had been unable to attend. Mr TB's application was to trade in fast food from this site and was supported by a petition signed by 96 people. A further letter of support was circulated at the meeting. Mr TB had become aware of comments from local residents about noise from generators and had stated that he now operated without generators and had removed the tables and chairs from the site. The times and days requested were from 07.30 hours to 19.30 hours Monday to Friday and from 09.00 hours to 13.00 hours Saturday using a 10ft x 5ft trailer.

Residents in the area had raised objections to the grant of the consent. A number of letters, photographs and a petition signed by 11 people had been submitted in opposition to the application from a Mr L. Additional letters from a Mrs H and Mrs H had also been received.

Devon County Council had advised that a limited waiting restriction covering this lay-by had been advertised and agreed by the Exeter Joint Highways Committee in July and which would shortly come into force. The Order contained an article "preventing the use of a vehicle whilst it is in a parking place in connection with the sale of any article to persons in or near the parking place". As such, once the waiting restriction was in force the catering trailer would not be permitted to remain without changing the restriction.

Mr TB attended the meeting and spoke in support of his application. In response to his query if there was any point in continuing with his application in view of the County Council Traffic Order, the Licensing Solicitor informed him that she had advised the Committee that they should not have regard to the Order when determining his application.

Mr TB advised that he had been made redundant from his job on the railways in December 2009 having worked for 30 years and had used some of his redundancy money to purchase the burger van. He did not wish to cause problems for nearby residents and had not anticipated the volume of complaints that had resulted. He stated that he had now addressed the issues raised by the residents. He responded to Members' questions confirming that he had replaced a petrol generator with a silent electric device and also now used a solar charger and that he regularly policed the area to remove litter. He advised that he had removed the tables and chairs previously placed in the lay-by.

Mrs AL spoke against the application. She was a resident of Cowley Bridge Road, living opposite the lay-by. She stated that the burger van was located on parking spaces that were previously used by those Members of the public wishing to travel into the City Centre by bus and that the van's location in this position had the effect of turning the lay-by into a mini industrial estate. The van was a noise nuisance and presented potential health and safety issues. The principal noise factors were the arrival and departure of the lorries and generator noise when used during the night to keep the cabs warm. She referred to lorry drivers changing and washing in the morning in view of the residents and to the use as a toilet of a wall forming the boundary of the St Thomas Hall. She had been a resident for six years but the problems had only started in the last two years since the arrival of the van. As the wheels had been removed, the burger van was now permanently situated on the lay-by.

Mrs AL responded to Members' questions and stated that the presence of the van created the impression that anyone could park on the lay-by. She confirmed that she was aware of tacograph requirements but advised that many drivers planned in advance to stay overnight regardless of mileage covered. Responding to Members who stated that fast food vans had operated from the lay-by for a number of years, she advised that problems had only been apparent in the last two years. Although noise was generated by passing trains these were not as disruptive as the noise of the generators which operated throughout the night. Mrs AL stated that the presence of the van had changed the character of the vicinity to the detriment of the local residents.

Mrs AL referred to some 60 photos taken over recent months which she wished to circulate to Committee Members for their information. The Chair asked Mr TB if he had any objection to the late submission of the photographs. He was given the opportunity to view the pictures and agreed that he was happy for these to be passed to Members.

Mrs JH, also a resident of Cowley Bridge Road, spoke against the application. She and her husband had lived in the road for seven years and now had a four year old son. She referred to the distress she experienced in the morning when leaving her home for work as a result of the presence of lorry drivers. Having decided to move, the family had been advised by an estate agent that a sale would be difficult because of the presence of the van. She referred to a photograph taken on the previous Saturday showing parked vehicles. The timing of the photograph was disputed by Mr TB and he objected to the inclusion of this photograph at the meeting. In response to Members' questions, she stated that problems had only emerged since the van's appearance approximately two years ago.

Councillor Prowse spoke in opposition to the application, in his capacity as one of the objectors. He detailed the background to the Traffic Order made by the County Council advising that a previous Order had been withdrawn. The new Order had

been made in response to developments in the area in order to introduce residents' parking in the lay-by as part of a wider scheme for the area. He referred to the fact that the van already occupied designated parking spaces. On the request of the Chair, he clarified the role of the Secretary of State in the matter and advised that the current delay in implementation was because signage was being prepared.

Councillor Prowse referred to the petitions received in support of, and in opposition to, the van and explained that some of the signatories in the former were of individuals who no longer lived in the area - they had been occupants of houses in multiple occupation. He also referred to an anonymous threatening letter sent to one of the residents opposing the van which he had passed to the Police who were now investigating.

Mr TB was invited to respond to the points raised. He explained that the furniture unloading referred to had been due to the driver showing the furniture to the owner of a nearby old people's home. Many of the lorries using the lay-by were from some distance away such as the north of England and were delivering material to the St Thomas Hall development site and would await a call from the site before leaving the lay-by in the morning. He reiterated that he did not wish to upset his neighbours and stated that he did not condone the sending of threatening letters.

The Licensing Committee retired to make its decision.

RESOLVED that the application for a street trading consent be refused as it did not comply with the purposes of the Street Trading Policy as set out in paragraphs 1.1 and 1.2 of that policy.

(Report circulated to Members)

69 **Timing of Licensing Committee Meetings**

RESOLVED that this Committee continue to meet at 5.30pm, this start time being considered the most convenient for Members.

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

Chair

SCRUTINY COMMITTEE - COMMUNITY

6 September 2011

Present:

Councillor Mitchell (Chair)

Councillors Thompson, Branston, Bull, Clark, Crow, Morris, Newcombe, Tippins and Wardle

Director Community and Environment, Head of Environmental Health Services, Acting Head of Housing Services and Member Services Officer (HB)

Also present:

Councillor RM Hannaford - Portfolio Holder for Housing and Community Involvement

Councillor Sheldon - Portfolio Holder for Environment and Leisure

50 **Minutes**

The minutes of the meeting held on 7 June 2011 were taken as read and signed by the Chair as correct.

51 **Declaration of Interests**

No declarations of interest were made.

52 **Minutes of Community Safety Strategy Group**

The minutes of Community Safety Strategy Group meetings are circulated after each meeting to Members of this Scrutiny Committee to enable them to raise any issues of concern or interest at these meetings and, if necessary, request referrals back to the Crime and Disorder Reduction Partnership (CDRP) for a response. Members can request individual agencies represented at the CDRP to attend a meeting of this Committee to answer any questions or address any concerns.

Members had no queries on the latest minutes circulated of the meetings held on 9 March and 11 May 2011.

MATTERS FOR CONSIDERATION BY EXECUTIVE

53 **Down-sizing Incentives for Council Tenants**

The Acting Head of Housing Services presented the report seeking agreement to implement an amended downsizing incentive scheme for Council tenants to improve the management of the housing stock and increase the supply of family housing to applicants on the Devon Home Choice register.

In response to Members, he advised that an occupational therapist was jointly funded by the City and County Council to help assess housing applicants at the Civic Centre. He also stated that it was difficult to accurately determine the numbers under-

occupying Council properties but that those looking to move were recorded on Devon Home Choice, the current figure being 140. The downsizing initiative would be further publicised. It was agreed that a report on the outcomes of the scheme be presented to a future meeting of this Committee.

Scrutiny Committee - Community supported the report and requested Executive to adopt the amended policy document, *Reducing Under-Occupation – Incentives for Downsizing*.

(Report circulated)

54 **Home Adaptation Policy for Council Tenants**

The Acting Head of Housing Services presented the report seeking approval to implement and amend the Home Adaptation Policy for Council tenants. Every year the budget for adaptations was fully utilised and it was proposed that, in certain circumstances, tenants be asked to contribute financially towards the adaptation requested where the works were major and tenants had been assessed using the Disabled Facilities Grant model.

Scrutiny Committee - Community supported the report and requested Executive to adopt the amended policy document, *Home Adaptations*.

(Report circulated)

MATTERS FOR CONSIDERATION BY SCRUTINY COMMITTEE - COMMUNITY

55 **Homelessness Strategy 2008-13**

The Acting Head of Housing Services presented the report updating Members on progress in meeting the targets and actions set out in the Homelessness Strategy 2008-13.

Members were concerned at Devon County Council's cut to Supporting People Services in the Homelessness Sector of nearly 50% (£3.29 million of a £6.1 million budget). They were advised that senior Members and the Chief Executive had discussed the implications and sought alternative measures with their counterparts at the County Council. One of the consequences would be a reduction in accommodation facilities for young people but with a greater focus on providing floating support. Members asked for a further report on this issue, once the County Council had decided the way forward.

The NHS were hosting a co-ordinator post for roughsleeping work across Devon. Nicki Glassbrook, the Health Inequalities Manager, worked across all areas of housing but specifically on roughsleeping and Gypsies and Travellers. She had previously managed the Exeter Street Homeless Outreach Team.

Members noted that 60% of Council tenants were on housing benefit and that Council Housing Options staff were working at the Job Centre to advise job seekers on housing issues.

Scrutiny Committee – Community:-

(1) noted the report; and

- (2) requested a further report on the consequences of the cuts in the Supporting People Services budget and proposed alternative measures.

(Report circulated)

56 Housing Strategy 2007-12

The Acting Head of Housing Services presented the report updating Members on progress in meeting the targets as set out in the revised Housing Strategy 2007-12. He advised that this would be the last report on the current strategy, a report on a new strategy to be submitted to this Committee for consideration in 2012.

Scrutiny Committee - Community noted the report.

(Report circulated)

57 Economic and Environmental Impact of Introducing a Separate Kerbside Collection of Glass in Exeter

The Head of Environmental Health Services presented the report exploring the economic and environmental impacts of introducing a separate kerbside glass collection service and comparing it to the present system of bring banks for glass in Exeter. The economic impact of introducing a kerbside collection of glass was summarised and it was seen that the costs of even the cheapest option of a monthly mixed glass collection would far exceed income likely to accrue as a result of collecting from domestic premises. Revenue costs were estimated at £367,241 per annum, with capital costs of £609,750 in the first year.

Responding to Members, he explained the different regime for collecting from commercial premises, many of which used private contractors. These collections were not included in the Council's recycling figures. The Council also collected from commercial premises and encouraged traders to segregate recyclates in order to reduce landfill and the cost of residual waste collections.

Members were concerned that there should be as equitable a distribution of banks throughout the City as possible, although one Member expressed concerns that some of the banks located in residential areas were so positioned that the noise from disposal resulted in disturbance at quieter times. The Head of Environmental Health Services confirmed that any problem sites would be investigated.

The Chair expressed thanks to Sally Fryer, the Re-cycling Officer, for help and advice given in respect of these issues.

Scrutiny Committee - Community noted the report.

(Report circulated)

58 Back Alley Waste Collection

The Head of Environmental Health Services updated Members on measures being taken to address recently reported problems of waste collection from back alleys. It was difficult for refuse vehicles to access back alleys so bags, rather than wheelie bins, were used and the problems associated with this system were two fold. Bags were susceptible to damage and content spillage which could greatly spoil the appearance of an area. Furthermore, as back alleys were largely "out of sight and out of mind", residents often failed to exercise the same concern and responsibility for

the appearance of these areas as they would for a front of house location. This often resulted in bags of refuse being presented long before the collection day and being damaged by animals, vehicles and people.

Polsloe had traditionally been a problem area because of the preponderance of back alleys and the transient nature of a large proportion of residents, particularly students; a variety of solutions were being piloted. Landlords were being required to display posters to explain the collection regime to their tenants and information was also available on the City Council's web site. A concerted effort had been undertaken in the early part of the year to contact each householder in certain problem roads; community patrollers had given advice, left a letter detailing collection days and encouraged wrongly presented waste to be taken back to be properly presented. However, although there had been a short-term effect, it was apparent that re-reinforcement of advice and education was needed. The key solution was to move from bag collection to bins and, where appropriate, from back alley collection to front gate collection. Bags resistant to attack by seagulls were also being introduced.

A Member referred to problems caused by seagulls nesting on the new recycling centre in Pinhoe which, it was noted, was a County Council building.

A further measure would be stricter enforcement allied to greater education. Environmental Health Officers and the Community Patrollers would seek to encourage identified offenders to comply with best practice and it had been found that on the spot fines of £80 often achieved the desired result, the alternative being prosecution. Details of repeat offenders were catalogued to facilitate any enforcement measures.

Members requested that ward Councillors be notified of proposed changes to the collection methods so as to be forearmed should residents approach them with queries. The Head of Environmental Health Services agreed that prior notification should be undertaken. He referred to a meeting arranged for 15 September for the Chair and Polsloe Ward Members with himself to discuss further the measures proposed for this area and wider reference was also made to problems in the Alphington area which were also being investigated.

It was hoped that the above mentioned mix of solutions would help address the problems with domestic waste collection in identified problem areas.

PERFORMANCE MONITORING

59 Housing Revenue Account Stewardship to June 2011

The Director Community and Environment presented the report on major differences by management unit to the outturn forecast for the first three months of the financial year up to 30 June 2011. During this period, the total of the variances indicated that there would be a net surplus of £31,800, which would be transferred from the working balance at 31 March 2012. This represented a reduction of £467,390 compared to the budgeted reduction in the working balance of £499,390. It was estimated that the working balance would stand at £3,448,351 at 31 March 2012.

Scrutiny Committee - Community noted the report.

(Report circulated)

60 **Community Services - Stewardship to 30 June 2011**

The Director Community and Environment presented the report advising Members of any major differences by management unit to the revised budget. The current forecast suggests that net expenditure for this Committee will decrease from the revised budget by a total of £157,310 which represents a variation of 1.4% from the revised budget.

Scrutiny Committee - Community noted the report.

(Report circulated)

The meeting commenced at 5.30 pm and closed at 6.46 pm

Chair

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SCRUTINY COMMITTEE - ECONOMY

8 September 2011

Present:

Councillor Natalie Cole (Chair)

Councillors Prowse, Bialyk, Crow, Dawson, Morris, Payne, Robson, Ruffle and Wardle

Director Economy and Development, Head of Economy and Tourism, Projects and Business Manager, Head of Operational Services & Transport and Member Services Officer (SLS)

Also present:

Councillor Rosie Denham

- Portfolio Holder for Economy and Tourism

Councillor Rachel Sutton

- Portfolio Holder for Sustainable Development and Transport

Stephen Marsh

- E.On Energy Solutions Limited

Ian Hutchcroft

- Energy Savings Trust

Dr Stephen Bird

- Heart of the South West Local Enterprise Partnership Board Member

35 **MINUTES**

The minutes of the meeting held on 9 June 2011 were taken as read, and signed by the Chair as correct.

36 **DECLARATIONS OF INTEREST**

The following personal interests were declared:-

COUNCILLOR	MINUTE
Councillor Prowse	40 (a family member works in retail in the city and as such would have had a vote in the BID process)
Councillor Payne	41 (employee of Exeter College)
Councillor Prowse	42 (Member of Devon County Council and Trustee of Exeter Community Transport Association)
Councillor Prowse	43(Member of Devon County Council)

MATTERS FOR CONSIDERATION BY SCRUTINY - COMMITTEE ECONOMY

37 **EON ENERGY PARTNERSHIP**

The Director Economy and Development updated Members on the work of the E.On Energy Partnership, including the work of the Low Carbon Task Force Group, which had clearly established Terms of Reference and Memorandum of Understanding. The Group had been working on a number of shorter term potential energy-saving projects, but their focus was now on developing a strategy for a number of medium

and longer term projects to take advantage of the emerging Government incentives and evolving energy market.

Stephen Marsh, Strategic Partnership Manager (Sustainable Energy) for E.ON Energy Solutions Limited and Ian Hutchcroft from Energy Saving Trust (EST) attended the meeting and provided an update on the work of the E.ON Energy Partnership. This included being able to take advantage of some niche opportunities including maximising current incentives through the Renewable Heat Incentive (RHI), which is a financial support scheme to encourage take-up of renewable heat initiatives. They also referred to Feed in Tariffs (FiTs) through investment in small scale low carbon electricity generation through solar panels in return for a guaranteed payment for electricity. Other initiatives included the delivery of large scale decentralised energy and district heating for new developments. The Low Carbon Task Force had been working to expand on the knowledge and expertise gained from the Cranbrook development to maximise the technology across the proposed developments within the Growth Point such as at Monkerton and Hill Barton and in the city centre. Although more challenging, there will also be opportunities for existing housing stock's energy efficiency to improve. All of these schemes have the added benefit of being a catalyst for the creation of jobs involving local trades and engineers.

In terms of Exeter, a number of projects such as an ECO Green Deal involving a solar panel roof rental scheme in Exwick; as well as a Private Sector Landlord project to encourage energy saving initiatives for their properties have started. A Member welcomed such projects, but was concerned that private sector tenants might be burdened with additional costs. A Member suggested that such schemes might also offer investment opportunities for local authorities. Stephen Marsh agreed that a solar panel roof rental scheme could attract a significant revenue stream as well as the occupier of the property enjoying a lower energy bill.

Scrutiny Committee – Economy thanked Stephen Marsh and Ian Hutchcroft for their informative presentation and noted the report, and endorsed the Council's continued support of the Strategic Partnership with E.On and the work of the Low Carbon Task Force.

(Report circulated)

38 PRESENTATION - LOCAL ENTERPRISE PARTNERSHIP

Dr Stephen Bird, a Board Member from the Heart of the South West Local Enterprise Partnership attended the meeting. He referred to his brief which as one of the 15 Board Members, also included engaging with the City Council and the Exeter and Heart of Devon Growth Board. He outlined the LEP's aim to provide an economic and strategic development lead and highlighted areas of their main focus to -

- secure growth in the key urban centres and facilitate job creation across the Heart of the South West;
- provide support to strong sectors such as tourism, food and drink and land based industries to grow employment opportunities;
- encourage investment in potential growth sectors and create and sustain new private sector jobs and rebalance the economy's over reliance away from the public sector;
- create the right conditions for high level of business start-ups for job growth and expansion of Small and Medium sized businesses (SME's);

- coordinate and secure improvements to infrastructure including superfast broadband and electrification of the rail network, key road improvements and housing, and
- ensure the workforce is equipped with the skills that local businesses need.

He referred to the importance of being clear about what Exeter hoped to achieve from the LEP process, and although as a Board Member with no specific geographic or generic remit, he would make every effort to keep Exeter engaged in the process. In response to a Member comment on the demise of business support from SWRDA and Business Link, Dr Bird advised that he would speak to Board colleagues and ensure a full brief on business support was forthcoming. He also responded to a comment on how the LEP would continue to look at growth in the Exeter area, in the context of the successful development of Cranbrook, and the Science Park and Skypark proposals. He did acknowledge that Exeter had different objectives to other parts of Devon.

The Director Economy and Development reiterated the disappointment of both the City Council and the Scrutiny Committee in relation to the failed Enterprise Zone bid, but certainly lessons had been learned. Members were reassured that a route for dialogue would be maintained through the Exeter and Heart of Devon Growth Board.

The Chair thanked Dr Bird and looked forward to a future presentation.

MATTER FOR CONSIDERATION BY EXECUTIVE

39 EXETER VISITOR STRATEGY 2012-15

The Head of Economy and Tourism presented a report which sought approval for a formal consultation with relevant partners and agencies, of the draft Exeter Visitor Strategy, covering the period 2012 to 2015. A copy of the draft Strategy was circulated with the report. The previous Strategy covered the period 2007 – 2010. The aim of the new Visitor Strategy will build on the outcomes achieved in that document, and continue to recognise key changes within the tourism industry, planned development and the need to adjust activities to reflect market trends. It will also consider how to further the cooperation with the Heart of Devon Partnership and wider business community and develop partnership working with neighbouring local authorities.

In response to a Member question, the Director Economy and Development advised the formal position in relation to the timetable for the redevelopment of the Exeter Bus Station. Land Securities had been given a two year exclusive agreement to work up a Master Plan for the site, but in view of the extended John Lewis development, that Plan has been fundamentally altered. A further review will take place with the conclusion of a Feasibility Study in the next six to twelve months to include a development plan for an outline submission for the site.

Members made the following comments which would be picked up as part of the consultation -

- the Head of Economy and Tourism responded to a comment on the Cathedral's reduced visitor numbers since an entrance charge was imposed, and added that although the decline in numbers was a concern the Cathedral were no doubt pleased that some much needed additional revenue was achieved.

- to improve the public transport travel experience to Exeter, the main train and bus operators should consider offering more integrated ticketing and travel options, and the availability of real time transport information at information points throughout the city.
- Exeter's economic impact from tourism-based retail spending seemed to lag behind other Heart of Devon areas such as Teignbridge and East Devon, which was surprising given Exeter's retail focus. The Head of Economy and Tourism clarified that the figures quoted in the Strategy reflected the different numbers of visitors to each of the areas. Care needed to be taken in making detailed comparisons between the figures as they were based on limited survey work undertaken independently. The figures were more useful as an indicator of trends.
- in terms of the Heart of Devon Tourism Partnership profile and promotional activities, some reassurance was sought that the web site would show new developments such as the reopening of the RAMM, and the opening of John Lewis.

Scrutiny Committee – Economy supported the recommendation that Executive approve the circulated draft Visitor Strategy for the period 2012 – 2015, which will be used for consultation with key industry organisations, partners and other agencies relevant to its delivery.

(Report circulated)

MATTERS FOR CONSIDERATION BY SCRUTINY COMMITTEE - ECONOMY

40 CITY CENTRE BUSINESS IMPROVEMENT DISTRICT

Cllr Prowse declared a personal interest as a family member works in retail in the city, and as such would have had a vote as part of the BID process.

The Head of Economy and Tourism reported on the outcome of the ballot towards establishing the proposed Business Improvement District (BID), and also sought Members' views on whether the City Council should support work towards a second ballot. The ballot was held by the Electoral Reform Society on behalf of the City Council, between 24 June and 22 July, but the outcome was not in favour of pursuing an Exeter BID, with the competitive challenges being a key factor. The aims of the BID were reiterated in the report, and a second ballot was proposed. A Member wanted to ensure that Scrutiny Economy received a further report indicating the reasons for those who voted No, particularly after discussing with those businesses who did not use their vote. The Head of Economy and Tourism stated that although the ballot was conducted in secret, every effort would be made to ensure that good quality research was carried out, in an effort to persuade the business community to support a Yes vote next time. It was important to find the balance between the varying parts of the city centre in need of more attention and those areas such as Princesshay that pay a premium rate already. The real winners would be the smaller businesses and independent traders and the City Council could play a part in working with them to make a difference to the city.

Scrutiny Committee – Economy noted the progress made in respect of the first round of the BID process and supported the City Council working with the business community to review the proposals for establishing a city centre Business Improvement District and to promote a second ballot.

(Report circulated)

41 **DEVELOPMENT OF A PLACE MARKETING STRATEGY**

Councillor Payne declared a personal interest as an employee of Exeter College.

The Head of Economy and Tourism presented a report which sought Members' views on a proposal to draft a Place Marketing Strategy. He referred to the recent update of the Economic Development Strategy, which included a number of actions for the period 2011 to 2012 to develop a city wide approach to a marketing strategy to identify and reinforce a distinctive brand for the city. A number of other objectives were also identified including the formation of a Marketing Alliance, which would involve the City Council working proactively with other key organisations in the city,

A Member referred to quality of life issues and agreed that Exeter was a good place to live, work and raise a family. The Director Economy and Development agreed that Exeter stood out and was 7th highest in a survey on UK growth. The message remained that Exeter should be seen as the regional capital, but every effort needs to be made to meet the continued economic challenges to retain that position.

Scrutiny Committee – Economy noted the report and supported officers consulting on the draft Place Marketing Strategy.

(Report circulated)

42 **TRANSPORTATION INITIATIVES AND ISSUES - UPDATE**

Councillor Prowse declared a personal interest as a Member of Devon County Council and a Trustee of Exeter Community Transport Association.

The joint report of the Projects and Business Manager and Head of Operational Services and Transport updated Members on transport initiatives and issues, including the City Council's continued efforts to work with other stakeholders to lobby for rail improvements. In presenting this annual report, the Projects and Business Manager highlighted a number of issues including:-

- the Devon Metro project which had recently gathered pace;
- the reletting of the Greater Western Franchise which had great significance for the city and region; and
- smart ticketing initiatives, as well as work by the Council and Devon County Council to display real time information at a number of locations.

A Member referred to the lack of electrification of the line south of Bristol and the impact on future business and jobs and he suggested this was an area of concern. He also referred to the importance of Exeter's position as a major transport hub for the area. There had been a recent growth in bus patronage, in part due to the Concessionary Fares scheme, but operators faced financial pressures from the County Council's reduction in support for unprofitable services and the reduction in Bus Service Operators' Grant, both of which could have an impact on Exeter's bus services. Stagecoach had invested heavily in the city but they would change the emphasis of their operations if they did not get the financial return, and so pressure needed to be maintained to ensure continued growth in passenger use, and financial support for services into Exeter.

A Member welcomed the priority being given to walking and cycling in the city.

In response to questions from Members about the lack of Park and Ride on the western side of the city, the Projects and Business Manager stated that a site had been identified at Alphington, but the planning application had not been successful, and County officers continued to work on a proposal. He said that no suitable site had been identified in the Cowley Bridge area, although he agreed to respond to a Member's question about a site which had apparently been suggested but rejected by the City Council.

Scrutiny Committee – Economy noted the report and Members gave their continued support for the initiatives designed to encourage more sustainable travel, and the delivery of an Exeter City Council transportation function designed to promote the long terms interests of the city.

(Report circulated)

43 **CAR PARKS TASK AND FINISH GROUP**

Councillor Prowse declared a personal interest as a Member of Devon County Council.

Members were invited to discuss the setting up of a Car Parks Task and Finish Group. The Chair referred to the June meeting of the Scrutiny Committee - Economy when it was proposed that a working party might be convened to look at the individual patronage and revenue derived from off-street parking. The Head of Operational Services and Transport provided some background on the significant income stream car parks generate in supporting other Council services and activities. He reminded Members that an annual report on parking tariffs is considered by Executive, but the brief of the Task and Finish Group could usefully be focused on other opportunities for income generation besides the rather broad instrument of tariffs. Demand for car parking was not necessarily determined by tariff levels but rather was dependent on many other factors such as the strength and quality of the local retail economy, and it should be acknowledged that the broader economic outlook was likely to be extremely challenging over the coming years which was likely to require more creative approaches in protecting and increasing income.

A Member welcomed a review as he suggested that some of the city's car parks were underused, but historically they were in the right place. Members considered whether they could add value to that debate and suggested more information would be useful to help make an informed decision.

Members were invited to set the terms of reference for a Car Parking Task and Finish Group, which would include consideration of maximising income, income generation, increasing use, marketing and signage. A brief scoping document would be made to the next meeting in November and a final report with recommendations as appropriate to be made to the March Scrutiny Economy meeting,

Membership of the Group would include the Chair of Scrutiny Committee - Economy, Portfolio Holder for Sustainable Development and Transport and one Member from each of the political groups represented on the Committee. Councillor Ruffle (Liberal Democrat) and Councillor Crow (Conservative) were confirmed as their respective Group's representatives. A Labour nomination would be forthcoming.

Scrutiny Committee – Economy supported the formation of a Car Parks Task and Finish Group and noted that following the Labour nomination, a brief scoping report including the terms of reference of the Task and Finish Group would be made to the next meeting in November.

PERFORMANCE MONITORING

44 SCRUTINY COMMITTEE - ECONOMY STEWARDSHIP TO JUNE 2011

The Director Economy and Development presented a report detailing the financial performance of the Economy and Development Directorate including forecast variations to the budget, for the three month period of the 2011/12 financial year. The report also highlighted any differences by management units to the outturn forecast compared with the approved annual budget. The total of variances indicate that the overall net expenditure for the areas covered by this Scrutiny Committee will increase by £221,940, including a supplementary budget of £125,170. The main variations by management units were detailed in the report.

The Director Economy and Development highlighted two areas for comment including the costs of a Planning Appeal relating to land supply at Hill Barton and the final costs of closing Exeter Archaeology, allowing staff to draw in any remaining funding and close down the final projects.

Scrutiny Committee – Economy noted the report.

(Report circulated)

MATTER FOR CONSIDERATION BY EXECUTIVE

45 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 3, of Part I, Schedule 12A of the Act.

46 EXETER AND HEART OF DEVON GROWTH BOARD MINUTES

A copy of the minutes of the first meeting of the Exeter and Heart of Devon Growth Point Board minutes was circulated for Members' information. This Board was recently reconstituted from the former Exeter and East Devon New Growth Point Steering Board, and their original terms of reference encompassing infrastructure planning, jobs growth and the delivery of housing had now been extended to include economic development. The new Board will operate within the governance structure of the recently formed Heart of the South West Local Enterprise Partnership and will provide the local delivery structure and economic driver for the growth agenda for Exeter's economy. The minutes were circulated to inform Members of a number of issues that the City Council will need to consider and take forward as appropriate.

Scrutiny Committee – Economy noted the content of the Exeter and Heart of Devon Growth Board Minutes,

(Report circulated to Members)

The meeting commenced at 5.30 pm and closed at 8.35 pm

Chair

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SCRUTINY COMMITTEE - RESOURCES

21 September 2011

Present:

Councillor Baldwin (Chair)

Councillors Hobden, Branston, D J Henson, Mitchell, Morris, Ruffle, Spackman, Taghdissian and Wardle

Chief Executive, Director Corporate Services, Assistant Chief Executive, Head of Treasury Services, Head of Contracts and Direct Services, Head of Corporate Customer Services and Member Services Officer (SJS)

43 **Minutes**

The minutes of the meeting held on 22 June 2011 were taken as read and signed by the Chair as correct.

44 **Declarations of Interest**

Members made no declarations of interest.

PERFORMANCE MANAGEMENT

45 **AIM Property Maintenance Progress 2011/12**

The joint report of the Head of Contracts and Direct Services, Acting Head of Housing Services, Head of Treasury Services and Acting Head of Estates was submitted.

The Scrutiny Committee – Resources noted the first quarter financial position of the £7.8m programme of reactive and planned property maintenance and refurbishment for 2011/12, as detailed in the report.

(Report circulated)

46 **Resources Scrutiny Stewardship to 30 June 2011**

The report of the Head of Treasury Services was submitted.

In answer to a Member's question, the Head of Treasury Services advised that the £990 overspend in Democratic Representation was due to eight councillors opting to join the local government pension scheme. This had not been fully reflected in this year's budget but would be taken into account in future years.

The Director Corporate Services clarified that the Councillors' pension scheme was governed by separate legislation to the employees' scheme.

Scrutiny Committee – Resources noted the report.

(Report circulated)

MATTERS FOR CONSIDERATION BY THE EXECUTIVE

47 Capital Monitoring Statement to 30 June 2011

The Head of Treasury Services presented the report on the current position in respect of the Council's revised annual capital programme and advised Members of the anticipated level of deferred expenditure into future years.

He advised Members that the revised capital programme for the current financial year was £22.832 million. It was highlighted that during the first three months of the year the Council had spent £2.489 million on the programme, which equated to 10.9% of the revised programme. This compared with £3.305 million (10.99%) being spent in the first three months of 2010/11.

In response to Members' questions, the Head of Contracts and Direct Services stated that the new contract for the kitchen and bathroom replacement programme would be in place by December 2011, with work starting in January 2012; the planned works for Northernhay Gardens would be completed by the opening of RAMM; although the Council had a Leisure Management Contract, as landlord, the Council was still responsible for the structural upkeep of the facilities; and the Wessex Loan Scheme was on-going and it was anticipated that the budget would be spent during the financial year.

Scrutiny Committee - Resources noted the report and recommended that Council approve the current position in respect of the annual capital programme.

(Report circulated)

48 Overview of General Fund Revenue Budget 2011/12

The Head of Treasury Services presented the report advising Members of the overall projected financial position of the General Revenue Budget after three months, for 2011/12 financial year.

He advised that the Service Committee budgets showed a forecast overall overspend of £389,165. Members were updated on the Scrutiny Committee - Resources overspend which included an anticipated reduction in the amount of Housing Benefit Subsidy received, mainly in respect of non HRA rent allowances. This had resulted in an estimated overspend of £388,190.

The Head of Treasury Services advised of the other financial variations including the New Homes Bonus, the outstanding sundry debt and the creditor payments performance.

In response to Members' questions, the Head of Treasury Services stated that it would be some months before the final position with the Archaeological Field Unit was known although debt over a year old had already been taken into account. The Council's recovery rate for the overpayment of Housing Benefits was 90% - the Council worked with debt collecting agencies to ensure that wherever possible overpayments were recovered.

The Head of Contracts and Direct Services clarified that refuse vehicles could now access any garage across the city to obtain diesel: as a result the Council could take advantage of cheaper fuel prices. The Council had also introduced bio-fuel vehicles.

The Head of Treasury Services advised Members that the New Homes Bonus would not be ring fenced and the amount that the Council would receive in future years was dependent on how many new homes were built in the previous year.

The Chief Executive advised that although the New Homes Bonus was not ring fenced, it was a time-limited source of funding, it was intended to provide an incentive to local communities to accept development and it was anticipated that a significant proportion of the funds would be used for key physical and social infrastructure associated with the growth of the city.

The Committee thanked the Head of Treasury Services and his team for the work they had undertaken to recover overpayment of Housing Benefit.

The Scrutiny Committee – Resources noted the report and recommended approval by Council of the:-

- (1) General Fund forecast financial position for the 2011/12 financial year;
- (2) HRA forecast financial position for 2011/12 financial year;
- (3) outstanding Sundry Debt position as at June 2011; and
- (4) creditor's payments performance.

(Report circulated)

49 **Review of Polling Districts and Polling Places within the Exeter Parliamentary Constituency**

The Head of Corporate Customer Services presented the report setting out proposals for new polling districts and polling places arrangements recommended as a result of the Council's responsibilities under the Electoral Administration Act 2006. He advised Members of the proposals for St Loyes, Topsham and Whipton Barton Wards.

Councillor R Hannaford attended the meeting and spoke on this item having given notice under Standing Order No. 44. He raised the following points:-

- Emmanuel Hall should be used instead of Montgomery Primary School
- concerns that the paving area outside Exeter Karate Centre was unsafe
- it was difficult for the disabled and infirm to access West Exe Children's Centre as the gate was difficult to open
- Exwick Community Centre was in an area of anti social behaviour which intimidated residents and could deter electors from voting.

The Head of Corporate Customer Services advised that the Police were made aware of the locations of the polling stations and that Presiding Officers were all given contact details for the Police in case of an emergency. He would investigate the position with regard to safety and access at Exeter Karate Centre and at West Exe Children's Centre and although the use of any school was not ideal, the use of Emmanuel Hall had been looked into but considered unsuitable being on the opposite side of Okehampton Road from the majority of the electors in that polling district.

In response to Members' concerns, the Head of Corporate Customer Services clarified the position with regards to the use of Stoke Hill Infant School and the difficulties with using either Toronto Hall or St James Church. He would approach St

Luke's College to see if rooms could be made available on the Magdalen Road side of the college.

The Chief Executive stated that whilst the use of schools was the least preferable option, in some locations there were no alternative suitable venues. In Whipton Barton Ward the railway line provided a natural boundary and electors in that area had been used to accessing a polling station in the Vaughan Road area for a significant period of time. Any change from this may cause confusion for electors. He also reminded Members that, as Returning Officer, he had to take the ultimate responsibility for the location of polling stations, taking all relevant issues and views into account, including the availability (or otherwise) of possible suitable alternative venues.

The Scrutiny Committee – Resources noted the report and recommended Council approve:-

- (1) the adoption of the proposals, as detailed in 3.1.1 and 3.1.2 of the report, for implementation as part of a revised register of electors to be published on 1 December 2011;
- (2) the publication of its final report on the Review of Parliamentary Polling Districts and Places within the Exeter Constituency on 18 October 2011, as required by the Electoral Administration Act 2006; and
- (3) the completion of a further review by 18 October 2015, as required by the Electoral Administration Act 2006 or as otherwise required under any subsequent legislation.

(Report circulated)

50 **Government Consultation on the Introduction of Individual Electoral Registration**

The Head of Corporate Customer Services presented the report setting out the Government's consultation proposals on the introduction of Individual Electoral Registration (IER) and the issues it raised.

He updated Members on the proposals and advised that the move to IER was to make electoral registration and access to democracy a personal responsibility. It also aimed, through accompanying systems of data matching, to improve accuracy and completeness and therefore assist to tackle fraud.

The Head of Corporate Customer Services outlined the potential effect that non-compulsory registration could have on the number of registered electors and the consequences that this could have on the selection of juries and the impact on parliamentary constituencies. He advised that the implementation of IER could also have an impact on Council resources.

Councillor Hobden expressed disappointment that the recommendation did not welcome the move to IER and proposed an amendment to the recommendation that the Chief Executive respond to the Government's consultation on IER regarding the issues raised in this report and in particular that: Exeter City Council should welcome the move to IER which would make access to democracy a personal responsibility, and, through the accompanying systems of data matching, would improve accuracy and completeness and tackle fraud; but that the Council was concerned that it would carry with it the administrative consequences of increased late registration and

additional costs, which would require adequate funding; and asks that the Council look to the Government to ensure that these additional costs and administrative burden would be adequately provided for. The proposal was seconded by Councillor Mitchell and was put to the vote and lost.

The majority of Members, whilst welcoming IER had concerns regarding the potential effect that non-compulsory registration could have on the numbers on the electoral register, as well as the administration costs associated with this new requirement for which there was no apparent funding beyond that required for its initial implementation.

The Head of Corporate Customer Services advised that following the passing of the Political Parties and Elections Act of 2009, an additional member of staff had joined the Electoral Services office and, whilst some of this additional work may be absorbed through management of staff, there could be some overall increase in costs on such issues as postage and printing.

The Chief Executive advised that the Electoral Commission had raised concerns that if IER was non-compulsory, the electoral register could fall from 90% of residents to between 60% and 65%.

The Scrutiny Committee - Resources supported the report and recommended Executive to approve the submission by the Chief Executive of the comments in paragraph 3.2 of the report with the additional view that all forms of registration for electoral purposes should be compulsory.

(Report circulated)

MATTERS FOR CONSIDERATION BY SCRUTINY COMMITTEE - RESOURCES

51 Corporate Complaints Monitoring

The Assistant Chief Executive presented the summary of complaints received by the Council from the public during the financial year 2010/11 and updated Members on changes to the complaints management system.

She advised Members of the results and that the changes to the complaints management system included incorporating comments, grumbles and general feedback.

In response to Members' concerns, the Head of Contracts and Direct Services stated that the Council was working with Parkwood Leisure to resolve any complaints received regarding public parking at Riverside and the situation would continue to be monitored, particularly in light of the imminent opening of the Marks and Spencer's food store at Exe Bridges.

The Scrutiny Committee – Resources noted the report and the work being done to improve services as a result of complaints received from our customers.

(Report circulated)

52 Green Accord Initiative Progress Report 2011/12

The Head of Contracts and Direct Services presented the report on the progress made by the Green Accord accreditation initiative since the Business Plan was approved by Executive in September 2009.

He updated Members on the background to the development of the Green Accord, the business and marketing approach and the progress to date. He advised the Committee that Bristol City Council had now signed up to the Green Accord. Members congratulated the Team involved for the hard work and awards received.

Members expressed concerns regarding profits that could be generated. The Head of Contracts and Direct Services clarified the position with regards to the separate web site and stated that once the Green Accord went into profit, a separate organisation would be created. Regular update reports would be brought to this Committee.

The Scrutiny Committee – Resources noted the progress of the Green Accord against the Business Plan and that regular update reports would be brought back to this Committee.

(Report circulated)

53 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 3 of Part I, Schedule 12A of the Act.

54 Progress Report - RAMM Development Project

The Head of Leisure and Museums presented the report updating the Committee on the current situation with respect to various contracts now let for the RAMM Development Project. He updated Members on the on-site progress with regards to the refit of the Museum and informed Members that the opening date for the Museum would be 12 December 2011.

In response to Members' questions, the Head of Leisure and Museums clarified the position with regard to the contractors and the Heritage Lottery Funding.

Members discussed the Committee's role with regards to monitoring of the progress of the various contracts and their outcomes.

The Committee thanked all those Council staff who had been working on the RAMM project.

The Scrutiny Committee – Resources noted the report and called upon the Council to continue to do everything it could to minimise the current overspend.

(Report circulated to Members)

The meeting commenced at 5.30 pm and closed at 8.00 pm

Chair

Agenda Item 12

FINAL ACCOUNTS COMMITTEE

Thursday 22 September 2011

Present:-

Councillor Edwards (Chair)
Councillors M A Baldwin, Fullam and Mrs J Morrish

Also Present:-

Director Corporate Services, Head of Treasury Services, Corporate Finance Manager and
Member Services Officer (HB)

Mr B. Morris : Grant Thornton

1

MINUTES

The minutes of the meeting held on 27 September 2010 were taken as read and signed by the Chair as correct.

2

DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

3

FINAL ACCOUNTS : 2010/11

The Corporate Finance Manager presented the report representing the Council's financial statements for 2010/11.

The City Council had achieved excellent financial results for 2010/11 and had maintained its prudent financial position.

RESOLVED that the Statement of Accounts for 2010/11 be approved.

(Report circulated)

4

2010/11 REPORT TO THOSE CHARGED WITH GOVERNANCE (ISA 260)

Mr B Morris representing Grant Thornton, the Council's external auditors, presented the auditor's report.

He highlighted the recommendations in the report for improving the Council's accounts preparation process in future years. Mr Morris thanked the City Council officers for their co-operation in the audit process.

RESOLVED that the report be noted.

(Report circulated)

5

MANAGEMENT REPRESENTATION LETTER TO THE EXTERNAL AUDITOR

The Head of Treasury Services presented the draft letter to the external auditor in respect of the 2010/11 Statement of Accounts.

RESOLVED that the letter be approved and signed by the Head of Treasury Services for forwarding to the external auditor.

(Letter circulated)

(The meeting commenced at 5.30 pm and closed at 6.00 pm)

Chair

EXECUTIVE

Tuesday 20 September 2011

Present:-

Councillor Edwards (Chair)
Councillors Denham, Fullam, R M Hannaford, Mrs Henson, Martin, Mrs J Morrish, Sheldon and Sutton

Chief Executive, Director Corporate Services, Director Community and Environment, Director Economy and Development, Assistant Chief Executive and Member Services Manager

77

MINUTES

The minutes of the meetings held on 21 June and 5 July 2011 were taken as read and signed by the Chair as a correct record.

78

DECLARATIONS OF INTEREST

No declarations of interest were made.

79

DOWNSIZING INCENTIVES FOR COUNCIL TENANTS

The report of the Acting Head of Housing Services was submitted, seeking agreement to implement an amended downsizing incentive scheme for Council tenants to improve the management of the housing stock and increase the supply of family housing to applicants on the Devon Home Choice register.

The Director Community and Environment reported that the scheme had initially been very successful but more recently there had been a reduction in the number of tenants downsizing which was thought to be partially attributable to a reduction in the cash incentive offered.

Members were keen to reinvigorate the scheme which they considered to be a very effective way of releasing under-utilised accommodation. It was suggested that officers should consider additional incentives, such as securing preferential rates from carpets suppliers, and the Director agreed that officers would explore these options.

Scrutiny Committee – Community considered the report at their meeting of 6 September 2011 and the comments and support of the Committee were noted.

RESOLVED that the amended policy document *Reducing Under-Occupation – Incentives for Downsizing* be agreed for adoption.

(Report circulated)

80

HOME ADAPTATION POLICY FOR COUNCIL TENANTS

The report of the Acting Head of Housing Services was submitted, seeking approval to implement and amend the Home Adaptation Policy for Council tenants.

The Director Community and Environment reported that the proposal to seek a contribution to the cost of major adaptations had arisen out of a review by the Housing Resident Auditor Team of how adaptations are delivered to Exeter City Council tenants. The proposal would mean that Council tenants were treated in the same way as owner-occupiers and private sector tenants. In response to a question, the Director confirmed that officers worked closely with Occupational Therapists in assessing applications.

Members welcomed the proposal to amend the Home Adaptation Policy which would enable more work to be undertaken within the resources available thereby reducing waiting times for residents to get work done.

Scrutiny Committee – Community considered the report at their meeting of 6 September 2011 and their comments were noted.

RESOLVED that the amended policy document, *Home Adaptations*, be agreed for adoption.

(Report circulated)

81

HEALTH AND SAFETY POLICY

The Director Community and Environment reported that the Council's Health and Safety Policy, which was last updated in 2008, had been reviewed. An updated version of both the policy statement and the organisation and arrangements for carrying it out were circulated. The policy itself was considered robust and fit for purpose and that it did not therefore need to be altered to any great extent. The Leader of the Council would sign the policy alongside the Chief Executive to acknowledge the relationship between the employees and the body corporate. The revised policy had been scrutinised and supported by the Council's Employee Liaison Forum on 13 July 2011.

Members supported the policy designed to protect the health and safety of the Council's employees, customers and others.

RECOMMENDED that the revised Health and Safety Policy be formally adopted by Council.

(Policy circulated)

82

EXETER VISITOR STRATEGY 2012-15

The report of the Head of Economy and Tourism was submitted, seeking approval for the draft Exeter Visitor Strategy 2012 – 2015 to be used for consultation with partners and agencies relevant to its delivery.

The Director Economy and Development introduced the new Visitor Strategy which built on the outcomes achieved in the previous Strategy, recognising key changes within the industry, planned capital developments and the need to adjust activities to reflect market trends. He drew attention to the action plan and identified the five key priorities which had been developed to be implemented in partnership with the tourism business community in the city and the Heart of Devon Tourism Partnership.

Members welcomed the revised Strategy and acknowledged the important role of the Partnership. They recognised the value of tourism to the Exeter economy as well as the jobs that directly and indirectly relate to tourism. They commented on the significant draw of retail activity as well as the City's heritage and were pleased to note the increasing popularity of Exeter as a base for staying a few days rather than just one day visits.

Scrutiny Committee – Economy considered the report at its meeting of 8 September 2011 and the comments of members were noted.

RESOLVED that the draft Exeter Visitor Strategy for the period 2012 – 2015 be approved for consultation with key industry organisations, partners and other agencies relevant to its delivery.

(Report circulated)

83

CREATION OF POST OF INFRASTRUCTURE OFFICER

The report of the Director Economy and Development was submitted, recommending the creation of a new post of Infrastructure Officer within Planning Services. A key part of the post would be to oversee the introduction of Exeter's Community Infrastructure Levy and coordination with other local authorities within the Exeter Growth Area.

Members acknowledged the impact of the proposed Community Infrastructure Levy which would supersede many aspects of Section 106 agreements, as well as the New Homes Bonus for new housing completions and the return of some business rates. They recognised that securing adequate infrastructure such as transport, education and community facilities was vital to the successful sustainable growth of the city and accepted the importance of having appropriate staff resources in place to undertake the considerable work involved in delivering the infrastructure.

RESOLVED that a new permanent post of Infrastructure Officer (Grade 9) be created with effect from 1 November 2011.

(Report circulated)

84

REVIEW OF THE EXETER VISION PARTNERSHIP

The report of the Chief Executive was submitted, informing Members of the proposed changes to the role and function of Exeter's Local Strategic Partnership – the Exeter Vision Partnership.

The Chief Executive reported that the Exeter Vision Partnership had been a very valuable catalyst for partnership working in the early years following its establishment in 1997. In recent years it had also successfully fulfilled the role of the Local Strategic Partnership. The dismantling of statutory performance regimes now provided the opportunity for the Partnership to review its role and functions.

Whilst there was no statutory obligation to retain the Partnership, Executive members considered its continuation to be important since it provided an effective platform for joint working in the interests of the local economy, businesses and residents. They endorsed the proposal that the Partnership should concentrate on long-term strategic issues affecting Exeter and re-position itself as a "think tank" focussing on the sustainable development and growth agenda for the city.

RESOLVED that the content of the paper be noted and the proposed way forward for the Exeter Vision Partnership be supported.

(Report circulated)

85

SCRAPSTORE - DECISION TAKEN UNDER DELEGATED POWERS

Executive was requested to note a decision taken under delegated authority by the Director Community and Environment in consultation with the Leader of the Council, Chair of Scrutiny Committee – Community and appropriate officers.

Executive on 22 March 2011 agreed to cease the provision of the Scrapstore Service with effect from 31 July 2011 and to terminate the employment of staff involved in providing the service. Due to an oversight, the Executive report had omitted to specifically identify the post of Scrapstore Officer (CE12125) for deletion and the consequent redundancy of the two job-share postholders. In order to address this omission and to enable the arrangements to proceed at the appropriate time, the Director Community and Environment, in consultation with the Leader of the Council, Chair of Scrutiny Committee - Community, Chief Executive and Head of Human Resources, had authorised the deletion of the post and redundancy payments to the two affected postholders.

RESOLVED that the decision taken under delegated authority by the Director Community and Environment, in consultation with appropriate members and officers, in accordance with the Council's Financial Regulations be noted and supported.

86

CENTRAL HEATING - RENNES HOUSE - DECISION TAKEN UNDER DELEGATED AUTHORITY

Executive was requested to note a decision taken under delegated authority by the Acting Head of Housing Services in consultation with the Leader of the Council, Portfolio Holder for Housing and Social Inclusion and appropriate officers.

The Acting Head of Housing Services had instructed the Contracts and Direct Services in-house team to negotiate best value rates with their principal electrical sub-contractor to expedite the supervision of work to complete the installation of improved energy efficient electric central heating systems in Rennes House before the onset of winter 2011. The decision was taken under delegated authority since there was insufficient time before the start of the heating system to allow for full normal procurement/tendering procedures to be carried out. It was unlikely that the work would otherwise be completed before February 2012 and the undue disruption and inconvenience to the mainly elderly tenants over the winter was considered unacceptable.

A member requested that the heating system in Toronto House be investigated.

RESOLVED that the exercise of this authority, undertaken in consultation with appropriate members and officers in accordance with the Council's Contract and Financial Regulations, be noted and supported.

87 **APPOINTMENT OF REPRESENTATIVES TO SERVE ON OUTSIDE BODIES**

The schedule of appointments to outside bodies was circulated.

RESOLVED that the following appointments to outside bodies be made:-

St Leonard's with Holy Trinity Charities – Cllr N Shiel
St Thomas Church Charities (Seldon and Others) – Mrs C Smith

RECOMMENDED that the following outstanding appointments be agreed by Council:-

Exeter Dispensary and Aid in Sickness Fund
Exeter Fairtrade Steering Group

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

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

89 **EXETER AND HEART OF DEVON GROWTH BOARD MINUTES**

The minutes of the Exeter and Heart of Devon Growth Board of 26 July 2011 were circulated.

Members acknowledged the important role of the Board and were pleased to note its co-operative working and positive outcomes. They recorded their appreciation for the significant work undertaken by the Director Economy and Development.

RESOLVED that the minutes of the Exeter and Heart of Devon Growth Board of 26 July 2011 be noted.

(Minutes circulated to Members)

(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 18 October 2011.

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EXECUTIVE

Tuesday 4 October 2011

Present:-

Councillor Edwards (Chair)
Councillors Denham, Fullam, R M Hannaford, Martin, Mrs Morrish, Sheldon and Sutton
Chief Executive, Director Corporate Services, Director Economy and Development,
Assistant Chief Executive, Head of Treasury Services and Member Services Manager

90

GRANTS COMMITTEE

The minutes of Grants Committee held on 15 September 2011 were circulated.

RESOLVED that the minutes of the meeting of the Grants Committee held on 15 September 2011 be received and, where appropriate, adopted.

91

DECLARATIONS OF INTEREST

Councillors declared the following personal interests:-

COUNCILLOR	MINUTES
Denham	105 (Employee of South West Councils)
R Hannaford	92 (Vice-Chair and Trustee of Exwick Community Association)

92

CAPITAL MONITORING STATEMENT TO 30 JUNE 2011

Councillor R Hannaford declared a personal interest as Vice-Chair and Trustee of Exwick Community Association.

The report of the Head of Treasury Services was submitted, reporting on the current position in respect of the Council's revised annual capital programme and advising Members of the anticipated level of deferred expenditure into future years.

He reported that the Council had spent £2.489 million on the programme during the first three months of the year, which equates to 10.9% of the revised programme, a very similar percentage to the equivalent period in the previous year. He identified the main variances and achievements in the programme.

Scrutiny Committee – Resources considered the report at their meeting of 21 September 2011 and their comments were noted.

RECOMMENDED that Council approves the current position in respect of the annual capital programme.

(Report circulated)

OVERVIEW OF GENERAL FUND REVENUE BUDGET 2011/12

The report of the Head of Treasury Services was submitted, advising Members of the overall projected financial position of the General Fund Revenue Budget after three months, for the 2011/12 financial year.

He reported that the Service Committee budgets showed a forecast overspend of £503,990 (3.0%) against a revised Service Committee Net Expenditure budget of £13,003,520 and an overall overspend of £389,165 against General Fund expenditure. He identified the main variances in service Committee budgets, details of which were disclosed in stewardship reports to the Committees.

Members were pleased to note the improvement in creditors' payment performance and a decrease in sundry debt over 30 days old. In response to a request from a member, the Head of Treasury Services reported that the write-off of debts was included within the annual budget reports but could also be included in future Overview reports. The Chair commented that whilst the £389,165 awarded to the Council in the form of New Homes Bonus was not ring-fenced, the Council would need to be cautious in spending it as it was uncertain for how long the Bonus would be paid.

Scrutiny Committee – Resources considered the report at their meeting of 21 September 2011 and their comments were noted.

RECOMMENDED that Council notes and approves:

- (1) the General Fund forecast financial position for the 2011/12 financial year;
- (2) the HRA forecast financial position for the 2011/12 financial year;
- (3) the outstanding Sundry Debt position as at June 2011; and
- (4) the creditors' payment performance.

(Report circulated)

GOVERNMENT CONSULTATION ON PROPOSALS FOR BUSINESS RATES RETENTION

The report of the Head of Treasury Services was submitted, setting out the Government's consultation proposals for Business Rates Retention as part of the Local Government Resource Review and highlighting the key issues to be considered.

The Head of Treasury Services reported that, under existing arrangements non-domestic rates (or business rates) revenue collected by local authorities is pooled for redistribution as part of the local government finance settlement. The Government had published for consultation proposals to allow councils to retain their locally-raised business rates as part of its wider Local Government Resource Review. He commented on the complex nature of the proposals set out in eight technical papers. Whilst the Government's desired outcome to incentivise local economic development was clear and to be welcomed, the range and complexity of variable interactions would influence outcomes in a way which was challenging to predict.

Councillor Taghdissian attended the meeting and spoke on this item under Standing Order 44.

Members welcomed the proposal in principle, noting the Council's excellent track record in economic development and the potential to benefit from the retention of a share of the business rates. They were mindful of the complexities of the proposals and supported the proposal to commission some external support work with other local authorities. They particularly welcomed the opportunity for collaborative cross-boundary working as a means of stimulating growth.

RESOLVED that:-

- (1) the Council seeks to commission some jointly funded external support work and submits a response to the consultation before the due date;
- (2) the Government is informed that the Council does not support the approach of using a fixed national percentage for determining either the baseline or future growth; and
- (3) any proposed new scheme based upon retention of business rates has sufficient incentive to reward funding based upon growth in local areas.

(Report circulated)

95

LOCALISING COUNCIL TAX BENEFIT - IMPLICATIONS

The report of the Head of Treasury Services was submitted, updating Members on the Government's proposal to replace Council Tax Benefit with a local scheme and the implications that this has for the Council.

The Director Corporate Services reported that Council Tax Benefit is currently funded by the Government but it is planning to devolve it to Local Authority level from April 2013 onwards and reduce expenditure by 10%. The consultation stated that pensioners would not be affected and that other vulnerable groups might also receive protection although it did not specify which groups. This was a particular area of concern for the Council. Since pensioners accounted for 46% of claimants in Exeter and an additional 2979 people fell into the category of "passport" groups, which could also be protected, the actual level of cuts to be borne by other groups would be much greater than 10%. The Director drew attention to the challenging timetable set by the Government, particularly since the lack of detail currently available made it impossible to start preparatory work on the new arrangements. A Devon-wide meeting had already taken place and it was hoped there would be further joint working on the proposals.

Members expressed concern about the impact of the proposals on vulnerable individuals who did not fall into the protected groups. They were very concerned about the unrealistic timetable set by the Government, particularly in relation to the implementation of the necessary IT software and the implications for staff resources. Whilst supporting the principles of Universal Credit, members were concerned about the unintended consequences of these proposals.

Other members commented on the possible impact of the proposals on the housing market if people were forced to move to lower Council Tax banded properties, an issue which did not appear to have been addressed in the consultation paper.

Councillor Taghdissian attended the meeting and spoke on this item under Standing Order 44 seeking clarification on the liability of students for Council tax. In response to his query, the Head of Treasury Services informed members that students were currently exempt from paying and had not specifically been mentioned in the proposals.

RESOLVED that the Government be informed that:

- (1) the current timescale is unrealistic given the lack of specific information required to design a scheme and the software necessary to administer it, which means there is a high risk of failure which has to be addressed urgently;
- (2) by exempting such a large proportion of current claimants and preventing other elements of Council Tax being open to change, such as the single occupier discount, the reductions in benefit to be applied to working age claimants will be disproportionately severe.

(Report circulated)

96

REVIEW OF POLLING DISTRICTS AND POLLING PLACES WITHIN THE EXETER PARLIAMENTARY CONSTITUENCY

The report of the Chief Executive was submitted, setting out proposals for new polling districts and polling places recommended as a result of the Council's responsibilities under the Electoral Administration Act 2006. The Council was required to undertake such a review every four years. He drew attention to the comments raised by members at Scrutiny Committee – Resources at their meeting on 21 September 2011.

Councillor Hobden attended the meeting and spoke on this item under Standing Order 44. She expressed particular concern, shared by the Head Teacher, school governors and some parents, about the use of Stoke Hill Infant School as a polling station. She commended the use of Toronto House or St James Church Centre as suitable alternative venues.

Councillor R Hannaford reiterated his concerns about the use of Montgomery Primary School and suggested the Evangelical Church in Buller Road as a suitable and accessible alternative.

The Chief Executive responded that whilst the use of schools was avoided, if possible, in cases where it caused undue disruption, in some locations there were no suitable alternative venues. He reminded members that Toronto House had previously been used as a polling station but this had ceased in response to members' concerns about accessibility. Whilst the Returning Officer had ultimate responsibility for the location of polling stations, he assured members that all relevant views and issues would be taken into account.

RECOMMENDED that Council approves:-

- (1) the adoption of the proposals set out in paragraphs 3.1.1 and 3.1.2 of the report for implementation as part of a revised register of electors to be published on 1 December 2011;

- (2) the formal publication of its final report on the Review of Parliamentary Polling Districts and Places within the Exeter Constituency on 18 October 2011, as required by the Electoral Administration Act 2006; and
- (3) the completion of a further review by 18 October 2015, as required by the Electoral Administration Act 2006 or as otherwise required under any subsequent legislation.

(Report circulated)

97

GOVERNMENT CONSULTATION ON THE INTRODUCTION OF INDIVIDUAL ELECTORAL REGISTRATION

The report of the Chief Executive was submitted, setting out the Government's consultation proposals on the introduction of individual electoral registration (IER) and the issues they raise. Scrutiny Committee – Resources considered the report at their meeting of 21 September 2011 and the comments of members were noted.

Councillor Hobden attended the meeting and spoke on this item under Standing Order 44. She informed members that the Electoral Commission was broadly in favour of IER and that a survey had indicated that only 56% of the population were satisfied with the current electoral registration arrangements. She believed that the current system was antiquated and one of the few systems in existence not based on individual responsibility. She considered that the practical difficulties identified were surmountable and urged that the Council should more strongly welcome the proposals for Individual Electoral Registration.

The majority of members commented that they were not against the principle of IER but were greatly concerned that the current proposals did not make registration compulsory. They felt this would lead to a significant diminution in democratic participation and devalued the historical efforts made to secure the right to vote. They felt that the proposals as they currently stood could lead to the disenfranchisement of large groups of society particularly those who were already disengaged with the democratic process or who might choose not to register for personal reasons. They were also aware that IER had not met with great success in Northern Ireland.

Another member hoped that IER might encourage people to take an interest in the democratic process but acknowledged the danger that they may lose the opportunity to vote if they failed to register.

Councillor Taghdissian attended the meeting and spoke on this item under Standing Order 44. He felt that the majority of people were capable of deciding whether they wished to vote and the presumption that many people would not do so was unfounded. Another member commented that since penalties for non-registration were rarely or never enforced currently, the removal of the compulsory element to do so was unlikely to have any significant impact.

RESOLVED that the Chief Executive submits a response along the lines suggested in paragraph 3.2 of the report.

(Report circulated)

CONSULTATION ON NATIONAL PLANNING POLICY FRAMEWORK

The report of the Head of Planning and Building Control was submitted, providing Members with an overview of the draft National Planning Policy Framework (NPPF). The report also sought a response from Members to the general principles underlying the document so as to enable officers to prepare a detailed response to the consultation by 17 October.

The Director Economy and Development reported that the aim of the National Planning Policy Framework was to replace the present national planning guidance contained in twenty-five Planning Policy Statements, Guidance Notes and Circulars with one all encompassing single document. Whilst a number of national institutions such as the National Trust, other organisations and individuals had expressed grave concerns about the impact of the proposals in relation to the threat to the green belt, he believed that the intention was to preserve fundamental principles. He felt that the adoption of the Core Strategy would go a long way towards protecting Exeter's position enabling Exeter to adopt a plan-led approach to sustainable development.

One of the areas of greatest concern for Exeter was the imposition by the NPPF on local authorities to show a 5 year housing supply plus 20% additional capacity. This was particularly challenging for urban areas such as Exeter where all suitable land was allocated for development and the problem centred on delivery by developers who were not building properties due to lack of demand.

Members endorsed concerns about the requirement for a 5 year housing supply plus 20%, the risk of the Council being challenged on appeal and the vulnerability of green spaces. They acknowledged that the likely removal of the regional planning system would place greater emphasis on adjoining local authorities working together to solve sub-regional planning problems.

Whilst welcoming the principle of Neighbourhood Planning, members were concerned that those areas with a less developed community infrastructure and fewer resources should have an equal opportunity to participate. Members were interested to see the outcome of the pilot exercise in St James which had been awarded "front runner" status and funding from DCLG.

Councillor Taghdissian attended the meeting and spoke on this item under Standing Order 44. He endorsed concerns regarding the shortage of spare land in the city and the vulnerability of green space. He felt that consultation with residents was a key factor in delivering successful development in the city.

Members requested the Director Economy and Development to convey the reservations and endorsements they had expressed, together with those of Planning Member Working Group, in the response to the consultation exercise.

RESOLVED that a response be sent to DCLG based upon the report and the concerns expressed by Executive and the Planning Member Working Group.

(Report circulated)

WAVELENGTH 23 - SURVEY RESULTS

The report of the Assistant Chief Executive was submitted, presenting the main findings of the Wavelength 23 Survey.

In response to questions regarding the make-up of the Panel, the Assistant Chief Executive reported that the Panel was representative of the city in terms of gender and ward population but under-represented in the younger age-groups and over-represented among the older groups. It did not target socio-economic background.

Members welcomed the high return rate from the Panel. They were pleased to note the constructive and thoughtful comments made by Panel members regarding the Complaints leaflet and that 93% of respondents found it clear and easy to understand. They also noted that Exeter Citizen is still the favourite way for people to get information about the Council.

RESOLVED that the findings of Wavelength 23 be noted.

(Report circulated)

100 **THE COUNCIL'S POLICY ON INDEMNITIES FOR REPRESENTATIVES ON OUTSIDE BODIES**

The report of the Head of Legal Services was submitted, reviewing the Council's policy in relation to the indemnity of members serving as representatives on outside bodies and proposing new guidance on the matter.

The issue of appointing members and officers to represent the Council on outside bodies, and of the indemnities that the Council could give to them for that purpose, was last considered by the then Policy Committee in April 1998. At that time there was concern, arising from recent High Court cases, about the extent to which the Council could effectually provide indemnity if members or officers incurred liabilities whilst acting on outside bodies. The position had been clarified by the Local Authorities (Indemnities for Members and Officers) Order 2004, ensuring that the giving of indemnities had a clear legal basis.

RESOLVED that:-

- (1) indemnity be given to officers and members who represent the Council on outside bodies in the terms set out in the report; and
- (2) the guidance for members set out in Appendix A of the report be adopted.

(Report circulated)

101 **APPOINTMENT OF REPRESENTATIVES TO SERVE ON OUTSIDE BODIES**

RESOLVED that Councillor Margaret Clark be appointed to replace Councillor Adrian Hannaford as trustee for Age UK.

102 **CHANGE IN COMMITTEE MEMBERSHIP**

RECOMMENDED that Council approve the following changes in Committee membership:-

- (1) Councillor Adrian Hannaford to replace Councillor Paul Bull on Scrutiny Committee – Community
- (2) Councillor Paul Bull to replace Councillor Adrian Hannaford on Scrutiny Committee - Economy

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

RESOLVED that, under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following items on the grounds that they involved the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Part 1 of Schedule 12A of the Act.

104 **LIVESTOCK CENTRE - STAFFING**

The report of the Acting Head of Estates was submitted, asking Members to consider the proposals for a staffing review for the Livestock Centre section of Estates.

RESOLVED that the following be approved with effect from April 2012:

- (1) the deletion of post numbers ED04122, ED04123, ED041000, ED041001, ED041002 and ED041003;
- (2) the new structure as outlined in Appendix 2 of the report be implemented in accordance with the Council's Organisational Change Policy and for any displaced employees to be confirmed as redundant;
- (3) where, despite all reasonable efforts, notice of redundancy is confirmed and suitable alternative employment is not found, those employees with two or more years' service will be paid a compensation payment upon employment termination in accordance with the discretion exercised by the Council under the provisions of the Local Government (Early Termination) (Discretionary Compensation) (England and Wales) Regulations 2006; and
- (4) that the Head of Estates Services be authorised to delay the redundancy of one employee for a period of up to three months if this proves to be necessary when the new posts are filled.

(Report circulated to Members)

105 **SENIOR MANAGEMENT RESTRUCTURING**

Councillor Denham declared a personal interest in this item as an employee of South West Councils.

The report of the Chief Executive was submitted setting out proposals for the comprehensive restructuring of senior management arrangements, as the first stage of a wider management and structural review of the authority. He circulated an updated Appendix 3 with minor revisions.

Members endorsed the need for a review and supported the proposed management restructure. They discussed the impact of the systems thinking review being undertaken by Vanguard Consulting and the need to retain flexibility in the structure.

The Chair reported that all political group leaders would be involved in the recruitment process.

Councillor Taghdissian attended the meeting and spoke on this item under Standing Order 44.

RECOMMENDED that:-

- (1) the proposed new senior management structure as described in Section 6 of the report and as shown at revised Appendix 3 be approved;
- (2) the principles of implementation described in Section 8 of the report be approved; and
- (3) delegated authority be granted to the Chief Executive, in consultation with the Leader of the Council, the Leader of the Conservative Group and the Leader of the Liberal Democrat Group, to determine all outstanding detailed matters necessary to achieve the timely and effective implementation of these proposals.

(Report circulated to members)

(The meeting commenced at 5.30 pm and closed at 8.35 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 October 2011.

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GRANTS COMMITTEE

Thursday 15 September 2011

Present:-

Councillor John Winterbottom (Chair)
Councillors M A Baldwin, Bull, Newcombe and Spackman

Also Present

Director Community and Environment, Senior Valuer (TJ) Valuer (TW) and Member Services Officer (SJS)

7 **MINUTES**

The minutes of the meetings held on 2 December 2010 and 24 February 2011 were taken as read and signed by the Chair as correct.

8 **DECLARATIONS OF INTEREST**

A Member declared the following personal interest:-

COUNCILLOR	MINUTE
Councillor Winterbottom	10 (knows the Treasurer of Exe Water Sports Association)

9 **GRANTS BUDGET POSITION**

The Director of Community and Environment outlined the current budget position with regards to the grants budget and informed Members the amount currently left unallocated from 2011/12 was £2,504 plus £3,000 that was approved to be carried forward to 2011/12.

10 **RENT GRANTS**

Councillor Winterbottom declared a personal interest as he knows the Treasurer of Exe Water Sports Association.

The Director Community and Environment outlined to Members the rent grant applications for Exe Water Sports Association and Devon Rape Crisis Service Ltd.

Members raised concerns regarding the pressure that the increase in the rent for the pontoon could put on the financial position of Exe Water Sports Association.

The Senior Valuer updated Members on a proposed way forward with regards to the pontoon licence fee for Exe Water Sports Association. The current licence fee was £750 p.a. From completion of the legal documentation, the licence fee would increase to £1,750 p.a. for the first year, increasing to £2,750 p.a. in the second year and then rising to £3,951.60 p.a. from the third year onwards. He advised that the licence fee year was not the same as a financial year.

Members recognised the excellent work that Devon Rape Crisis Service Ltd were undertaking and invited the organisation to re-submit an application for consideration alongside other applications for 2012/13 funding, with the advice that a commitment could not be made as to whether the application would be successful.

RESOLVED to recommend to Executive that the decisions as set out below be implemented in respect of the bodies indicated;

GRANT	RECOMMENDED	COMMENTS
Exe Water Sports Association	Approve	£700 towards the rent increase for 62 Haven Road which can be covered by the recommendation at the February 2011 Grant Committee with regards to rental increases for existing properties during the year
	Refuse	£3,052 for the rent for the frontage of the pontoon; from completion of the legal documentation the licence fee would increase to £1,750 p.a. for the first year, increasing to £2,750 p.a. in the second year and then rising to £3,951.60 p.a. from the third year onwards
Devon Rape Crisis Service Ltd	Refuse	Most of the funding the organisation needs for 2011/12 is in place. The organisation be invited to re-submit an application for consideration alongside other applications for 2012/13 funding

(Report circulated)

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

12 **MATTHEWS HALL**

The Director Community and Environment presented the report to approve rent support to Topsham Community Association for Matthews Hall for a minimum period of five years.

The Senior Valuer advised Members that there had been discussions with the Community Association for them to take over all responsibility for the areas of open space to the side and front of the hall. This would save the Council the cost of managing and maintaining the area and it would remain open for public use unless the Association had an event.

The majority of Members felt that whilst it was extremely unlikely that the rent grant would not be approved the Council was not in a financial position to give the Topsham Community Association an assurance that the rent grant would be approved for the next five years. They also had concerns that any assurance could create a precedent for other community associations in receipt of a rent grant.

RESOLVED to recommend to Executive that it is extremely unlikely that the rent grant would not be paid but, in light of the Comprehensive Spending Review, Grants Committee were unwilling to bind its successors into a five year agreement.

(Report circulated)

(The meeting commenced at 4.30 pm and closed at 5.17 pm)

Chair

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Agenda Annex

SEATING IN THE GUILDHALL

Lord Mayor's Chaplain			Deputy Lord Mayor Councillor Mitchell (LD)	Lord Mayor Councillor Mrs Brock (LD)	Chief Executive	Assistant Chief Executive	
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Member Services Manager	Head of Legal Services	Head of Treasury Services		Director Corporate Services	Director Community and Env.	Director Economy and Development
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Councillors	Councillors	Councillors		Councillors	Councillors
Branston (L)	Tippins (L)	Edwards (L)		Mrs Henson (C)	Prowse (C)
Dawson (L)	Morris (L)	Sutton (L)		Taghdissian (C)	Crow (C)
AJ Hannaford (L)	Bull (L)	Martin (L)		Baldwin (C)	Mottram (C)
Robson (L)	Clark (L)	Sheldon (L)	TABLE	Shiel (C)	Winterbottom (C)
Spackman (L)	Bialyk (L)	RM Hannaford (L)		Newby (C)	D J Henson (C)
Choules (L)	Macdonald (L)	Denham (L)			Mrs Thompson C)
Wardle (L)					

Cllr Mrs Morrish (Lib)	Cllr Ruffle (LD)	Cllr Hobden (LD)	Cllr Cole (LD)	Cllr Fullam (LD)	Cllr Payne (LD)	Cllr Newcombe (LD)	Cllr P J Brock (LD)
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L: Labour : 19
 C: Conservative : 11
 LD: Liberal Democrat : 9
 LIB: Liberal : 1

Portfolio Holders

Edwards: Leader
 Hannaford, R.M.: Housing and Community Involvement
 Martin: Business Transformation and Human Resources
 Sheldon: Environment and Leisure
 Sutton: Sustainable Development and Transport
 Denham: Economy and Tourism

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