



Exeter City Council

A meeting of **EXETER CITY COUNCIL** will be held at the **GUILDHALL, HIGH STREET, EXETER** on **TUESDAY 21 FEBRUARY 2012**, on the rising of the Special 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 13 December 2011.	1 - 6
2 Official Communications	
To receive minutes of the following Committees and to determine thereon:-	
3 Planning Committee - 5 December 2011	7 - 20
4 Planning Committee - 16 January 2012	21 - 38
5 Special Planning Committee - 30 January 2012	39 - 46
6 Scrutiny Committee - Community - 17 January 2012	47 - 62
7 Scrutiny Committee - Economy - 19 January 2012	63 - 72
8 Scrutiny Committee - Resources - 25 January 2012	73 - 78
9 Executive - 24 January 2012	79 - 86
10 Executive - 7 February 2012	87 - 94

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

Pages

11 Notice of Motion by Councillor Mrs Henson under Standing Order No. 6

“That, given the length of the housing waiting list, this Council undertakes a fundamental review of the system of prioritising applicants’ circumstances to ensure that those most in need get accommodation and everyone is aware of their realistic chances of obtaining accommodation and where they sit in that prioritisation”

Date: 14 February 2012

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 13 December 2011

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

52 MINUTES

The minutes of the Extraordinary and Ordinary meetings of Council held on 18 October 2011 were taken as read and signed as correct.

53 OFFICIAL COMMUNICATIONS

The Leader of the Council informed members that he had been very impressed by his visit to the redeveloped Royal Albert Memorial Museum (RAMM) and noted the very favourable feedback received from visitors. The Council endorsed his comments and looked forward to the opening of RAMM to the public on Thursday 15 December 2011.

54 PLANNING COMMITTEE - 31 OCTOBER 2011

The minutes of the Planning Committee of 31 October 2011 were taken as read. Members declared the following personal interests:

COUNCILLOR	MINUTE
Prowse	107 (member of Devon County Council and Exeter Highways and Traffic Orders Committee)
Hobden	107 (member of Devon County Council and Exeter Highways and Traffic Orders Committee)

RESOLVED that the minutes of the Planning Committee held on 31 October 2011 be received.

55 LICENSING COMMITTEE - 29 NOVEMBER 2011

The minutes of the Licensing Committee of 29 November 2011 were taken as read. A Member declared the following personal interest:

COUNCILLOR	MINUTE
Choules	75 (applicant is known to him)

RESOLVED that the minutes of the Licensing Committee held on 29 November 2011 be received.

56

SCRUTINY COMMITTEE - COMMUNITY - 8 NOVEMBER 2011

The minutes of the Scrutiny Committee - Community of 8 November 2011 were taken as read. Members declared the following personal (*prejudicial) interests and left the meeting where appropriate:

COUNCILLOR	MINUTE
Choules	65 (employee of the University)
Mottram	*72 (undertaken work for Parkwood Leisure)

In response to a question on Minute 66 (Community Grants), the Portfolio Holder Housing and Community Involvement informed members that a further report would be submitted to Scrutiny Committee – Community on 17 January 2012 providing an update on the distribution of grants and considering options for use of unspent funds in 2011/12.

RESOLVED that the minutes of the Scrutiny Committee - Community held on 8 November 2011 be received.

57

SCRUTINY COMMITTEE - ECONOMY - 10 NOVEMBER 2011

The minutes of the Scrutiny Committee - Economy of 10 November 2011 were taken as read. Members declared the following personal interests:

COUNCILLOR	MINUTE
Prowse	49 (known to both questioners and is member of Devon County Council) and 50 (member of Devon County Council)
Taghdissian	49 (representative on Parking and Transport Outside London Adjudication Joint Committee)

In relation to Minute 50 (Questions from Members of the Council under Standing Order 20) Councillor Thompson reported that she would request Scrutiny Committee – Economy to amend the wording of the minute to reflect her comments.

RESOLVED that the minutes of the Scrutiny Committee - Economy held on 10 November 2011 be received.

58

SCRUTINY COMMITTEE - RESOURCES - 23 NOVEMBER 2011

The minutes of the Scrutiny Committee - Resources of 23 November 2011 were taken as read. Members declared the following personal interests:

COUNCILLOR	MINUTE
Ruffle	65 (member of a Trade Union involved in Pensions Dispute)
Spackman	65 (employed by branch of UNISON not associated with this authority)

RESOLVED that the minutes of the Scrutiny Committee - Resources held on 23 November 2011 be received.

EXECUTIVE - 6 DECEMBER 2011

The minutes of the Executive of 6 December 2011 were taken as read. Members declared the following personal (*prejudicial) interests:

COUNCILLOR	MINUTE
Branston	117 (trustee of Exeter Canal and Quay Trust)
Denham	117 (trustee of Exeter Canal and Quay Trust)
Edwards	*117 (trustee of Exeter Canal and Quay Trust)
Winterbottom	117 (trustee of Exeter Canal and Quay Trust)

In relation to Minute 118 (Parking Tariffs) Councillor Baldwin reported that Executive would be requested to make an amendment to the minute.

In response to questions, the Portfolio Holder emphasised that the proposed increase in charges at Matthews Hall and Topsham Quay car parks were intended to encourage turnover, and thereby increase trade, in Topsham. The Leader of the Council agreed to forward the letters from businesses in Topsham regarding the turnover at Topsham Quay car park to Councillor Mottram.

In response to a question regarding the reason for the decline in car park income, the Portfolio Holder responded that the closure of Debenhams in Sidwell Street had contributed to the reduction in income from King William Street car park. The refurbishment of the car park was planned in preparation for the arrival of the John Lewis Store. She responded that the Car Parking Task and Finish Group had a wide remit to review the use of car parks in the City, rather than specifically car parking charges. With regard to questions regarding visitors using free on-street car parking in preference to car parks, the Portfolio Holder responded that members with concerns should consider requesting a Residents Parking scheme in the areas affected.

RESOLVED that the minutes of the Executive held on 6 December 2011 be received.

NOTICE OF MOTION BY COUNCILLORS BULL AND DAWSON UNDER STANDING ORDER NO. 6.

Councillor Dawson, seconded by Councillor Bull, proposed a Notice of Motion in the following terms:-

“That this Council calls on the Government to reverse its cruel cuts to the tariff which will harm a lot of residents in Exeter.

They are planning to cut the tariff for solar PV installations with a capacity of 4Kw or less by more than 50% from 43p/Kwh to 21p/Kwh. For multiple installations the rate falls to 16.8p/Kwh.

Their rushed cuts to the Feed-in Tariff for solar PV goes too far, too fast, hits families trying to protect themselves from soaring energy bills, put thousands of jobs and businesses in the solar industry in jeopardy, and give lie to the Government’s promise to be the “greenest Government ever”.”

Councillor Dawson drew Council's attention to the number of jobs that would be lost in one of the few remaining growth industries, particularly in the South West. She emphasised the detrimental impact this would have particularly on families, by increasing energy bills. Councillor Bull spoke on the great success of the Feed-in Tariff scheme and questioned the need for the cuts in the tariffs.

Councillor Hobden, seconded by Councillor Taghdissian, proposed the amendment of the motion to read as follows:-

"That this Council calls on the Government to take the following views of Exeter City Council into account in its consultation on Feed-in Tariffs:

Council notes the current government consultation on changes to the "Feed-in Tariff" scheme, which is helping to fund photovoltaic (PV) installations, and is concerned that:

1. The halving of the tariff at short notice is causing problems for suppliers and local authorities alike
2. The reduction in systems being installed mean less jobs will be created
3. "Stop-start" policy changes undermine the government's aim to create new green industry and low-carbon energy supplies
4. The proposal to apply a lower tariff to multi-installations could exclude further tenants from the benefits of PV installations on their homes.

Council therefore agrees to write to the Prime Minister, the Secretary of State for Energy and Climate Change and relevant Ministers of State asking that:

1. The Tariff is reduced progressively over a longer period to enable the industry and householders to adjust but not before April 2012.
2. A Community Tariff is established, ensuring Councils and other Social Housing providers are excluded from the lower Tariff proposed for multi-installations, so that more households in fuel poverty can benefit from free electricity".

Council also resolves to copy relevant correspondence to the Local Government Association (LGA) so the LGA can make full use of all examples in its on-going lobbying work with the Government. "

Councillor Hobden reported that the current level of tariffs was not sustainable, did not provide value for money and restricted the amount of money available for other energy schemes. In proposing the amendment, she felt that the Council should respond to the Government consultation in a constructive rather than confrontational manner. Whilst accepting the merit of expressing the Council's concern, Councillor Taghdissian supported the view that the wording of the original motion was unlikely to elicit a sympathetic response from the Government, preferring the more comprehensive wording of the amendment. Another member commented that the scheme remained generous despite the reduction in tariffs.

Other Councillors reported that the Government had already been lobbied on the issue and considered the consultation to be a "sham" exercise since the Government appeared to have made decisions already in relation to the tariffs prior to the end of the consultation period. Members made reference to the broad political support for the scheme and emphasised the negative economic and environmental effects of the change, noting particularly the important impact of low carbon energy supplies on climate change.

The amended motion was put to the vote in the terms set out above and carried on the Lord Mayor's casting vote.

(The meeting commenced at 6.00 pm and closed at 7.55 pm)

Chair

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Agenda Item 3

PLANNING COMMITTEE

Monday 5 December 2011

Present:-

Councillor Bialyk (Chair)
Councillors Macdonald, P J Brock, Clark, Denham, Edwards, Mrs Henson, Mrs Morrish, 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)

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DECLARATIONS OF INTEREST

Members declared the following personal interests:-

COUNCILLOR	MINUTE
Councillor Bialyk	118 (member of St Thomas Social Club which adjoins the site)
Councillor P.J.Brock	114 (member of Devon County Council) 115 (knows the objector)
Councillor Prowse	114 (member of Devon County Council) 115 (knows the objector and student landlord) 116 (student landlord)

114

PLANNING APPLICATION NO.11/1533/03 - THE EXEBRIDGE CENTRE, COWICK STREET, EXETER, EX4 1AH

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

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

The Head of Planning and Building Control presented the planning application for the variation of condition two to allow minor alterations to the elevations of the approved building and condition eight to allow the first floor to be used for retail / restaurant / cafe purposes (Ref: 09/2050/03 granted 23/02/2010) at The Exebridge Centre, Cowick Street, Exeter.

The Head of Planning and Building Control informed Members of the comments received from the Devon County Council Head of Service for Communities and whilst they were committed to maintaining a library service for use by residents of the West Exe area, they had not agreed an acceptable rent with the developer and no longer had an interest in occupying the space.

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:-

- concern as there was not even a temporary library until mid-February
- Devon County Council had been extremely unhelpful
- the library at Exebridges was well used not only by local residents but those from neighbouring wards such as St. David's
- there was a desperate need for a community facility and library in the West Exe area
- local residents were angry about the loss of the library
- the application should be refused.

In answer to Member's questions, Councillor Hannaford stated that as a County Councillor he had been progress checking the position with County Council and would be raising the matter at the Council meeting this Thursday. Other sites for a library had been looked at including Bowhill Primary School, the Children's Centre and the Showman Pub but none of these locations had been suitable. The education establishments were unsuitable due to the Health and Safety risk of the public entering the premises. He stated that the feeling amongst local residents was that the County Council were not serious about the provision of a library in the West Exe area.

The Chair was of the view that the County Council should be called to account on the matter of the provision of a library in this area.

The Planning Solicitor advised that Planning Committee would need to determine the application before them and in doing so would need to take account of the comments of Devon County Council.

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

- 71 objections had been received on this application
- 160 people had joined the Facebook page 'Save St. Thomas Library'
- the application should be refused as it was contrary to Devon Structure Plan policies ST1 & ST3 and advice contained in the Exeter Local Plan section on Community Services
- approval would result in the loss of the library and no alternative site had been agreed
- the site was in a sustainable location, close to bus and train routes
- community needs should be put before commercial interests.

During discussion Members raised the following points:-

- difficult situation as Devon County Council stated that negotiations with the developer had broken down
- there was a need to find a permanent site for a library in St Thomas
- concern regarding any costs if the application was refused and the applicant went to appeal
- was contrary to policies in the Devon Structure Plan and Exeter Local Plan
- could a private benefactor or the local community take over the running of the library?
- very concerned that there was no provision for a library in St Thomas and that a library facility could be lost as had happened in other parts of the City
- need to call Devon County Council to account on this matter.

In response to Members' questions, the Head of Planning and Building Control stated that the site was in a local centre therefore the use proposed of retail and restaurant was acceptable in planning policy terms; it was Devon County Council's responsibility to find a location for the library, not the applicants; the provision of a retail/restaurant unit would not generate any more traffic than a library.

The Planning Solicitor stated that the City Council could not force the County Council to provide a library facility in this location.

Members had very serious concerns regarding the provision of a library in the St. Thomas area and were of the opinion that the application should be deferred to ask Devon County Council to clarify its position on the provision of a library in St. Thomas and to see if there was a private benefactor or community group that could provide a library facility in this area.

RESOLVED that the application for variation of condition two to allow minor alterations to the elevations of the approved building and condition eight to allow the first floor to be used for retail / restaurant / cafe purposes (Ref: 09/2050/03 granted 23/02/2010) be **deferred** so that Devon County Council could clarify its position with regards to the provision of a library in St. Thomas and to investigate the possibility of a private benefactor or community group providing a library in the area.

(Report circulated)

115 **PLANNING APPLICATION NO.11/1560/03 - 5 BYSTOCK TERRACE, EXETER, EX4 4HY**

Councillor P.J. Brock declared a personal interest as he knows the objector.

Councillor Prowse declared a personal interest as a student landlord and he knows the objector.

The Head of Planning and Building Control presented the planning application for the change of use from hotel to house in multiple occupation at 5 Bystock Terrace, Exeter.

Members were advised that 5 Bystock Terrace had been used as a hotel for approximately 25 years. The site was located within the St David's Conservation Area and was a Grade II Listed Building. The proposal was to use the existing hotel accommodation as ten letting rooms with the existing kitchen, breakfast room and manager's accommodation being converted into communal rooms. No physical alterations to the building were required to facilitate the proposed change of use.

Members were circulated with an update sheet advising that condition four would be deleted as it was not necessary.

The Head of Planning and Building Control advised that it was proposed that there would be an additional condition requiring a management plan.

The recommendation was to approve the application subject to the conditions as set out in the report, with the deletion of condition four and an additional condition requiring a management plan.

Ms Fraser (representing St. David's Neighbourhood Partnership) spoke against this application. She raised the following points:-

- St. David's Neighbourhood Partnership represented over 1,000 households and businesses in the area
- challenged the figures regarding the student numbers; the current method of calculating student numbers was crude and basic
- would like the decision deferred to enable a more accurate count of students in the area
- the partnership would work with students to undertake a detailed count of students in the area

- there had been a recent influx of students
- would cause an imbalance in the community
- asked committee to reject the application.

In answer to Members' questions, Ms Fraser stated that student accommodation had become a profitable commodity that London Brokers wanted to buy up.

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

- was the agent for this application and the application at 12 Queens Terrace
- no planning reasons to refuse the application
- the hotel could not compete with hotel chains offering large discounts, therefore the owner had to look at alternative uses
- the proposed planning application was determined by land values and uses.

In answer to a Member's question, Mr Dent clarified that his client had instructed him to dispose of the property to the highest bidder.

In response to a Member's query regarding the thickness of the internal walls and potential noise pollution, the Head of Planning and Building Control stated that, should insulation of the internal walls be required, then listed building consent would need to be sought. He also confirmed that as an HMO, the property would need to comply with the Private Sector Housing Licence requirements and that the refuse storage would be the same as that provided for the hotel.

RESOLVED that the application for change of use from hotel to house in multiple occupation 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 19 September 2011 (*dwg. no(s). J294/GT/04*), as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 3) Prior to occupation of the development hereby permitted, secure cycle parking shall be provided in the light well, in accordance with details previously submitted to and approved in writing by the Local Planning Authority, and this facility together with the ability to park cycles on the front terrace shall be maintained at all times thereafter.
Reason: To ensure that cycle parking is provided, to encourage travel by sustainable means in accordance with Local Plan policy T3.
- 4) The development shall not be occupied until the Local Planning Authority has approved a management scheme which shall include (amongst other things) the following:-
 - (a) details of any managing agent to be engaged by the developer
 - (b) details of the management arrangements for the development
 - (c) procedure for dealing with:-
 - (i) management problems
 - (ii) anti-social behaviour
 - (iii) noise
 - (iv) fire or security alarms sounding; and

- (v) other emergencies
- (d) safety and security measures and controls; and
- (e) confirmation that the development will be car free

Reason: To help protect the existing residential amenity standards currently enjoyed by neighbouring properties.

(Report circulated)

116

PLANNING APPLICATION NO.11/1563/03 - 12 QUEENS TERRACE, EXETER,
EX4 4HR

Councillor Prowse declared a personal interest as a student landlord.

The Head of Planning and Building Control presented the planning application for the change of use from hotel to house in multiple occupation at 12 Queens Terrace, Exeter.

Members were advised that the site was located within the St. David's Conservation Area and was a Grade II Listed Building. The existing hotel was arranged with nine letting rooms and manager's flat but no dining facilities. The proposal was to use the existing hotel accommodation as nine letting rooms. The ground floor accommodation would be kitchen and living rooms for the house. No physical alterations to the building were required to facilitate the proposed change of use.

Members were circulated with an update sheet advising that condition four would be deleted as it was not necessary.

The recommendation was to approve the application, subject to the conditions as set out in the report, with the deletion of condition four and an additional condition requiring a management plan.

Mr Lacy (representing St. David's Neighbourhood Partnership) spoke against this application. He raised the following points:-

- was the Chair of St. David's Neighbourhood Partnership
- objected to the application
- student numbers in the immediate vicinity were in excess of the 20% stated in the Council Supplementary Planning Document
- would cause an imbalance in the community; there was a proposal for purpose built student accommodation for 260 students nearby at the Iron Bridge
- HMO permission would increase the value of the property
- would cause harm to the community
- disturbance of late night/early morning noise would have a detrimental effect on the quality of life of local residents making the area unattractive for family life
- would drive families out of the area
- would make the parking situation worse
- asked the Committee to defer the decision.

In answer to Member's questions, Mr Lacy clarified that the owner would get more money for the property if it was an HMO and it was a flexible building that could be sub divided into two family homes.

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

- the building was occupied by the Esther Community from 1997 to 2004

- would cause damage to the fabric of the building if sub divided into family homes
- the student numbers in the area did not exceed 20%
- the development of chain hotels in the city offering discounts had put pressure on the viability of small hotels.

Discussion took place regarding the Supplementary Planning Document on student numbers and the need for the availability of different types of student accommodation.

The Head of Planning and Building Control stated that the 20% threshold did not apply to purpose built accommodation and the percentage households exempt from council tax were updated in May each year.

RESOLVED that the application for change of use from hotel to house in multiple occupation 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 19 September 2011 (*dwg. no(s). J294/12/QT/04*), as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 3) Prior to occupation of the development hereby permitted, secure cycle parking shall be provided in accordance with details 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.
- 4) The development shall not be occupied until the Local Planning Authority has approved a management scheme which shall include (amongst other things) the following:-
 - (a) details of any managing agent to be engaged by the developer
 - (b) details of the management arrangements for the development
 - (c) procedure for dealing with:-
 - (i) management problems
 - (ii) anti-social behaviour
 - (iii) noise
 - (iv) fire or security alarms sounding; and
 - (v) other emergencies
 - (f) safety and security measures and controls; and
 - (g) confirmation that the development will be car free**Reason:** To help protect the existing residential amenity standards currently enjoyed by neighbouring properties.

(Report circulated)

The Development Manager presented the planning application for residential development consisting of ten detached dwellings, associated parking, garages and access at former Guide Dogs for the Blind Kennels, Exwick Lane, Exeter.

Members were advised that the application site was located on the eastern side of Exwick Lane immediately to the west of Exwick Heights School. The site was previously used for guide dog training purposes but had been unused for many years. It was occupied by kennels/runs, small ancillary buildings and was a brownfield site. Outline planning permission had been refused in September 2004 for 14 residential units and subsequently lost at appeal.

This proposal was for ten detached dwellings comprising six three bedrooms, three four bedrooms and one five bedroom. The heights varied from single storey, single storey with rooms in the roof space and two storey. The materials to be used would be brick, slate and timber windows with PV panels on the roof. There would be a footpath along the southern edge of the site connecting to Exwick Heights School. There was a landscape scheme proposed which included planting on land to the west of the site.

The Development Manager reported that one further email of objection had been received raising the issue of the footpath to Exwick Heights school being too close to Cleve House. He advised that the footpath was in the most convenient location for access to the school and that it was sufficiently overlooked by two of the new dwellings so as not to attract anti social behaviour.

Members were circulated with an update sheet advising that additional plans had been received to address concerns raised in respect of highway and landscape matters and that comments received from Devon County Council Highways considered that the revised highway access and circulation areas were adequate.

The recommendation was to approve the application subject to the completion of a Section 106 Agreement which requires a financial contribution to education (£18,010), traffic orders (£1,500) and Natura 2000 (£3,500), and 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 site developed as it attracted anti social behaviour
- needed a joined up approach with Devon County Council as Exwick Heights school was looking to expand due to increase pupils numbers and negotiations were taking place to purchase this site for the school expansion
- was an issue with traffic in the area and access to the school; the bollards on Exwick Lane were there for a reason to prevent car use and congestion
- community infrastructure in the area was poor, if the houses were built, there would be no land for the school to expand?
- there was a report due to go to Devon County Council Cabinet on 14 December regarding the expansion of the school.

The Development Manager stated that the Highway Authority had not objected to the application.

The Head of Planning and Building Control clarified that although it was an aspiration of the County Council to expand Exwick Heights School, and a report was due to go to Devon County Council shortly, there was no formal agreement.

Mr Drayton (agent) spoke in support of this item. He raised the following points:-

- acting on behalf of the Guide Dogs for the Blind

- this site had been vacant for over ten years
- it was a requirement of the Charity Act to get the best price possible for the land; all the funds would then be reinvested in the charity
- this proposal would improve the area
- Exwick Lane was the natural boundary between the urban area and the countryside
- had worked with planning officers for 12 months on this proposal
- the development was sensitive to the rural landscape
- some single storey units to take account of the topography of the site
- would provide new footpath link to the school
- the dwellings would incorporate energy saving measures
- the application was sensitive to its location
- there was a landscaping condition
- asked the Committee to approve the application.

During discussion, Members raised the following points:-

- the protection of Exwick Heights and concern that this application could create a precedent for further development on greenfield sites in this location
- there were significant traffic issues in the area; traffic management needed to be considered
- how would approval of this application affect any potential expansion of the school?
- a site visit would help the Committee to understand the site and the traffic problems.

RESOLVED that the application for residential development consisting of ten detached dwellings, associated parking, garages and access be **deferred** to allow a site inspection by all Planning Committee Members to view the landscape setting of the site and the traffic management issues.

(Report circulated)

118 **PLANNING APPLICATION NO.11/1751/03 - FORMER SPEEDWAY GARAGE, 63 COWICK STREET, EXETER, EX4 1HW**

Councillor Bialyk declared a personal interest as a member of St Thomas Social Club which adjoins the application site.

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

Members were advised that in July 2011 planning permission was refused for a three storey mixed use development with commercial space on the ground floor with seven flats on the first and second floors. The rear section of the site was proposed to contain six townhouses providing a total of 13 units which would be served by 13 car parking spaces within the rear courtyard. The front of the site had planning permission which was granted in August 2008 for two retail units and seven flats.

This application sought to address the previous reasons for refusal and the number of units had been reduced to eleven. Each unit had its own amenity space, there was a communal amenity space to the rear and the car parking had been reduced.

Members were circulated with an update sheet giving details of comments from the Environment Agency and Living Options, Devon and that an additional condition in respect of Archaeology was required.

The Development Manager reported that one late letter of objection had been received.

The recommendation was to approve the application subject to no objection from English Heritage (if an objection was received it would be delegated to the Head of Planning and Building Control in consultation with the Chair and Deputy Chair), the completion of a Section 106 Agreement or other mechanism to secure a financial contribution to traffic orders (£1,500) and Natura 2000 (£3,850), the conditions as set out in the report and an additional condition in respect of Archaeology.

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

- welcomed that the previous application had been refused and pleased that this application was scaled down and provided amenity space
- overall in support of the application
- would improve Old Vicarge Road
- concern regarding the width of the pavement in front of the development as it was used by parents with pushchairs and disability scooters to access the nearby Health Centre
- did not need or want another takeaway in this location; they cause a lot of discarded rubbish which the Council then had to pay to clear up
- hoped that this development would be built out.

Mr Eaton (agent) spoke in support of this item. He raised the following points:-

- had reduced the number of units to improve amenity and provide green space
- each unit would have private amenity space by way of a balcony or roof terrace
- worked closely with planning officers on this proposal
- asked committee to support the officers recommendation.

In answer to Members' questions, Mr Eaton clarified that a management company would manage the communal area which would be funded by way of a service charge. It was the applicant's intention to build out the proposal.

During discussion Members raised the following points:-

- there was no provision in the Section 106 for local facilities such as monies towards local play areas particularly in light of the limited amenity space with this proposal
- did not want takeaway use in this location
- welcomed this refreshing proposal
- concern regarding the width of the pavement to the front of the development to ensure adequate access to the Health Centre.

In response to Members' questions, the Development Manager clarified that there was no provision for a lift and, given the scale of the proposal, the installation of a costly lift could make the development unviable; the uses could include a restaurant but not a takeaway; and there was a condition which required details of the frontage of the site to be agreed with Devon County Council. He would pass on Members' concerns to the Highways Authority regarding the inadequate width of the pavement.

The Director Economy and Development stated that currently there was no provision for smaller developments to provide monies towards local facilities and this would be addressed under the Community Infrastructure Levy which was due to be published for consultation shortly.

RESOLVED that the application for mixed use development comprising 244 sq m of commercial floor space, six self contained flats, five courtyard houses, parking court and associated works be **approved** subject to no objection from English Heritage (if objection received it would be delegated to the Head of Planning and Building Control in consultation with the Chair and Deputy Chair), the completion of a Section 106 Agreement or other mechanism to require a financial contribution to traffic orders (£1,500) and Natura 2000 (£3,850) and the following conditions:-

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C17 - Submission of Materials
- 4) C12 - Drainage Details
- 5) C23 - Permitted Development Restriction
- 6) C35 - Landscape Scheme
- 7) C37 - Replacement Planting
- 8) C70 - Contaminated Land
- 9) Prior to occupation of the development hereby permitted, secure cycle parking for residents shall be provided, together with additional cycle parking for the commercial premises, in the locations shown on drawing no. 80138 P (0) 110 in accordance with details 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.
- 10) No development shall commence until full details of all plant 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 residential amenity particularly in respect of noise.
- 11) Occupation of the development hereby permitted shall not be commenced before the existing Traffic Order (reference ID 4035) in the vicinity of the site is reviewed and if necessary, amended, to reflect the approved development, to the written satisfaction of the Council.
Reason: In the interests of highway safety.
- 12) Notwithstanding condition no 2, no work shall commence on site under this permission until full details of the following, as it relates to the office or residential building, 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) treatment of boundaries;
- f) balconies

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

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

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

- 14) 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 interest of residential amenity.

- 15) No development shall take place unless and until details of swift boxes have 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: To ensure that the wildlife opportunities associated with the site are maximised in the interests of biodiversity.

- 16) 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.

- 17) No deliveries shall be taken at or dispatched from the commercial part of the development outside the hours of 7am to 11pm Monday to Saturday nor at any time on Sunday, Bank or Public Holidays.

Reason: In the interest of residential amenity.

- 18) Prior to the occupation of the residential units a Green Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be provided to all occupants of the properties and the recommendations adhered to.

Reason: To reduce the use of the private vehicular and encourage sustainable transport modes.

- 19) No development shall commence until a noise impact assessment has been submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with any recommendations made. The report shall consider impact of noise from the development on local receptor and shall include noise from plant and equipment.

Reason: In the interest of residential amenity of future residents.

- 20) 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.

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 within the Section 106 Agreement.

(Report circulated)

119 **LOCAL DEVELOPMENT FRAMEWORK - ANNUAL MONITORING REPORT**

The Head of Planning and Building Control presented the Local Development Framework Annual Monitoring Report. He outlined the main conclusions in relation to the Local Development Scheme and monitoring results.

In response to Members' questions, the Head of Planning and Building Control stated that the allocation of Gypsy and Travellers site would be covered in the report on the Core Strategy which would be considered by Executive in due course. Sites in the Strategic Housing Land Allocation Assessment had been put forward by developers as possible development sites.

RESOLVED that the Annual Monitoring Report 2011 be approved for submission to the Secretary of State.

(Report circulated)

120 **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)

121 **ENFORCEMENT PROGRESS REPORT**

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

RESOLVED that the report be noted.

(Report circulated)

122 **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 3 January 2012 at 9.30 a.m. The Councillors attending will be Edwards, Newby and Sutton.

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

Chair

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Agenda Item 4

PLANNING COMMITTEE

Monday 16 January 2012

Present:

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

Also Present:

Director Economy and Development, Head of Planning and Building Control, Development
Manager, Planning Solicitor, Area Planner (MH) and Member Services Officer (HB)

1 MINUTES

The minutes of the meeting held on 31 October 2011 were taken as read and signed by the Chair as correct.

2 DECLARATIONS OF INTEREST

Members declared the following personal interests:-

COUNCILLOR	MINUTE
Newby	4 (lives close to the application site)
PJ Brock and Prowse	5 and 6 (Members of Devon County Council)
R Hannaford	6 (Member of Devon County Council)

3 PLANNING APPLICATION NO.11/1737/03 - RED HOUSE, 2 WHIPTON VILLAGE ROAD, EXETER, EX4 8AR

The Development Manager presented the planning application for the change of use from hotel to hostel at the Red House, 2 Whipton Village Road, Exeter.

Members were circulated with an update sheet giving details of four additional letters of objection which had not raised any new issues and a formal response from the Police Architectural Liaison Officer suggesting a number of conditions relating to the overall management of the facility with specific reference to provision of CCTV, security lighting, key management, provision of security doors and windows and staffing arrangements. It was proposed to amend condition three accordingly to ensure that the above mentioned were included within the management scheme.

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

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

- it was clear from the public meeting that there is strong opposition to the proposal, with concerns expressed by those immediately affected by the proposal, those in the immediate vicinity as well as the wider community. The number attending an earlier public meeting on the matter - 250 - reflected the level of concern

- main concerns are in respect of the potential for crime and disorder and anti social behaviour
- to state that those in need of housing do not have a propensity for anti social behaviour is not a sufficient reason for supporting the use of the Red House as a hostel
- the occupants will be free to come and go at all times
- the recommendations do not adequately cover the concerns raised by the Police Architectural Liaison Officer. Those concerns need to be taken on board
- the local area already experiences disturbances late at night
- residents of the neighbouring care home may suffer disturbance
- statement that the hotel currently caters for a large number of occupants and that there will not therefore be a significant increase in numbers as a result of the change of use to a hostel is misleading. If the hotel was thriving there would be little incentive to change the use
- there is a feeling locally that the decision of the Committee is a 'foregone conclusion'
- opposition from businesses in the Whipton Village area who believe that their trade will suffer. They anticipate that many residents in the area will be reluctant to visit their businesses because of fear of anti social behaviour
- the statement that there have been a limited number of 999 calls in respect of the other hostel operated by the applicant - Trailways - is misleading as any 999 calls should be a cause for concern.

The Chair clarified that there was no question of Members having already come to a view on the application.

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

On behalf of the applicant:-

- applicant will continue to accommodate clients of the City Council and County Council
- a full consultation of local residents had been undertaken. Only two phone calls had been made to the applicant arising from the 700 letters sent
- it had been unclear at the public meeting that the attendance register was to be used as a petition opposing the proposal and thus the perceived level of objection had been exaggerated
- majority of opponents are not aware of the precise nature of the facility - it will not be a bail hostel or night shelter
- no complaints had been received in respect of existing facility - Trailways - operated by the applicant
- will ensure high management standards which will be superior to bed and breakfast accommodation
- will work closely with both the City and County Councils to provide housing for the homeless. Everyone should have a place to live and an important social service will be made available in support of individuals experiencing difficult times
- not for financial gain, otherwise could sell the site to a developer.

Comments of Councillor Martin:-

- level of response to the proposal reflects a thorough and successful consultation
- housing the homeless should not be a party political issue

- 20 years of experience in homeless work in London with the GLC
- referred to a number of examples of homeless individuals he had dealt with as a Councillor, pointing out that homelessness can affect any member of society
- homelessness is a City wide issue and the provision of a new facility therefore reduces the overall number of homeless in Exeter
- proposal for a hostel had been discussed at an early stage in the area at coffee mornings and at the public meeting
- statistics relating to calls to Police in respect of the Trailways establishment can distort the true picture
- an unannounced visit to Trailways had found the facility to be of a high standard
- hostel will be dealing with a number of vulnerable people, some of whom are young. All deserve the best possible care

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

- speaking on behalf of residents in Whipton Village
- significant number of objectors and 41 signatories to petition. High percentage of elderly in the area are concerned and feel intimidated regarding potential for anti social behaviour
- fear of crime and impact on residential amenity of area
- a Section 30 dispersal order was operational in the area until November 2011
- conversion to a hostel will have a negative impact on community cohesion of Whipton Village
- there will be a negative impact on local businesses as residents' incentive to continue custom will be reduced
- Red House is a gateway to Whipton Village
- comments from Vranck House owners that planning consent should not impact adversely on the character of area
- although few problem incidents reported in respect of Trailways, the propensity for crime from individuals housed at the Red House is not reduced. Although five incidents a year at Trailways is small, five disturbances, either at day or night, is still too many
- the Red House is currently not in full occupation as a hotel
- use of CCTV acknowledges potential for crime and disorder but is a sensible proposal
- recommend refusal of the application as overwhelming opinion of residents is to strongly object to the application

If approval is to be given, regard should be had to the following matters:-

- incorporate concerns of the Police Architectural Liaison Officer into conditions
- there should be a limit on the number of bed spaces as the current proposal does not make it clear whether rooms can only accommodate single individuals or whether couples or families will be accommodated
- permission to be made personal to the applicant
- measures are necessary to prevent people gathering on the low boundary wall
- a change to the management agreement to include an appropriate mechanism for monitoring visitors, use of CCTV cameras and the employment of an appropriately qualified duty manager

- monitoring of numbers and nature of client base is necessary as these will change over time and there is no guarantee that they do not have a propensity for crime and anti social behaviour
- registration of visitors
- curfew on occupants
- hostel should be fit for purpose and attention is required to problems reported in respect of a drainage overflow to eliminate any environmental health risk

The Development Manager responded as follows to the specific points above:-

- limiting occupation to individuals could increase potential for those problems which form the main thrust of the objections - that of crime and disorder - which are more likely from individuals than any families being housed
- Government advice discourages personal consent as planning permission reflects land use and agreeing to specific personal use would be the exception to the normal policy stance
- registration of individual tenants would be outside planning controls
- registration of visitors is also outside planning controls
- a curfew is inappropriate
- it was not envisaged that the proposed change of use would substantially change the drainage issues in the area

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

- proposals to expand the Red House have been raised in the past and it can be anticipated that the new owners may submit similar expansion proposals
- insufficient public consultation was carried out on the current application
- the Red House is likely to have double the number of residents than Trailways and is in a more prominent position
- possibility of in excess of 28 young people occupying the facility which is in close proximity to the Half Moon pub;
- as Exeter City Council and Devon County Council control occupancy, both should be able to guarantee high risk residents will not occupy the facility
- if it is claimed that the residents will not be likely to cause anti social problems etc, why are security measures, such as CCTV, necessary
- likely to be in the region of 100 residents staying at the Red House per year and this will impact adversely on the community
- residents would prefer to continue to support local shops and businesses but are likely to reduce their visits from fear of anti social behaviour etc.
- Whipton Village is currently a well balanced community but this is likely to change if approval is granted
- a hostel in this location could stigmatise the whole area
- there is a fear locally that approval of the application is a foregone conclusion
- there will be a detrimental impact on the adjacent care home
- Red House is regarded as an iconic feature of this part of the City which will be lost if a hostel is allowed
- accept that a facility of this nature should be provided for Exeter but not in this location
- Red House and Trailways are not comparable as they are of a different scale and the character of the areas within which they are located are very different
- if permission is to be granted, a limit on the number of occupants is requested

Members suggested that a liaison group be established comprising local Members, the owner, representatives of Whipton Community Association and the Police to consider the specific concerns of residents and to agree on the number of bed spaces and a scheme of external works. With regard to the former, the Development Manager advised that there were 18 rooms in all, with only seven on the first and second floors. He stated that negotiations could be held with the applicant to limit the total number of bed spaces. This however would be dependent on the extent to which accommodation for family units was proposed.

RESOLVED that the application for change of use from hotel to hostel be **approved** subject to the following conditions (condition 3 to incorporate the comments of the Police Architectural Liaison Officer and a limit on the number of bed spaces) and a scheme for external works, with the details of the condition to be circulated to the Committee Members prior to issue of permission:-

- 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 20 October 2011 (*dwg.no(s). 1026/01, 1026/02 and 1026/03*), as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 3) The Development hereby permitted shall not be occupied until the City Council has agreed in writing a Management Scheme submitted by the applicant and the agreed measures have been put in place. The Management Scheme shall include the following: (A) details of the management arrangements for the property, including procedures for dealing with (i) management problems, (ii) anti-social behaviour, (iii) noise, (iv) fires or other emergencies; (B) details of how the recommendation of the Police Architectural Liaison Officer, set out in her letter to the Council dated 10 January 2012, have been and will be implemented; (C) the maximum number of bed spaces to be occupied at any one time; and (D) the establishment of a Liaison Group to include the owner or manager of the premises, Local Ward Councillors and representatives of the Police and local community groups. Occupation shall be managed in accordance with the approved scheme.
Reason: To help protect the existing residential amenity standards currently enjoyed by neighbouring properties.
- 4) Prior to occupation of the development hereby permitted, secure cycle parking shall be provided in accordance with details 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.

(Report circulated)

**PLANNING APPLICATION NO.11/1291/01 - SEABROOK ORCHARDS
(FORMERLY LAND TO NORTH OF TOPSHAM TOWN AFC GROUND),
TOPSHAM ROAD, TOPSHAM, EXETER**

Councillor Newby declared a personal interest as he lives close to the application site.

The Area Planner presented the application for development of up to 700 dwellings and supporting infrastructure including: primary school, community building; doctors surgery and primary healthcare facilities; local store; care home/s; two access junctions on Topsham Road, roads, parking and associated works, sports fields and pavilion; informal open space; paths and cycle routes; landscaped spaces; play spaces; play areas, orchards and allotments; three metre high landform and acoustic fence at boundary with M5; surface water attenuation features; re-alignment of the Seabrook and re-profiling of channel (all matters reserved for future consideration apart from access) at Seabrook Orchards, Topsham Road, Topsham, Exeter.

Members were circulated with an update sheet giving details of an additional letter of support stressing the overwhelming need for additional housing and the desirability of accommodating this within existing towns.

The recommendation was to approve the application having had regard to the Environmental Impact Assessment submitted with the application and the representations made about the environmental effects of the development and subject to a Section 106 agreement and conditions as set out in the report. An additional condition was proposed requiring completion of works for the disposal of sewage from the site in accordance with details to be agreed with the local planning authority, prior to the occupation of any dwellings.

Mr Richard Wald, representing Dukeminster (an adjoining landowner), spoke against the application. He tabled plans relating to the highway network and relevant ownership status together with a statement from the Exeter Golf and Country Club. Points raised in the Golf Club statement are set out below:-

- at no stage of the pre application process was the Exeter Golf and Country Club consulted by the applicant or their agents. This lack of consultation has led to concerns regarding the design of the proposed development
- the design severely compromises the 'playability' and safety of the golf course. The current layout proposes houses in the most dangerous locations in relation to the playing lines of the golf course; this lack of design consideration is contrary to Local Plan Policy DG4
- the club considers that the proposed development fails to properly consider the amenity of the golf course and furthermore that the current design would give rise to objections from future residents with regard to noise and safety concerns; contrary to Local Plan Policy DG4
- the club has sought unsuccessfully to reach agreement with the applicants in respect of modifications to the layout and/or inclusion of safety measures.
- the club is a significant employer and tourism attraction. It is specifically mentioned in the Core Strategy submission document as being a facility of regional importance. It is considered that this planning application endangers the future of a key economic driver for Exeter.
- it is clear that officers recognise there is a genuine safety issue given that Condition 27 has been proposed; however, the condition is wholly inadequate to deal with this issue. The Exeter Golf and Country Club urge the Committee to refuse this planning application or defer the application to allow for amendments to Condition 27 to protect the operations of the club.

On behalf of Dukeminster, Mr Wald stated that the vehicular link to the new link road should be provided at the outset of the development in order to alleviate traffic congestion in Topsham Road and the Countess Wear roundabout. He stated that the link was essential for eight reasons each of which on its own would justify a legal challenge to the soundness of any planning approval granted. He added that it was likely that his client would seek judicial review of any planning consent granted. He began to outline the eight concerns although these were not all delivered within the allotted time. He stated that:-

- his clients had no objection to the development in principle, provided that traffic issues were dealt with properly
- the Authority had failed to consider properly the issue of pedestrian safety and traffic congestion
- the Authority had failed to have regard to the traffic generated by the non residential elements of the scheme. Proposed condition 36 referred only to dwellings
- the Authority falsely assume that the traffic generated by the scheme would be reduced by permeability
- the Authority had failed to take account of the fact that a large part of the development would be more than 400 metres from the bus stops in Topsham Road and consequently overestimated the extent of likely bus usage
- it was contradictory to require a connection to the link road at 650 dwellings whilst at the same time having regard to the “worst case scenario” of no link being made
- since the justification for late delivery of the link road was made on the basis of deliverability, evidence relating to viability should, as a matter of a fairness, be openly available
- the Authority had failed to adequately address issues regarding the traffic modelling as raised by his client’s retained highway consultant
- it cannot be assumed that a connection to the link road will be made available by his client

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

- the proposal is an exemplar scheme offering a mix of high quality homes
- the development can offer a range of facilities including school, allotments, community open space, cycle and pedestrian links and a MUGA
- includes a comprehensive package of sustainable transport solutions
- the traffic modelling had been checked by Devon County Council
- connection will be provided to the link road
- cycle and pedestrian links will help reduce reliance on car transport and therefore reduce car journeys
- encourages health and well being
- development includes affordable housing as well as social housing
- agreement in principle had been reached with the Exeter Golf and Country Club regarding measures necessary in the north of the development site to reduce the impact on two holes on the golf course

The Highway Authority’s (Devon County Council’s) Development Manager Highways and Transport confirmed that a full analysis had been undertaken of the transportation implications of the proposal and that the concerns of the objector had been properly considered. He stated that objection could always be anticipated in respect of traffic studies because of the imprecise nature of traffic modelling.

He concluded that the impact of the development on Topsham Road and Countess Wear roundabout was acceptable and that the Highway Authority could not substantiate an objection. In response to a question from a Member regarding Mr Wald's allegation that the analysis had not taken into account the traffic generated by the community facilities, he stated that, whilst he had not personally undertaken the analysis, it was his understanding that all traffic movements had been taken into account.

A number of Members spoke in favour of the proposal, commenting on the quality of the layout, the creation of a new community and the benefit to the area of a new school and community centre.

RESOLVED that, having had regard to the Environmental Impact Assessment submitted with the application and the representations made about the environmental effects of the development, the application for development of up to 700 dwellings and supporting infrastructure including: primary school, community building; doctors surgery and primary healthcare facilities; local store; care home/s; two access junctions on Topsham Road, roads, parking and associated works, sports fields and pavilion; informal open space; paths and cycle routes; landscaped spaces; play spaces; play areas, orchards and allotments; 3m high landform and acoustic fence at boundary with M5; surface water attenuation features; re-alignment of the Seabrook and re-profiling of channel (all matters reserved for future consideration apart from access) be **approved** subject to the completion of a Section 106 Agreement securing the matters set out in the circulated report and the following conditions:

- 1) C01 - Standard Outline
- 2) The development hereby approved must be begun within five years from the date of the grant of outline planning permission, or two years from the final approval of the reserved matters, whichever is the later.
Reason: To ensure compliance with section 91 - 92 of the Town and Country Planning Act 1990.
- 3) C15 - Compliance with Drawings
- 4) Notwithstanding drawing nos. 17329/001/012 Rev F and 17329/001/013 Rev B detailed drawings of the design and layout of the two new junctions on Topsham Road shown on Masterplan drawing no. PLAN004 shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development on site.
Reason: To ensure that the detailed designs of the junctions are acceptable and take into full consideration the needs of cyclists and pedestrians as well as motorised vehicles (including public transport vehicles).
- 5) Unless otherwise agreed in writing by the Local Planning Authority 'reserved matter' applications submitted pursuant to this outline approval shall be in broad accordance with the Masterplan drawing no. PLAN004.
Reason: To ensure that the design and layout of the development is approached comprehensively and achieves a high quality design that creates a unique sense of place for this significant urban expansion of Exeter in line with the submitted Planning, Design and Access Statement dated July 2011.
- 6) Prior to the submission of any reserved matters application a detailed set of design codes for the various character areas identified in Section 5.7 of the submitted Planning, Design and Access Statement dated July 2011 shall be

submitted to, and be approved in writing by, the Local Planning Authority. The design codes shall be based upon the principles already identified for each character area within that document. Thereafter subsequent reserved matter applications shall conform to the detailed design codes approved pursuant to this condition.

Reason: To ensure that the detailed design and layout of the development is approached comprehensively and achieves a high quality design that creates a unique sense of place for this significant urban expansion of Exeter in line with the submitted Planning, Design and Access Statement dated July 2011.

- 7) Prior to the commencement of the development a detailed phasing plan based on that identified on page 83 of the submitted Planning, Design and Access Statement dated July 2011 shall be submitted to, and be approved in writing by, the Local Planning Authority. The phasing plan shall specify the proposed timing for the undergrounding of the high voltage electricity cable, the re-profiling and re-alignment of the Seabrook, and the delivery of the areas of public open space/green infrastructure as well as the construction programme for the housing and other built elements of the development.
Reason: To ensure that the development proceeds in accordance with an agreed programme of delivery and that within individual phases the open space associated with the development is co-ordinated with the construction of the houses which it will serve.
- 8) None of the dwellings/buildings within any phase of the development over sailed by the existing high-voltage power line to be undergrounded as part of the application shall be occupied/brought into use until that power line has been removed from overhead in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of residential amenity.
- 9) All of the dwellings constructed pursuant to this application shall be designed to at least meet the standards specified in Level 3 of the Code for Sustainable Homes published in 2008. A Code Post Completion Certificate shall be submitted to the Local Planning Authority within 6 months of the substantial completion of the development hereby approved.
Reason: In the interests of sustainable development and to ensure that the development is consistent with the objectives for sustainable development set out in PPS1 – Delivering Sustainable Development and PPS22 - Renewable Energy.
- 10) Prior to commencement of the development a scheme for generating a minimum of 20% of the predicted energy requirement of the development from on-site renewable or low carbon energy sources shall be submitted to, and be approved in writing by, the Local Planning Authority. The approved scheme shall be implemented before 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 reliance on non-renewable energy sources and maximise energy efficiency in the interest of sustainable development.

- 11) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 or any Order revoking and re-enacting that Order, no extension, garages or other development aside from that contained within Part 40 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.
- 12) C34 - Landscape Scheme - Outline
- 13) C38 - Trees - Temporary Fencing
- 14) C36 - No Trees to be Felled
- 15) The development shall not begin until full details of all drainage works associated with the development have been submitted to, and approved in writing by, the Local Planning Authority. These details should include full details of the proposed surface water drainage scheme and demonstrate how the scheme has followed the recommendations contained in the Flood Risk Assessment dated February 2011 submitted in support of this application.
Reason: To ensure the satisfactory drainage of the development.
- 16) C57 - Archaeological Recording
- 17) No development shall take place on any individual phase of the site identified pursuant to Condition 7 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. In respect of each phase the buildings shall not be occupied or the open spaces landscaped until the approved remedial works relating to that phase of the development 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 buildings and users of the facilities hereby approved
- 18) Samples of the materials it is intended to use externally in the construction of any individual phase of the development identified pursuant to Condition 7 shall be submitted to the Local Planning Authority and the development of that phase 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.
- 19) Prior to the commencement of any phase of the development hereby approved details of the location and specifications of any proposed site compound, including any constituent buildings, shall be submitted to, and be approved in writing by, the Local Planning Authority. Thereafter the development shall proceed in accordance with the approved details.
Reason: To ensure that the location and design of any site compound are acceptable in terms of visual and amenity impact.

- 20) 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.
- 21) No construction work shall be undertaken, or machinery operated, within the site outside the hours of 0800 to 1800hrs Mondays to Fridays, 0800 to 1300hrs on Saturdays, nor at any time on Sundays or public holidays without the prior written consent of the Local Planning Authority.
Reason: In the interests of the residential amenity of the occupants of surrounding property.
- 22) The proposed estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture for any phase of the development identified pursuant to condition 7 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.
- 23) Notwithstanding the provisions of the Town and Country Planning General Development Order 1995 or any Order revoking and re-enacting that Order, any reserved matters application submitted pursuant to this application shall include details of the proposed location, design and means of enclosure of any electricity sub-stations required as part of the development.
Reason: To ensure that these facilities are incorporated as an integral part of the design and layout of the development and in the interests of the visual amenities of the area.
- 24) H02 - Highways - Provision parking, etc
- 25) No phase of the development hereby approved shall commence until details of the proposed levels of that phase of the development in relation to existing ground levels and an agreed fixed point or O.S datum have been submitted to, and been approved in writing by, the Local Planning Authority. The submitted information shall include ultimate finished floor levels and overall ridge heights of the new buildings in relation to the final road levels.
Reason: In the interests of the visual amenities of the area and the residential amenities of the occupants of surrounding properties.
- 26) A comprehensive Travel Plan will be developed for all elements of the development hereby permitted. The acceptability of the travel plan will need to be agreed in writing by the Local Planning Authority and Local Highway Authority (who shall consult with the Highways Agency 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 best practice and shall include as a minimum:

- 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 time scale or timetable and its operation thereafter
- Mechanisms to secure variation to the Travel Plan following monitoring and reviews.

A review of the targets shall be undertaken within 3 months of 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 to the benefit of the Strategic Road Network.

- 27) Prior to the commencement of any development in phases 4, 6 or 7 of the development, as identified on the phasing plan on Page 83 of the submitted Planning, Design and Access Statement, a scheme for mitigating the effects of the housing development on the adjacent golf course shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme of works shall then be implemented prior to the occupation of any dwellings in those phases.

Reason: To ensure that appropriate measures are put into place to minimise the potential adverse impact of the development upon the operation of the golf course, and to protect the residential amenity of future occupants of dwellings within these phases of the development.

- 28) Prior to the submission of any reserved matters application pursuant to this consent the site shall be resurveyed to ascertain the presence or otherwise of any badgers setts, and to identify any other badger activity on the site such as feeding/foraging patterns, and the survey shall be submitted to and approved in writing by the Local Planning Authority.

Subsequent 'reserved matters' applications shall clearly demonstrate how the findings of the survey in respect of habitat/feeding/movement of badgers on the site have been protected/enhanced within the design/layout proposed.

Reason: To ensure that the potential impact of the proposal upon badgers is appropriately addressed and mitigated

- 29) Prior to the submission of any reserved matter applications pursuant to this consent a site wide Landscape and Habitat Management Strategy incorporating the recommendations contained in the Environmental Statement dated July 2011 shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall proceed in accordance with the approved document, and each subsequent 'reserved matter' application shall incorporate a statement demonstrating how compliance with the approved Landscape and Habitat Management Strategy has been incorporated/achieved.

Reason: In the interests of securing a comprehensive approach to the preservation and enhancement of the landscape and ecological interest of the site

- 30) Prior to the submission of any reserved matter applications pursuant to this consent all trees on site shall be surveyed to ascertain the presence or otherwise of bat roosts. The survey shall be carried out by an appropriately qualified expert and include proposed mitigation measures where required. The results of the survey and details of any necessary mitigation measures identified shall be submitted to and be approved in writing by the Local Planning Authority. Thereafter the development shall proceed in accordance with the approved document, and each subsequent 'reserved matter' application shall incorporate a statement that prior to any trees being pruned or felled they will be assessed for possible bat interest prior to works being carried out. This should involve inspection of the tree / limbs to be removed for potential roosting opportunities. If bats are found to be using limbs or trees, the advice of a bat consultant should be sought to prevent disturbance / injury to bats which would constitute an offence.
Reason: To comply with the Wildlife and Countryside Act 1981 and amended by the Countryside and Rights of Way Act 2000
- 31) Prior to the commencement of any development within phases 2b or 3 as identified in the phasing plan on page 83 of the submitted Planning, Design and Access Statement dated July 2011 detailed plans, including sections, of the proposed noise attenuation feature along the eastern boundary with the motorway, along with a timeframe for its implementation, shall be submitted to and be approved in writing by the Local Planning Authority. Thereafter the development shall proceed in accordance with the approved details and no building intended for residential use shall be occupied until the noise attenuation feature has been completed in accordance with the approved details.
Reason: In the interests of the residential amenity of the future occupants of buildings within these phases of the development
- 32) Prior to the commencement of any works affecting the Seabrook watercourse detailed plans, including sections, of the entirety of its re-profiling and re-alignment, along with the proposed landscaping, layout and measures to facilitate public access associated with the creation of the new Seabrook corridor feature shall be submitted to and be approved in writing by the Local Planning Authority. The details shall demonstrate how the flood risk management, wildlife and public recreation functions of the corridor have integrated without detriment to each other. Thereafter the Seabrook corridor shall be provided in phases in accordance with the approved details as part of each related phase of the development in line with details approved pursuant to condition 7.
Reason - To ensure that the proposed works to the Seabrook maximise the potential for recreational use and habitat enhancement and meet flood risk management requirements.
- 33) No development shall take place within any phase of the development site identified pursuant to Condition 7 until a scheme for the mitigation of external noise upon the occupants of buildings within that phase, including details of building orientation, layout and building specifications, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be completed in accordance with the approved details.
Reason: In the interests of the amenity of future occupants of the buildings.
- 34) Prior to occupation of the development hereby permitted, cycle parking shall be provided for all premises in accordance with details previously submitted to and approved in writing by the Local Planning Authority. In the case of

workplaces and other premises, secure parking, showers and lockers should be provided for staff, and more casual parking for short term visitors. The cycle parking and other facilities shall be maintained at all times thereafter.
Reason: to ensure that cycle parking is provided, in accordance with Local Plan policy T3, to encourage travel by sustainable means.

- 35) A road (to an agreed specification) to be built to the Dukeminster boundary north of the school site (at a point to be agreed within the 50m corridor specified in the Dukeminster approval) before the occupation of the 301st house or opening of the school, whichever is the earlier.
Reason: To ensure that the facility to connect the proposed development to adjacent development is made available and not negated by the development.

- 36) Not more than 650 dwellings to be occupied prior to the construction and opening of the northern road connection within the site to the spine road between Topsham Road and the A379.
Reason: to ensure that, when the major part of the proposed development is occupied, the site has appropriate levels of permeability to allow maximum accessibility to and from the site by all residents and all travel modes.

- 37) Prior to commencement of the development, a detailed scheme for the pedestrian and cycle network shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:-

(a) details of routes, road crossings, bridges, surface treatments, lighting, street furniture and signage;

(b) a programme for implementation synchronised with the progressive occupation of the development; and

(c) such temporary measures as are necessary (such as ramps where routes cross unfinished roads) to ensure the routes are fully usable during the construction period.

The approved scheme shall be adhered to at all times, including (where applicable) any amendments subsequently agreed in writing by the Local Planning Authority.

Reason: To ensure that the pedestrian and cycle routes are provided and maintained in accordance with Local Plan policy T3, to encourage travel by sustainable means.

- 38) None of the dwellings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the local planning authority
Reason: To ensure that satisfactory arrangements for sewage disposal are in place before occupation commences

(Report circulated)

5

**VARIATION OF CONDITION NO.11/1533/03 - THE EXEBRIDGE CENTRE,
COWICK STREET, EXETER**

Councillors PJ Brock and Prowse declared personal interests in this matter as Members of Devon County Council.

The Head of Planning and Building Control presented the application for variation of condition 2 to allow minor alterations to the elevations of the approved building and condition 8 to allow the first floor to be used for retail/restaurant/café purposes (Ref: 09/2050/03 granted 23/02/2010) at the Exebridge Centre, Cowick Street, Exeter.

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

- no change in circumstances since the application was refused at the December meeting of this Committee
- the developer had increased the rental of the site to the extent that Devon County Council had no option but to withdraw from negotiations
- Devon County Council's current proposal for a temporary library is unsustainable as only a three year lease is being offered and the ultimate proposal for the site was likely to be development for flats
- with a number of empty premises in the St Thomas area deemed inappropriate for a library, the Exebridge site offers the only logical location for a permanent library
- the proposal is contrary to advice contained in the Exeter Local Plan section on community services
- community needs should be put before commercial interests.
- planning powers of City Council should be used to again refuse the application in order to preserve a library facility on this site and force the site owner to lower the rent being demanded.

Members expressed concern regarding the potential for a costs award against the Council if the application was refused and the applicant went to appeal.

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

RESOLVED that the application for variation of condition 2 to allow minor alterations to the elevations of the approved building and condition 8 to allow the first floor to be used for retail/restaurant/café purposes (Ref: 09/2050/03 granted 23/02/2010) be **approved** subject to the following conditions:

- 1) 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 13 September 2011 (dwg. nos.0900 00203 A, 1094/GA/10 rev D, 8672/20, 8672/21 and 8672/22) as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 2) The first floor of the approved building shall be used for any purpose within Use Classes A1 (Retail) and A3 (Cafes and Restaurants).
Reason: To accord with the uses appropriate with the St Thomas District Centre.

(Report circulated)

6

DEVON COUNTY COUNCIL CONSULTATION NO.11/2053/26 - 35 CHURCH ROAD, EXETER, EX2 9AZ

Councillors Prowse and P.J. Brock declared personal interests in this matter as Members of Devon County Council.

The Head of Planning and Building Control presented the Devon County Council Consultation for change of use and internal refurbishment of empty former shop building to convert for new library use at 35 Church Road, Exeter.

Councillor R Hannaford, having given notice under Standing Order No. 44, spoke on this item. He declared a personal interest as a Member of Devon County Council. He raised the following points:-

- supported application, as a library is an important community facility for the West Exe
- the new site is better than the existing one with a larger ground floor, closer to a bus stop and car park and better access for the disabled and people with prams
- offers potential for expansion at the back
- corrected the report stating that four full time posts were not being created by the development but that staff were currently on secondment to the Central Library and would return when the new library opened
- the library was close to a busy junction and the County Council should examine options for improved traffic management in this area
- he had accompanied the relevant County Council Cabinet Member, together with the Head of the Library Service, in a tour of the St Thomas area to view potential alternative premises for a permanent library

The Head of Planning and Building Control confirmed that traffic management issues at the crossroads would be raised with the County Council.

The recommendation was for the City Council to raise no objection to the change of use.

RESOLVED that the City Council raise **NO OBJECTION** to the County Council's proposed change of use of the former St Thomas Stationers to a public library.

(Report circulated)

7

APPLICATIONS DEFERRED

The following applications were deferred for consideration at a Special Meeting of this Committee to be held on 30 January 2012:-

11/1748/03	Former A H Moda, 4-5 Roman Walk, Exeter
11/1582/03	Former Guide Dogs For The Blind Kennels, Exwick Lane, Exeter, EX4 2AR

8

TREE PRESERVATION ORDER NO. 637 (WESTHAY, STREATHAM RISE, EXETER) 2011

The report was deferred for consideration at a Special Meeting of this Committee to be held on 30 January 2012.

(Report circulated)

9

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)

10

ENFORCEMENT PROGRESS REPORT

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

RESOLVED that the report be noted.

(Report circulated)

11

APPEALS REPORT

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

(Report circulated)

12

SITE INSPECTION PARTY

RESOLVED that the next Site Inspection Party be held on Tuesday 7 February 2012 at 9.30 a.m. The Councillors attending will be Clark, Denham and Winterbottom.

(The meeting commenced at 5.30 pm and closed at 9.30 pm)

Chair

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Agenda Item 5

PLANNING COMMITTEE

Monday 30 January 2012

Present:

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

Apologies:

Councillors Prowse and Sutton

Also Present:

Head of Planning and Building Control, Development Manager, Planning Solicitor and Member Services Officer (HB)

14

DECLARATIONS OF INTEREST

Members declared the following personal interests:-

COUNCILLOR	MINUTE
Councillor PJ Brock, Mrs Henson and Winterbottom	17 (know the objector)

15

PLANNING APPLICATION NO. 11/1748/03 - FORMER A H MODA, 4-5 ROMAN WALK, EXETER

The Development Manager presented the planning application for change of use from retail to coffee shop with provision of outdoor seating area at the former A H Moda, 4-5 Roman Walk, Exeter.

The proposed use had commenced two weeks ago and the Environmental Health Officer had visited some of the residential premises above the coffee shop and had not identified any problems with regard to noise from the air conditioning unit/extraction equipment. An additional condition was recommended requiring the installation of a timer for the equipment to be shut down when the premises close for daily business.

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

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

- speaking on behalf of residents many of whom are elderly and infirm
- emphasised the negative impact on residential amenity of secondary smoking which had been proved to be a primary cause of lung cancer. Groups of people will congregate at tables and smoke immediately below the open balconies of Trinity residents. Smoking bans are now being imposed in public places. Members of the public can remove themselves from secondary smoking areas, the residents of Trinity Apartments can not.

Many of the residents are elderly and infirm and may be particularly susceptible to secondary smoking

- permitting trading from 0900 hours to 1800hours is not considered to fall within the definition of 'normal Sunday shopping hours' or to be in keeping with what Coffee No 1's own website refers to, as 'a peaceful position on the Roman Walk'
- no outside tables should be permitted before 10.00hours
- to minimise impact of secondary smoking, no outside tables should be permitted in the winter period
- this is the most historically significant site in Princesshay
- many of the aged and infirm residents have no knowledge of planning procedures and have gained no succour from either the landlord or the contractors
- seepage of fumes into one apartment has occurred during re-fitting works
- residents will experience constant noise and probably fumes from air - conditioning or extraction equipment
- there will be problems of restricted access, noise and litter
- the refusal of planning permission is requested or, deferral, pending an assessment of the impact of secondary smoking and Environmental Health Officers confirming that noise levels from the air conditioning units are acceptable, particularly at night
- if mindful to approve the change of use request Sunday trading hours should be restricted to between 1000 hours and 1600 hours and the outdoor seating provision should either be refused or restrictions imposed to ban smoking at all outside tables. Outside tables not to be permitted before 1000 hours on any day and no outside tables to be permitted during the winter period

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

- Coffee No 1 had been trading for two weeks with over 400 customers a day with an associated increase in footfall along this part of Princesshay, thus benefiting the City Centre in general
- the transfer of use from A1 to A1/A3 meets the criteria of the overall A3 designation for the Princesshay Shopping Centre
- outdoor tables have been removed away from the Roman Wall as requested
- following consultation with Environmental Health Officers a noise consultant had been engaged and appropriate measures taken in respect of extraction equipment and air conditioning by means of the fitting of a timer
- after the previous Planning Committee meeting on 16 January a letter was sent to all Trinity Apartment residents to advise of action taken and with an offer to speak separately with them. The residents had been advised of the report of the noise consultant which had been made available to them with one resident having taken up this offer
- the operators were prepared to make the entire establishment, including the outside seating area, non smoking

Members welcomed the decision to make Coffee 1 entirely non smoking. They discussed the opening hours and whether to seek the introduction of a demarcated area for the outdoor tables whether by studs or rope and bollards. They did not support demarcation but supported the opening hours for the outdoor seating area as set out in the report apart from the Sunday opening hours which it was felt should be 1000 hours and not 0900 hours.

RESOLVED that the application for change of use from retail to coffee shop with provision of outdoor seating area be **approved**, subject to the following conditions:

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) The outdoor seating area hereby approved shall be used solely as additional accommodation ancillary to 4 to 5 Roman Walk and for no other purpose.
Reason: To control the character, and to minimise the volume, of service traffic, in the interests of public safety.
- 4) The pavement cafe area hereby approved shall be maintained free of enclosures such as chains, bollards or barriers or any object that may introduce a hazard.
Reason: In the interests of public safety.
- 5) Before the external seating areas are first brought into use a scheme for the management of these areas shall have been submitted to and approved in writing by the Local Planning Authority. This shall include details of the setting out and putting away of furniture. The outdoor seating areas shall subsequently be managed in accordance with that agreement.
Reason: To protect the reasonable living conditions of occupiers of nearby residential properties and in the interests of public safety.
- 6) No external plant or machinery shall be installed on site without the prior approval of the Local Planning Authority.
Reason: In the interest of local amenity.
- 7) The outdoor seating area shall only be used between the hours 0800 and 1800 hours Monday to Friday, 0900 and 1800 on Saturday and 1000 and 1800 on Sunday. The tables and chairs and other items of furniture related to the outside seating area shall be removed from the area at all other times.
Reason: To safeguard the living conditions of occupiers of residential properties above and in the interests of public safety.
- 8) Details of umbrellas, chairs, tables and any other items to be placed within the outdoor seating areas hereby approved shall be submitted to and approved in writing by the Local Planning Authority before being installed on site.
Reason: Insufficient information has been submitted with the application and in the interests of visual amenity.
- 9) The air conditioning plant shall operate on a timer system to ensure that the approved units switch off automatically when the premises is closed. The details of the timer system shall be agreed in writing by the Local Planning Authority and shall remain operational at all times thereafter.
Reason: To safeguard the living conditions of occupiers of residential properties above.
- 10) The outside seating area shall be designated and operated solely as a non smoking area.
Reason: To safeguard the living conditions of occupiers of residential properties above.

(Report circulated)

**PLANNING APPLICATION NO. 11/1582/03 - FORMER GUIDE DOGS FOR THE
BLIND KENNELS, EXWICK LANE, EXETER, EX4 2AR**

The Development Manager presented the application for residential development consisting of ten detached dwellings, associated parking, garages and access at the former Guide Dogs For The Blind Kennels, Exwick Lane, Exeter.

The recommendation was for approval subject to a Section 106 Agreement requiring a financial contribution towards education (£18,010), traffic orders (£1,500) and Natura 2000 (£3,500) and 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:-

- oppose the application as will set a precedent and open the floodgates for further development in this area
- with the introduction of bollards to the north of the application site resulting in this section of Exwick Lane being effectively car free, the alignment of the remainder of the Lane still presents dangerous walking conditions for parents and children which will be exacerbated with additional traffic generated by a housing development
- this area is lacking in community facilities and infrastructure and these problems will be exacerbated with further development

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

- speaking on behalf of the Guide Dogs for the Blind
- the site has been unoccupied for some 10 years at considerable expense to the organisation in terms of management, insurance, security and repairs to vandalised property
- the Charities Act requires the organisation to obtain best value for its assets
- the organisation already has an office in Exeter serving the wider Devon area and has plans to expand which will be made possible by realising the value of this site. Its future plans are to work in conjunction with partners such as other organisations serving the blind, the deaf, SENSE etc and ultimately plan to move to larger premises
- the proposal for residential development is a fall back position as it is hoped to conclude consultations with Devon County Council who are seeking to purchase the site for educational purposes.

Members noted that an application for the development of the site had been refused in September 2004 and an appeal dismissed on the grounds that the proposal would be harmful to the landscape. They noted that the construction of the school building had diminished the landscape value of the area and the application site would now represent a rounding off of the built up area in this location. The development of this brownfield site for housing purposes would help meet housing requirements for the City. Because negotiations between the Guide Dogs for the Blind and Devon County Council were continuing as the County viewed the site as an opportunity to expand the neighbouring Exwick Heights School it was suggested that the application should be deferred until the outcome of the negotiations were known. This proposal was not supported.

RESOLVED that planning permission for residential development consisting of ten detached dwellings, associated parking, garages and access be **approved** subject to the completion of a Section 106 Agreement requiring a financial contribution to education (£18,010), traffic orders (£1,500) and Natura 2000 (£3,500) 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) C43E - Retain Hedges
- 7) C70 - Contaminated Land
- 8) C57 - Archaeological Recording
- 9) No other part of the development hereby approved shall be commenced until adequate areas shall have been made available within the site to accommodate operatives' vehicles, construction plant and materials in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority and retained for the construction period.
Reason: To ensure that adequate facilities are available for the traffic attracted to the site during the construction period.
- 10) 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 interest of residential amenity.
- 11) Notwithstanding condition no 2, no work shall commence on site under this permission until full details of the following, as it relates to the office or residential building, 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) treatment of boundaries;**Reason:** Insufficient information has been submitted with the application and in the interests of visual amenity.
- 12) No part of the development hereby approved shall be brought into its intended use and/or occupied until the on-site cycle and operational vehicle parking facilities 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.

- 13) Visibility splays shall be provided, laid out and maintained for that purpose at the southern site access to Exwick Lane, where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.6 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 25 metres in both directions.

Reason: To provide adequate visibility from and of emerging vehicles.

- 14) No part of the development hereby approved shall be occupied until the footway that is located adjacent to the southern boundary of the site together with a visibility build out facility at the junction with Exwick Lane have been provided in accordance with details that shall previously 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, in the interests of public safety.

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 by the Section 106 Agreement.

(Report circulated)

17

TREE PRESERVATION ORDER NO. 637 (WESTHAY, STREATHAM RISE, EXETER) 2011

Councillors PJ Brock, Mrs Henson and Winterbottom declared personal interests as they knew the objector.

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. 637 (Westhay, Streatham Rise, Exeter) 2011.

Members were circulated with a plan of the location of the Tree in question.

The recommendation was that the TPO 637 be confirmed.

Mr Myers spoke against the Tree Preservation Order. He raised the following points:-

- the tree was planted by the owner in 1978 but had grown substantially and was now out of proportion. It was over 60 feet high and the photo representation in the presentation failed to communicate the true impact of the tree on the area. In the five months since the TPO had been placed the tree had grown further
- the Tree Surgeon had contacted the local authority to seek permission to reduce the height etc. Good husbandry required the tree to be topped but it was not the intention to remove the entire tree
- the tree overhangs Archerfield, branches were dropping within the curtilage as well as on parked cars and debris was blocking the gutters and down pipes
- the owner of Westhay was concerned that the tree created excessive shade, to the detriment of other trees and plants in the garden.

- the tree had been a 25th wedding anniversary present to the owners of Westhay and was therefore of sentimental value, explaining their wish not to completely lose the tree
- the roots of the tree could potentially cause damage to the foundations of Archerfield and a major public sewage pipe nearby
- the tree has a very limited amenity value as it can only be seen by a limited number of people.

A Member read out a letter from a Committee Member who had submitted apologies for the meeting, supporting the removal of the TPO.

RESOLVED that the order be not confirmed.

(Report circulated)

(The meeting commenced at 5.30 pm and closed at 7.20 pm)

Chair

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Agenda Item 6

SCRUTINY COMMITTEE - COMMUNITY

17 January 2012

Present:

Councillor Kevin Mitchell (Chair)

Councillors Thompson, Branston, Choules, Clark, Crow, A Hannaford, Hobden, Morris, Mottram, Newcombe, Tippins and Wardle

Also present:

Director Community and Environment, Head of Environmental Health Services, Head of Economy and Tourism, Acting Head of Housing and Contracts Services, Community Inclusion and Engagement Officer, Leisure Facilities Manager and Member Services Officer (HB)

In attendance:

Councillor RM Hannaford - Portfolio Holder for Housing and Community Involvement
Councillor Sheldon - Portfolio Holder for Environment and Leisure

In attendance - Devon County Council

Councillor Barker - Cabinet Member for Social Care
Ian Hobbs - Senior Manager, Commissioning
Max Sillars - Targeted Support Commissioner

1 **Minutes**

The minutes of the meeting held on 8 November 2011 were taken as read and signed by the Chair as correct.

2 **Apologies for absence**

No apologies for absence were received.

3 **Declaration of Interests**

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

COUNCILLOR	MINUTE
Councillor Newcombe	6 (Member of Devon County Council and Chair of the County Council's People's Scrutiny Committee)
Councillor Mottram	*7 (his company undertakes work for Parkwood Leisure)
Councillor Morris	7 (husband holds Leisure Centre Membership with Parkwood Leisure)
Councillor Tippins	14 (member of group that had received a grant)

Councillor Choules	17 (wife employed by University of Exeter)
Councillor Mrs Thompson	17 (daughter owns a property in multiple occupation)

4 Questions from the Public under Standing Order 19

In accordance with Standing Order No. 19, a question from Mr Colin Hughes, the Chair of the Exonia Park Residents' Association, was put to the Portfolio Holder for Housing and Community Involvement. Copies of the question had been previously circulated to Members. The question and the reply from the Portfolio Holder for Housing and Community Involvement (in italics) are appended to the minutes.

Scrutiny Committee - Community agreed that the answer be noted.

5 Questions from Members of the Council under Standing Order 20

In accordance with Standing Order No. 20, a question from a Member was put to the Portfolio Holder for Housing and Community Involvement in respect of legislation relating to Mobile Park Homes and Park Sites. Copies of the question had been previously circulated to Members. The question and the reply from the Portfolio Holder for Housing and Community Involvement (in italics) are appended to the minutes.

The Member enlarged on her question by referring to statistics produced following the return of questionnaires circulated to park home residents, as part of the recently launched Park Homes Justice Campaign. Problems reported included abuse and violence, sale blocking and bullying by unscrupulous park owners. In addition, many residents felt that there was insufficient local authority involvement. It was noted that 45% of residents were between 65-75 and 32% were over 75.

The Portfolio Holder responded that a momentum was building with a view to seeking better park home management, including MP involvement. He referred to specific problems experienced in Exeter and to remedial action taken. He agreed that a more proactive approach was required and confirmed that the City Council would be making a submission to the Communities and Local Government Committee.

6 Targeted Support (Former Supporting People Budget)

Councillor Newcombe declared a personal interest as a Member of Devon County Council and the Chair of the County Council's People's Scrutiny Committee.

The Chair welcomed Councillor Stuart Barker, the County Council's Cabinet Member for Social Care, Ian Hobbs, Senior Manger, Commissioning and Max Sillars, Targeted Support Commissioner to the meeting. Councillor Barker had been invited to attend to respond to issues in respect of Targeted Support - formerly Supporting People.

With changes in Government funding necessitating a different approach to allocating support services for both the homeless and older people, Councillor Barker emphasised the importance of the County Council, District Councils and stakeholders all working together to address homelessness. He referred to a meeting held with the City Council's Leader and Chief Executive in January 2011 and to a number of meetings involving Exeter City Council and East Devon District Council officers. Four working models of a Community Assessment Hub had been put to Districts, Exeter

and East Devon having opted for the fourth model and negotiations were continuing to finalise these arrangements.

The current year's budget was £15.9 million, the proposed budget for 2012/13 being £16.854 million. The County Council's commitment to this service was such that the allocation would be above that made available by the Government of £16.2 million. The Targeted Support system now supported approximately 10,500, some 837 of whom were homeless and who were receiving 33% of the budget, this disproportionate spend again reflecting the importance attributed to addressing homelessness. Although there had been no reduction in homeless funding, the current year's budget included a redirection of resources to help address mental health issues. The homelessness strategy was informed by the Joint Strategic Needs Assessment which had shown a reduction in homelessness by 47% in the last few years.

The new model was based on a move away from property-based support to an assessed, person-based service as it increased efficiency and offered best value for money with a reduced budget. Person-based support would include support to overcome drug and alcohol dependency, provision of education and life skills and help with returning to employment. There was also now a greater emphasis on early intervention before individuals became homeless which helped contribute to improved efficiency.

No cuts had been made with regard to duty to those in care for under 18 funding and the County Council fully funded accommodation support for this group. Although not a mandatory requirement, accommodation costs for the over 18's were also met by the County Council.

Councillor Hannaford, the City Council's Portfolio Holder for Housing and Community Involvement, referred to a briefing paper for the County Council Labour Group which had not, however, been made available to this Committee. He acknowledged that the move to an assessed, person-based service was logical but criticised the severe impact on voluntary bodies and charities who were unable to offer the same level of support as a consequence of the cuts and could not provide a long term solution. He expressed his significant concerns about the likely impact changes to the County Councils' funding for housing related support would have on vulnerable people in the City. Exeter had particular problems as it absorbed the homeless from surrounding areas and he urged further meetings to seek more equitable solutions.

Councillor Newcombe advised that a day long County Council People's Scrutiny Committee meeting had been agreed to examine issues with stakeholders and Member and officer representatives from District Councils.

Councillor Barker responded, as follows, to Members' comments and queries (*responses in italics*):-

- the County Council has been slow to consult with service users and there are serious worries that people needing support, including residents with low needs, will fall outside the "eligibility criteria".
Outcomes for individuals in need is of paramount concern and the new system focuses on assessments of individual needs. Some 6,000 people are covered by the system. The average cost of housing a homeless person is £4,700, costs previously ranging from a minimal figure, as a result of support from charities etc., to upwards of £20,000 per person. The need to develop a more balanced system was therefore a priority.

- spot purchasing may appear logical but impact on charity and voluntary budgets has been drastic with total bed space cutbacks to date totalling 204.
- a number of stakeholder managers would welcome the opportunity to discuss the changes with County Council officers and the Cabinet Member. Shilhay has experienced a 25% budget cut and is no longer able to provide additional support for its clients, five staff having been made redundant. Clients who can no longer be supported often return to alcohol and/or drug dependencies.
*Although there has been a reduction in funding available for accommodation, there has been no overall reduction in funding of individuals and beds can only be provided following an assessment of an individual's needs.
A number of meetings have already been held with stakeholders, District Council Officers etc. but will investigate if requests for further meetings have not been met.*
- Westcountry Housing Association have made six project workers redundant with a resultant dismantling of social support for the most vulnerable. They can now only accommodate individuals in work. What are the plans for providing accommodation for vulnerable people under 18 ?
- How many under 18's are in County Council care in bed and breakfasts and what guarantees can be given for their future provision with reduced funding for bodies such as the YMCA, Gabriel House and the loss of the Amber Project in Mid Devon where 22 units of high support accommodation for young offenders will be lost? There has been an increase in the number of approaches from young people.
*Westcountry Housing are now more flexible in their operation and will be using the assessment system. A more collaborative approach to utilise a raft of funding systems will be important. For example, use of NHS funding and the £250,000 allocated to St Petrocks.
The County supports young people. For the period April-Nov 2011, 11 were in B&B accommodation. The number of 16-17 year olds homeless in Exeter in the first half of financial year rose from 32 to 51 which reflects the County wide position. In an effort to reduce this figure, supported lodging placements have been provided. In 2005, the number of those under 26 classified as homeless was 631, in 2011 it was 805. In the last three months, 70 under 18's have been referred for bed and breakfast accommodation.*
- Who assesses need?
Assessment is undertaken jointly with individual Districts. For both homelessness and older persons' services a trusted assessor will be contracted to manage the assessment and subsequent referrals to support providers. The assessor will assess anyone in need of support and determine the level of support required. This assessment will then inform the level of funding attached to the individual.
- is the Trusted Assessor system proceeding and how will it operate effectively with staffing cuts at the County Council ?
Yes, through the Community Assessment Hub. Ability to assess individual need is crucial and it will be important to avoid a tick box culture. The County Council's reorganisation included redundancies but with significant opportunities for retraining. There will be a sufficient number of assessors.
- why was the Joint Commissioning Board involving the County, eight districts and agencies, which made collective decisions on funding, abolished?
Supporting People funding commenced in 2006 and ended in April 2009. The Board was not considered to be effective and change coincided with reductions in Government funding. The Board turned down a proposal for allocating £2.5

million for those with mental health problems. Homelessness Steering Groups were established to consider options for the future and the County Council opted for Targeted Support which is considered to be more flexible and offer greater savings.

- organisations such as Shilhay, Gabriel House and the YMCA have offered both short term housing and assistance with move on. A reduction in floating support for those moving on from supported housing will mean that it is less likely that social landlords will offer a tenancy. Supported housing residents will move on less and those accommodation services 'silt up', not creating as many vacancies for new residents as previously available. Those who do move on and fail will again end up as homeless therefore defeating the object of the system.
The level of support provided reflects the needs of the individuals. In some cases minimal support may be provided where individuals do not, or no longer require, a complex package. The minimal support system is yet to be finalised but needs to be in place for the 'move on' process to function.
- the cuts in the Supporting People budget has had a severe impact on warden services for the elderly such as Eaton House. The loss of the warden service meant the loss of the 24 hour cover and three deaths occurred in the last six months which might have been prevented if welfare checks had been continued.
More flexible support is the key, using modern methods such as telecare and social media and individuals continue to exercise choice in respect of their retirement and care needs.

The Portfolio Holder reported that the £250,000 funding of St Petrocks was a one off payment and reiterated his significant concerns regarding the changes to the structure, remaining unconvinced that voluntary and charity organisations would be able to sustain involvement and whether the proper assessment of individual needs could be carried out effectively.

In conclusion, Councillor Barker reiterated that effective assessment of individuals and agreement of personal plans was the key to future care, rehabilitation and housing.

The Chair thanked Councillor Barker for attending.

7 Parkwood Leisure Management Contract for October and November 2011

Councillor Mottram declared a personal and prejudicial interest and left the meeting during consideration of this matter as his company undertook work for Parkwood Leisure.

Councillor Morris declared a personal interest as her husband holds Leisure Centre membership with Parkwood Leisure.

The Chair welcomed Darren Parrot, Assistant Regional Director and Jeremy Wright Exeter Contract Manager of Parkwood. The Parkwood representatives responded as follows to Members' queries and comments on performance information:-

- Health and Safety issues were taken very seriously. An improved access control system was being introduced at the Riverside Leisure Centre with customer services officers available at the gym entrance to help gym users and check on access;

- staff were encouraged to put forward new ideas on health and safety matters. The Safety Committee met twice a year and additional meetings were to be introduced;
- value for money was a critical criteria and recent figures appeared to show that more people were looking, for example, to use the Riverside Leisure Centre and, importantly, there had also been a reduction in the attrition figure (users leaving the centre);
- Councillors were welcome to attend Leisure Centre Forum meetings, the next dates being 9 April and 17 September at the Riverside both starting at 7pm. Improved customer information boards would shortly be introduced and would advertise events and display minutes of Forum meetings. Promotions would encourage the completion of feedback cards; and
- the cards were available at reception desks but kept with pamphlets etc. but would be transferred to the customer information board when erected. Following a Member's suggestion, all leisure centre managers had been instructed to undertake face to face interviews with users. To date, 140 interviews had been undertaken, with 200 to be completed by the end of the month. These would then be collated and assessed.

The Head of Economy and Tourism presented the report advising Members on the performance for October and November 2011, the first two months of year two of the Leisure Management Contract with Parkwood Leisure. He responded as follows to Members' queries:-

- individual Members were welcome to discuss detailed contract matters with himself or the Leisure Facilities Manager;
- a copy of Parkwood's presentation for the Members' briefing on 9 January would be made available to all Members and a note of the question and answer session would be circulated separately; and
- consideration would be given to introducing a separate feedback system for City Council purposes as part of an overall review of customer satisfaction; procedures. The Assistant Director Economy confirmed that a study of suitable systems and costs would be undertaken together with options for sharing the costs with Parkwood.

Scrutiny Committee - Community noted the report and requested that a further report on proposals for an improved system with associated costs be submitted to a future meeting of this Committee.

8 Performance Housing Digest - Quarter II

The Acting Head of Housing and Contracts Services responded as follows to Members' queries on performance information:-

- the number of extralets to date was seven against the target of 35. The restructured housing development team anticipated reaching the target by the end of the year;
- the average turn around for a void property was currently 24 days. Regular meetings were being held with the contractor, including the South West Director, to improve this performance and incentives were available to tenants to leave properties in a clean and tidy condition;
- overall, the rate of repairs completed on time was 96%. This rate was improving and an increase of between 1-2% would see the Authority jump into the upper quartile; and

- work was continuing with the contractor to continue the turnaround rate of voids. Where the property was in an unsatisfactory condition, the Council would refuse to take the property back until the necessary work had been undertaken by the contractor.

9 **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 meeting held on 9 November 2011.

ESTIMATES, CAPITAL BIDS AND FEES AND CHARGES 2012/13

10 **Community - Housing Revenue Account - Estimates/New Capital Bids/Fees and Charges**

The Director Community and Environment presented the report on the Housing Revenue Account Estimates and Fees and Charges, which outlined the strategic framework within which the estimates had been prepared, changes in accounting practices which affected all budgets and gave detailed reasons for major changes in the Management Unit estimates. Detailed schedules of the capital programme for Housing were also attached to the report.

The Scrutiny Committee - Community supported the draft Revenue Estimates for 2012/13 and Fees and Charges for approval by Executive.

(Report and Community and Housing Estimates and Fees and Charges circulated)

11 **Community - General Fund - Estimates/New Capital Bids/Fees and Charges**

The Director Community and Environment presented the report on the Community Revenue Account Estimates and Fees and Charges, which outlined the strategic framework within which the estimates had been prepared, changes in accounting practices which affected all budgets and gave detailed reasons for major changes in the Management Unit estimates. Detailed schedules of the capital programme for Community were also attached to the report.

Scrutiny Committee - Community noted the draft Revenue Estimates for 2012/13 and Fees and Charges for further consideration by the Executive.

(Report circulated)

MATTERS FOR CONSIDERATION BY EXECUTIVE

12 **Housing Rents 2012/13**

The Acting Head of Housing and Contracts Services presented the report recommending a rent increase for council dwellings from 1 April 2012.

An increase was proposed reflecting a general inflationary increase of 5.6% together with a 0.5% convergence factor (RPI + 0.5% (+/- £2)) to reflect the number of years to meet target rent. The draft subsidy determination was based upon convergence, by 2015-16. The rent increase on average would be 6.84%.

It was proposed that the service charges will be increased by 6.1% (RPI 5.6% + 0.5%) in line with Section 18(1) of the Landlord and Tenants Act 1985 and in accordance with the Government's Guidance on Social Rent Reforms in the Local Authority Sector, except where cost increases were expected to be less, as set out in the report.

The Scrutiny Committee - Community noted the report and recommended Executive to:-

- (1) approve a rent increase by an average of 6.84% from 1 April 2012 which includes a general inflationary increase of 6.1% together with the phased introduction of the Government's rent restructuring proposals; and
- (2) approve a service charge increase of 6.1% with the exception of those charges expected to be less, as set out below:-
 - (a) Cleaning Communal Areas : + 2.0%
 - (b) Fire Alarm maintenance : 0.0%

(Report circulated)

13 **Housing Revenue Account Business Plan 2012-2042**

The Acting Head of Housing and Contracts Services presented the report informing Members of the outcome of the review of the Housing Revenue Account Business Plan.

Scrutiny Committee - Community noted the report and requested Executive to:-

- (1) support the adoption by the Council of a 50 year equal maturing of the debt; and
- (2) agree to a further review being undertaken of the HRA Business Plan annually, the findings to be reported to Members.

(Report circulated)

MATTERS FOR CONSIDERATION BY SCRUTINY COMMITTEE - COMMUNITY

14 **Community Grants - 2011/12**

Councillor Tippins declared a personal interest as a member of a group that had received a grant.

The Community Involvement and Inclusion Officer presented the report updating Members on the dispersal of Local Area Community Grants 2011/12 and suggesting options for use of unspent funds in 2011/12. A breakdown of awards made in each ward was provided. The total cash remaining was £5,793.

Members remarked that the scheme had only been in operation for some seven months and therefore could benefit from further publicity in the wards and that Members should be provided with greater time to promote its availability.

Options for use of any underspend were:-

- any unspent funds after the 31 January 2012 to be made available as part of a central fund open to groups from across the City to apply; or
- any remaining funds at the end of the financial year to be carried forward into the next financial year.

Scrutiny Committee - Community:-

- (1) noted the report; and
- (2) agreed that any remaining funds at the end of the financial year be ring fenced for each ward and carried forward into the next financial year, this to be reviewed at this stage next financial year.

(Report circulated)

15 **Current Incentives for Waste and Recycling**

The Head of Environmental Health Services presented the report advising Members of the £250,000 fund for supporting weekly rubbish collections and providing details of the Royal Borough of Windsor and Maidenhead's involvement with the Recycling Scheme Incentive and its possible relevance to Exeter City Council.

He responded as follows to Members' queries:-

- the introduction of a similar scheme for Exeter would cost £150,000 per annum as well as a subscription cost per household of £3 to £4 per annum; and
- the issue of bags of waste being presented on the highway at the wrong time was a chronic problem that was difficult to resolve. Officers had been working with businesses and landlords in various areas in an effort to improve the situation. Around 80% of the tipping complaints related to black bags in back lanes.

Scrutiny Committee - Community:-

- (1) noted the current situation in relation to the weekly collection support scheme; and
- (2) supported the further examination and modelling of an incentive scheme in partnership with Devon County Council with a view to reporting back to a future meeting of this Committee should such a scheme appear viable in the future.

(Report circulated)

16 **New Approach to Building Contracts**

The Acting Head of Housing and Contracts Services presented the report outlining for Members the new arrangements being trailed for the delivery of the housing kitchen, bathroom and gas central heating replacements.

Members welcomed the new approach which, although necessitating a small budgetary increase, was likely to deliver enhanced performance and quality in the delivery of the service.

Scrutiny Committee - Community noted the initial progress made on the pilot and supported its continuation, subject to the submission of a report detailing projected costs and benefits to a future meeting of this Committee.

(Report circulated)

17 **Additional Licensing of Houses in Multiple Occupation**

Councillor Choules declared a personal interest as his wife was employed by the University.

Councillor Mrs Thompson declared a personal interest as her daughter owns a property in multiple occupation.

The Head of Environmental Health Services presented the report advising on the merits of the introduction of an additional licensing scheme for Houses in Multiple Occupation (HMO's) in parts of the City. He stated that the impact of the Article 4 Direction and the University's new accreditation scheme for student lets should be properly assessed before the introduction of any additional licensing schemes.

Scrutiny Committee - Community:-

- (1) supported the proposal to review the success of the Article 4 Direction and landlord accreditation scheme in improving HMO conditions throughout the City; and
- (2) requested that a further report be brought to this Committee in 2013, detailing the success or otherwise of these initiatives and the relative merits of introducing an additional licensing scheme.

(Report circulated)

18 **Hazel Ball**

The Chair reported that this would be the last Scrutiny Committee - Community meeting of Hazel Ball, Strategic Director Community and Environment.

The Chair and Members recorded their appreciation for her commitment and hard work for the Council and wished her an enjoyable retirement.

The meeting commenced at 5.30 pm and closed at 8.40 pm

Chair

QUESTION FROM A MEMBER OF PUBLIC

UNDER STANDING ORDER NO.19

SCRUTINY COMMITTEE - COMMUNITY – 17 JANUARY 2012

QUESTION FROM MR HUGHES

We welcome the establishment of the Forum as a way for Park Home residents to discuss issues relating to the Site Licence. We do have a collective feeling that because we are somewhat separated from the general community by living on a private park, our needs and anxieties are not noticed. People who live in Park Homes are largely in the older age group - Park Homes are ideal for retirement from business life - but we are not ready for retirement from ALL life! So we are delighted that Exeter City Council, particularly our own local Councillors, is showing so much interest and concern in our welfare. We should like to see the Forum become a regular meeting place for people and ideas.

Could it be arranged on a more formal basis, with a clerk to take minutes, a particular topic to discuss and perhaps a guest speaker from a relevant organisation such as NAPHR or the Park Homes Legal Service with a wider invitation to all Councillors concerned with Environmental matters and Park Home Residents concerned in the topic?

Answer

In reply to Mr. Hughes question, I am pleased to learn that representatives from the residential park homes in Exeter found the inaugural meeting of the Residential Park Homes Forum useful. I and the Council, recognise that whilst the many occupiers in the residential park homes share the same needs and concerns of other residents in the City, they also have particular needs in respect of their security of tenure and the management of the park site. It is our intention to continue to host a forum in order for issues to be raised, shared and hopefully resolved. We certainly do wish to invite speakers, such as a representative of the National Park Home Residents Association, and help build up the capacity of park home residents to work with park home owners in resolving issues when they arise.

In relation to the future arrangements of the forum, and whether these can be on a more formal basis, then I think this is something that we would wish to develop jointly with the park home residents representatives, and examine the level of officer support required.

SCRUTINY COMMITTEE - COMMUNITY - 17 JANUARY 2012

QUESTION FOR PORTFOLIO HOLDER
UNDERSTANDING ORDER NO.20

Question from Cllr Morris for the Portfolio Holder – Housing and Community Involvement

The Communities and Local Government Committee has been asked by the Government to identify key concerns and where it feels necessary, examine the need for change to current legislation in relation to Mobile Park Homes and Park Sites.

In order to gather information and evidence, the Communities and Local Government Committee is asking for submissions from interested parties, including MPs, local Cllrs, Local Authorities, and residents living in park homes.

As a local authority, we are responsible for the issuing of mobile home park licences and currently there are 4 sites within our jurisdiction, and within these sites anything from 400 to 500 residents all over 55yrs of age.

Having gained a certain amount of experience in this area since being elected, I feel there is a need for further legislation to help protect these residents.

If the problems that some Exeter park home residents experienced were to happen within our community 'outside' of a park home site, we would be horrified.

Just because the problems happen within a private site, legislation should not prevent us as a local authority being able to assist or take action.

Therefore I would like to ask the Portfolio Holder, if he would contribute and make a submission to the Committee providing them with clear evidence of where legislative changes might benefit both Local Authorities and the Electorate by the closing date of 5pm on the 1st February.

Answer

Councillor Morris is right in highlighting the particular needs of the many park home residents in Exeter. In relation to the consultation on park home legislation, I think that we would wish to comment as follows:

The awarding and revocation of licences:

Currently the awarding of a licence for a mobile home site is, on the whole, a formality and licences are not time limited. Whilst a fit and proper person check would be the ideal, in practice it would be fairly easy for a site owner to 'hide behind' family members or associates.

Having said that the introduction of a comprehensive application form, similar to the used to licence Houses in Multiple Occupation, and a licence fee (both for the initial award of the licence and for subsequent variations) coupled with a time limit on the licence, (perhaps 5 years as with Houses in Multiple Occupation), would give local authorities a level of control. The need to renew the licence after a certain term, as is the case with many other forms of licence, would be a positive incentive for site owners to maintain their sites.

The regulation and enforcement of site licence conditions

At present the only recourse available to local authorities in the event of licence conditions being breached is prosecution, the most expensive and time consuming form of enforcement which does not necessarily resolve the issues subject to the action.

The introduction of other forms of enforcement, such as Improvement Notices used in Housing legislation, would provide an incentive for local authorities to enforce standards more actively. Enforcement activity of this type is far less burdensome on a local authority and would be seen by site owners as fairer than jumping straight to prosecution.

Giving default provisions associated with the enforcement notices, where by the local authority can undertake the works specified in the default of the site owner and then recover the cost, would also help ensure that defects are rectified in timely fashion.

Revocation of licence

The current revocation provisions are ineffective and too narrow, with the result that they have never been used. The requirement for two successful prosecutions for breach of conditions before an application can be made is limiting and disregards the harassment provisions of the Caravan Sites Act. There is no revocation provision associated with harassment by the owner for example.

If revocation is to remain as an option provision should be made for an application to be made following any prosecution. The amalgamation of all of the Caravan Site legislation would prove helpful in this respect.

Having said that, the more permanent nature of mobile homes these days makes the revocation of the licence, which could result a site being closed down, an unrealistic option. There is an argument for the introduction of control provisions, such as seen in housing legislation, where by the local authority can step in and take over management in the event of serious failings. Many local authorities have experience of managing sites, commercial and residential property of one sort or another.

Re-sales

As it stands the ability of site owners to veto sales and charge a commission (e.g. 10%) provides a positive disincentive for site owners to manage parks to a high standard, because a high turnover of residents becomes a profitable exercise.

It is understandable that site owners would want some control over who resides on their parks and these are controlled by the site rules. Anything beyond reasonable restrictions, for example age, pet ownership etc would seem unnecessary and open to abuse.

The right of a site owner to charge up to 10% commission on the value of a home, which is the sole property of the resident, puts them in a unique and inequitable position.

Site licence conditions

Due to the differing nature of sites, and the dates in which sites became licensed, it is understandable that there is a lack of consistency of conditions between sites. The introduction of model site licence conditions can prove unhelpful in this regard.

The ideal position would be for a set of conditions, containing the absolute minimum requirements, (for example the need to display test certificates, the provision of fire precautions, spacing etc.) to be introduced which could be attached to conditions upon renewal. In that way the same conditions, which would not be substantially different to those now in place, would be attached to all licences within a 5 year period (if that was taken to be the life of the licence).

Rented mobile homes

At present, mobile homes fall outside the scope of the Housing Act 2004 and the Housing Health and Safety Rating System (which is used by officers to judge the relative risks from disrepair, poor insulation, etc.), thus placing the tenants of mobile homes in a weaker position than other tenants.

Mobile homes need to be brought within the scope of the Housing Act in the same way as other forms of accommodation such as house boats have been.

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SCRUTINY COMMITTEE - ECONOMY

19 January 2012

Present:

Councillor Natalie Cole (Chair)

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

Also present:

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

In attendance:

Councillor Rosie Denham - Portfolio Holder for Economy and Tourism
Councillor Rachel Sutton - Portfolio Holder for Sustainable Development and Transport

Richard Atkins – Principal of Exeter College
Rebecca King – Deputy Principal of Exeter College

1 Minutes

Councillor Mrs Thompson indicated that Minutes 49 and 50, relating to a civil parking enforcement matter at a lay-by location in Pinn Lane still required further clarification.

The minutes of the meeting held on 10 November 2011 were taken as read and signed by the Chair as correct.

2 Declarations of Interest

The following personal interests were declared:-

COUNCILLOR	MINUTE
Councillor Prowse	5 and 8 (Member of Devon County Council)
Councillor Bialyk	6 (member of Exeter Transport Social Club)
Councillor Wardle	6 (member of Exeter Civic Society)
Councillor Choules	7 (employee of Exeter University)
Councillor Dawson	7 (employee of Exeter University)

3 Questions from Members of the Council under Standing Order 20

In accordance with Standing Order 20, a question from a Member was put to the Portfolio Holder for Sustainable Development and Transport in respect of bridge maintenance at Exhibition Way. The Portfolio Holder replied. Copies of the question had previously been circulated to Members. The question and the reply from the

Portfolio Holder for Sustainable Development and Transport (in italics) are appended to the minutes.

4 **Presentation - Exeter College**

Richard Atkins, Principal of Exeter College and Rebecca King, Deputy Principal of Exeter College attended the meeting and presented details of the latest developments at Exeter College. It was the UK's first tertiary College providing all post -16 education and training for the city of Exeter. It provides education and training for local students enabling them to acquire the skills and qualifications to be able to contribute to and benefit from the growing Exeter economy, as well as supporting local businesses to develop the skills of their employees. The two main sites on Hele Road and Queen Street, offer both vocational and non vocational courses, as well as adult learning and community education. There are also two specialist centres - the Construction Centre on Sowton and the new technology centre at Monkerton which is due to open in September and will be the base for engineering, aerospace and automotive courses. Richard Atkins responded to a comment on the challenges now faced by students following the end of the Education Maintenance Award. He also paid tribute to the dedicated staff who offer both tuition, as well as guidance and pastoral support through a range of student support services.

Exeter College is currently rated as outstanding in terms of quality, student success rates and the financial health of the institution. They work with approximately 12,000 students a year who come from the Exeter travel to work area, and are made up of a variety of students including the 16 – 19 age group, adult learners, over 700 apprentices as well as being involved with many local employers. The College has a particular role for apprentices, with many students on an apprenticeship scheme typically lasting between one and three years. The College takes a keen interest as to where students go after their course, in terms of attending Higher Education or gaining employment. The College has a strong link with the Job Centre and, despite the challenging job market, the employment rate of former students remains high.

The College has an ongoing programme of investment in new facilities and over £40 million has been invested in the last seven years, including the engineering facilities at Monkerton. Further investment is needed for the refurbishment of the Science and Mathematics facilities, Art and Design and Sports facilities. Members commented on the College's current sports facilities. Richard Atkins confirmed there were no immediate plans to make any changes to the sports facilities and particularly the location of the playing fields, but they wanted to update their facilities to match the regional facilities available at other colleges. Rebecca King added that their ambition was to develop a new gym and fitness centre at Victoria Yard. She responded to a comment on the future of the Automotive Training Centre at Marsh Barton, which will close following the opening of Monkerton, and the leasehold site will be vacated. Richard Atkins also responded to Member comments on the Exeter Business School, which has developed their links with employers to offer an integrated business and employer facing team, called Business Solutions, based in the centre of Exeter.

Members thanked Richard Atkins and Rebecca King for their informative presentation.

ESTIMATES, CAPITAL PROGRAMME AND FEES AND CHARGES

5 Budget Estimates 2012/2013

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

The Director Economy and Development presented the report on the Estimates for 2012/13. He outlined the strategic framework within which the estimates had been prepared, changes in accounting practices which affected all budgets and gave detailed reasons for any significant changes in the Management Unit estimates. A detailed schedule of the Capital Programme and proposed new schemes for the areas covered by Scrutiny Committee - Economy and the changes in respect of the 2012/13 Fees and Charges were included as an appendix.

The Director responded to a Member enquiry about how archaeological finds would be treated, following the closure of Exeter Archaeology. In practice there would be no changes. Developers would have to employ archaeological contractors to discharge planning conditions. A Member also sought clarification over the additional grant from Government to be paid as compensation for the freezing of the Council Tax in 2012/13. The Director responded to comments about footpath maintenance including weed clearance and he would speak to Devon County Council colleagues about the changes to the Cowick Street exit of the Exe Bridges Retail Park. A Member commented on the possibility that parking income might not be achieved as projected. He referred to the deliberation of the Car Parks Task and Finish Group and what their likely recommendation would be. The Chair advised that a number of proposals would be brought to the next Scrutiny Committee – Economy on 8 March.

The Scrutiny Committee – Economy noted the draft Revenue Estimates, Capital Programme and proposed Fees and Charges for 2012/13 for further consideration by the Executive.

(Report circulated)

MATTERS FOR CONSIDERATION BY THE EXECUTIVE

6 Bus and Coach Station Area Development Principles

Councillor Bialyk declared a personal interest as a member of the Exeter Transport Social Club. Councillor Wardle declared a personal interest as a member of the Exeter Civic Society.

The Director Economy and Development presented the report which considered the development principles that had been prepared to guide development of the Bus and Coach Station area and ensure the key principles are delivered. The report also sought Executive approval for the principles for engagement with key stakeholders and the public. Over the last 18 months, the City Council had been working on a series of workshops looking at the principles that will inform the master plan proposals and ensure that any development will contribute to the high quality public realm and the economy of the rest of the city. The Director outlined the main principles of development which will be used to test development proposals for the Bus and Coach Station area.

A public consultation exercise will take place from the 19 March, aimed at both the public and stakeholders. The consultation will include two road show events in Bedford Street and Sidwell Street; two briefings aimed at stakeholders but open to

the public; a static display in the Customer Service Centre at the Civic Centre; an article in the City Council's newspaper, The Citizen and a web site presentation. Following a comment made by a Member, a further report including feedback from the consultation would be made to Scrutiny - Economy before being considered by the June Executive meeting.

Members supported the proposals and made the following comments -

- following the redevelopment of the bus and coach station and the area around John Lewis, would there be any knock on effect at the top end of Sidwell Street? The Director responded stating that a conscious effort would be made to ensure the peripheral parts of the area were protected. The redevelopment of the area will change the character and make the environs around Sidwell Street into a new and very distinct quarter.
- this will be a good part of the city to change and hopefully create a new vibrancy. It was critical to have a strategic development of the entire area and to forge a new identity.
- whether the Bus Station would be adequate for the future needs of the city? It was important to have a welcoming environment to meet the needs of the many vulnerable people who use it, particularly at night when such places would not be staffed to the same level.
- the consultation should also include not only the bus operators but also their staff, the trade unions and passenger groups and engage as many people in the process and be aware of their experiences as members of the travelling public.
- to include the smaller independent bus and coach companies that use the bus station in the consultation. The Member also suggested including conservation groups The Director advised that the list of stakeholders would be emailed to Members of the Committee.
- the prospect of individually designed elements for the site will be exciting for the city. The Member looked forward to the prospect, and reiterated the comments already made that the upper end of Sidwell Street would not be forgotten. The Director advised that, at this stage, it was not clear how much and how the site would be redeveloped, but there would be no development beyond York Road. Two elements of the bus station operation need to be relocated, the bus depot and lay over facility. This will be challenging to achieve.
- whether there were any plans for the Harlequins Centre? The Director was aware of vacant units, but the Harlequins Centre was in private sector ownership. It was important to be clear about the long term vision and lifecycle of the city. In the next decade, he anticipated looking further to other parts of the city, such as Fore Street and the area around the Corn Exchange to meet the next challenges.

Scrutiny Committee – Economy supported and requested the Executive to approve the Development Principles for the purpose of an engagement exercise with key stakeholders and the public.

(Report circulated)

7 Exeter Visitor Strategy 2012 - 2016

Councillor Dawson declared a personal interest as an employee of Exeter University.
Councillor Choules declared a personal interest as an employee of Exeter University.

The Head of Economy and Tourism presented the final draft of the Exeter Visitor Strategy 2012 – 2016. A copy of the Strategy including the proposed Action Plan was circulated with the report, and was also available on the Council web site. The initial draft had been considered by Members at the September meeting of the Scrutiny Committee and followed by a period of consultation. A summary of the consultees and the comments of key industry organisations, relevant partners and agencies were also circulated to Members.

The report set out the Strategy's aims and priorities and the key issue being to maintain and improve visitor numbers to support the employment and businesses which depend on visitor expenditure. The City Council will also continue to work in partnership with neighbouring authorities, and tourism businesses who have also made a significant investment in pooling revenue to ensure there is a concerted effort at effectively promoting the area.

Members welcomed the report and Strategy and made the following comments: -

- although there were aspirations for future Park and Ride sites and the development of the Coach and Bus Station, there were concerns that many visitors arriving by car were adding to the city's traffic problems. The redevelopment of the King William Street Car Park would also temporarily add to the congestion. The Tourism Development Manager referred to the Strategy's action plan and the efforts being made to work with transport providers to encourage visitors to use a range of public transport options including ticketing schemes, such as advanced and joint ticketing.

The Director Economy and Development added that anticipated public transport requirements to meet the future needs of the city would be submitted to a future meeting of the Committee.

- whether the City Council had any influence on Stagecoach services, with reduced services on public holidays which could cause problems for the travelling public? The Head of Economy and Tourism reminded Members that, whilst there were a number of specific initiatives and promotions which benefited the public, ultimately Stagecoach had to operate a commercial business.

Members considered it would be useful to request Stagecoach to attend a future meeting to respond to such issues.

- have the occupancy rates for the city's hotels stood up against the recent increase in hotel developments, and are there plans for more budget hotel chains to increase visitor choices? The Tourism Development Manager confirmed that the business occupancy and weekend visitor levels remained fairly constant throughout the year. Exeter had a range of accommodation but generally provided quality accommodation, which could come at a price. The Director Economy and Development stated that the city's planners received many enquiries from hotel developers and an application was currently being considered for a competitively priced hotel chain in the city centre.

- whether there were any proposals for a large city centre theatre or concert venue? The Head of Economy and Tourism stated that the challenge remained to attract sufficient numbers to make such venues viable. It should also be acknowledged that venues in nearby Torbay and Plymouth received significant local authority and Arts Council contributions towards their operational running costs.
- on plans for any celebrations to mark the 400th anniversary of the opening of Northernhay Gardens, which would be an ideal opportunity to mark the importance of the opening of the first public open space in the country. This could be incorporated into an event in the festival season. The Head of Economy and Tourism would follow up this suggestion.

Scrutiny Economy supported and recommended approval by the Executive of the adoption of the final draft Exeter Visitor Strategy 2012 – 2016.

(Report circulated)

**MATTER REQUESTED FOR CONSIDERATION BY A MEMBER UNDER
STANDING ORDER 18**

8 Refunding of Parking Penalties - Pinn Lane Layby

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

Councillor Mrs Thompson requested that an item be placed on the agenda under Standing Order 18, regarding the implementation of the decision taken by Devon County Council to refund parking penalties incurred in the Pinn Lane lay-by. The decision to refund these particular parking penalties had been confirmed by both Devon County Council and Exeter City Council officers and made known to interested parties. Councillor Mrs Thompson's view was that refunds were not carried out as agreed and the County Council subsequently changed its original stance. She was concerned that this was a withdrawal of an agreement, which may have a negative reflection on the credibility of the City Council, and should be brought before Members.

Councillor Mrs Thompson advised that Devon County Council had placed an advertisement in the local press enabling those motorists who had been issued a Penalty Charge Notice (PCN) who believed they qualified for a refund to apply for a refund application form. However, Councillor Mrs Thompson felt that this fell short of what she understood to be a decision to refund any PCN issued in this location and found this apparent change unacceptable. Councillor Mrs Thompson referred to a number of emails, which were circulated to Members as background information, which she believed supported her views.

The Head of Operational Services and Transport advised that there was an issue over the ability of the City Council to act independently of the wishes of Devon County Council in this matter and, indeed, generally on matters of highway enforcement and policy. In view of the concerns previously expressed by some Councillors, officers had sought Counsel's advice and will bring a confidential report to the next meeting on a number of issues relating to civil parking enforcement. In response to a Member's question, he confirmed that, in his view, there would be risks in the City Council acting independently of the instructions of the County Council on highway matters and that the financial liability for any PCN refunds made independently of County Council instructions could fall on the City Council.

There has been a great deal of correspondence on the issue of Pinn Lane and the City Council has acted on instructions from the County Council as to how to deal with any refunds. Those individuals in receipt of a Penalty Charge Notice for parking in the disputed location in Pinn Lane who had contacted either the City Council or the County Council have been repaid and any outstanding PCNs, cancelled.

A Member commented on the necessity to obtain Counsel's advice on the matter and asked that Members be informed of the costs of that advice. The Head of Operational Services and Transport confirmed that he would provide that information to Members at the next meeting. The Director Economy and Development advised that Counsel's advice was necessary given the complex and contentious nature of some of the issues that were being raised.

A Member informed the Scrutiny Committee that he had raised a number of questions relating to parking enforcement at a recent Devon County Council meeting and the Chair had given County Council officers ten days to respond. The Member said that those responses may be interesting in relation to some of the matters being discussed by this Committee.

Members noted that a report on a number of parking matters, including the findings of the Car Parks Task and Finish Group, and a confidential report on parking enforcement issues would be made to the March meeting of Scrutiny Committee – Economy.

The meeting commenced at 5.30 pm and closed at 8.10 pm

Chair

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SCRUTINY COMMITTEE - ECONOMY - 19 JANUARY 2012

QUESTION FOR PORTFOLIO HOLDER
UNDER STANDING ORDER NO.20

Question from Cllr Mrs Thompson for the Portfolio Holder – Sustainable Development and Transport

With reference to Exhibition Way bridge as per Appendix 2 of the Agenda, I note £45,000 has been earmarked for maintenance to ensure the structure over the railway is safe. As this bridge has a locked gate preventing unrestricted vehicular access, please could the Portfolio Holder advise if the bridge is currently capable of supporting all types of vehicles, i.e. fairground, agricultural etc.

If in due course Exhibition Way extended into Eastern Fields as part of a scheme for residential development at the Old Brickworks (should planning permission be granted by the City Council), would this £45,000 maintenance make the bridge structure suitable for this increased vehicular use?

Is ECC responsible for the total cost of keeping this bridge in good repair as part of an agreement with Network Rail or do Network Rail have some liability?

Answer

Councillor Sutton, as Portfolio Holder for Sustainable Development and Transport responded to the question stating that the Exhibition Way Bridge was sound and the capacity suggested for vehicles is up to 40 tonnes.

Clearly further changes have to be made if the link road to the Old Brickworks site is developed. The £45,000 would be used for routine maintenance only. There is currently cycle access, but if any new development went ahead then the road layout would need to be changed. Devon County Council would still have to agree any firm proposals on this. It is the responsibility of the City Council to ensure the Exhibition Way Bridge is kept in good order.

Councillor Mrs Thompson asked an additional question as to “what would bring the bridge up to acceptable standard and was the City Council engaged with Devon County Council on what the adoptable standard should be”?

Councillor Sutton replied that there were no firm proposals for the bridge as planning permission had yet to be granted for the Old Brickworks site and any subsequent approval for the link road. She did not know about the adoption standards, but it related to highway layout rather than bridge strength.

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SCRUTINY COMMITTEE - RESOURCES

25 January 2012

Present:

Councillor Baldwin (Chair)

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

Also Present:

Chief Executive, Director Corporate Services, Head of Treasury Services, Museums Manager, Contract Development Manager, and Member Services Officer (SLS)

Apologies

Councillors Mitchell and Tippens

1 **Minutes**

The minutes of the meeting held on 23 November 2011 were taken as read and signed by the Chair as correct.

2 **Declarations of Interest**

Members made no declarations of interest.

MATTERS FOR CONSIDERATION BY THE EXECUTIVE

3 **Capital Programme 2012/13 - 2014/15**

The Head of Treasury Services presented the report seeking approval of the General Fund and Housing Revenue Account Capital Programmes for 2012/13 along with schemes identified for the following two years.

Members were advised that a borrowing requirement of £14.88 million had been identified over the next four financial years, which would have an ongoing impact on the council tax. The City Council would ensure that any borrowing decision remained affordable, and a report to the Executive setting out the Council's Prudential Indicators would be presented to the February meeting. The total General Fund Capital Programme of £8.5 million for 2012/13 was set out in Appendix 3, and the proposed Housing Revenue Account programme totalling £6.1 million for 2012/13 was set out in Appendix 4.

The Head of Treasury Services responded to Members' comments and questions -

- a request for more detail on which partners were contributing to the funding for the environmental improvements at Central Station. It was noted that the Director Economy and Development would respond to the Member with more detail on the contribution and ownership of the land.
- whether the budget for adaptations was provisional or were the affordable housing registered providers making a contribution? Housing colleagues would respond with a more detailed report on the responsibility for adaptations carried out in council property.

- the budget allocated to cemetery roads and paths maintenance was to safeguard against potential insurance liability by ensuring they were in a reasonable state of repair. Their maintenance was paid for from the reactive repairs budget under the Council's Asset Improvement and Maintenance Fund.(AIM)

The Scrutiny Committee - Resources supported the following for approval by Executive:-

- (1) the General Fund Capital Programme for 2012/13, as set out in Appendix 3 of the report; and
- (2) the Housing Revenue Account Capital Programme for 2012/13, as set out in Appendix 4 of the report.

(Report circulated)

4 **Treasury Management Strategy Report 2012/13**

The Head of Treasury Services presented the report seeking adoption by the Council of the Treasury Management Strategy Report, incorporating the Annual Investment Strategy 2012/13, as required under section 15(1)(a) of the Local Government Act 2003. He also sought adoption of revised clauses in respect of Treasury Management as part of the Council's Financial Regulations. A Member suggested an alternative wording in paragraph 6.4, with the substitution of the word "repayment" for "borrowing".

The Head of Treasury Services responded, as follows, to Members' comments and queries:-

- the one-off payment of £57 million would enable the City Council to buy itself out of the Housing Revenue Account subsidy scheme. This was based on an actual asset base and the Council had no choice in this action. It will however provide a good opportunity for local authorities to invest in their housing stock.
- the Council's annual accounts are published every year, and provide a comprehensive breakdown of the Council's assets and liabilities as of the 31 March of each year. These are available to view on the Council's website.
- there was renewed optimism that the Icelandic Banks would soon begin to repay Exeter City Council. The lending criteria had been strengthened to ensure that the Council only invested in banks and institutions with the highest credit ratings.
- the Business Plan had made assumptions on the number of tenants who might exercise the option for Right To Buy of their Council property. The Head of Treasury Services would request the current figure from Housing colleagues.

The Scrutiny Committee - Resources noted the report and recommended that the Executive recommend to Council, the adoption of the new Treasury Management clauses for inclusion in Financial Regulations and the Treasury Management Strategy and delegations contained therein.

(Report circulated)

5 **Revenue Budget Proposals 2012/13**

The Head of Treasury Services presented the report outlining the strategic framework within which the estimates had been prepared and circulated for discussion and comment during December. He highlighted a number of key points in the report including the provisional local government finance settlement for 2012/13 which was broadly in line with previous forecasts. In overall cash terms, the 2012/13 grant was expected to be £8.258 million, representing an overall cash decrease of £0.977 million compared to the current year's 'adjusted' formula grant of £9.235 million. The New Homes Bonus initiative designed to encourage local authorities to facilitate housing growth will be a new source of revenue for the City Council. Members welcomed a cautious approach to using this additional revenue, which could potentially affect other sources of grant funding in the future. For the purposes of the revised medium term financial plan, it had been assumed that the Council would freeze council tax again for 2012/13, and receive an additional grant by way of compensation for lost revenue, equating to an assumed Council Tax levy of 2.5%.

A Member commented on the Government's consultation over a review of the universal business rate. The Head of Treasury Services confirmed that the reallocation of the business rate and part of a refinance of local government would take effect in April 2013. It was too early to say what impact this would have on Exeter, but there was an optimistic view on future growth and prospects for Exeter.

The Chief Executive also responded to a query on the net approval score and priorities set out in the Budget Consultation for 2011/12, stating that the results contained the individual views of the respondents. The methodology applied to this survey was an industry standard with respondents asked to rate each budget area using a high, medium or low spending priority.

The Scrutiny Committee – Resources noted the report and the recommendation to the Executive for the approval of the Draft Revenue budget proposals for 2012/13, and the recommended minimum level for the General Fund Working Balance to remain at £2 million.

(Report circulated)

MATTERS FOR CONSIDERATION BY SCRUTINY COMMITTEE - RESOURCES

6 **Non-Housing AIM Budget 2012/13**

The Contract Development Manager presented the report detailing the work proposed to non-housing properties in order to maintain and service such buildings in 2012/13. The work financed from the Asset Improvement and Maintenance Fund, referred to as AIM, was contained within the Council's overall revenue budgets.

He responded to a number of Members' questions including the percentage of repairs carried out by the in-house team, and the building risk assessment for legionella which included checks on every element of the water distribution system. He also referred to the budget for the routine servicing and maintenance of the canal lock gates. He clarified the work associated with the routine maintenance of monuments and the annual inspection of memorials. The Contract Development Manager corrected a reduction in the Service Priorities which should have read £124,000 and not £164,000 as detailed in the report. He also advised that he would similarly update the figure for the overall reduction in the budget.

The Scrutiny Committee – Resources noted that the sum of £1,592,825 had been split into the categories of work in the year 2012/13, as outlined in the circulated report.

(Report circulated)

7 **Estimates 2012/13**

The Head of Treasury Services presented the report on the Estimates for 2012/13, which outlined the strategic framework within which the estimates had been prepared, changes in accounting practices which affected all budgets and gave detailed reasons for any significant changes in the Management Unit estimates. A detailed schedule of the Capital Programme and proposed new schemes for the areas covered by Scrutiny Committee - Resources and the changes in respect of the 2012/13 Fees and Charges were included as an appendix.

The Scrutiny Committee – Resources noted the draft Revenue Estimates, Capital Programme and proposed Fees and Charges for 2012/13 for further consideration by the Executive.

(Report circulated)

8 **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 - EXCLUSION OF THE 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.

9 **Progress Report - RAMM Development Project**

The Museums Manager presented the report which brought the Committee up to date with the current situation with respect to the various contracts now let for the Royal Albert Memorial Museum Development Project. The report also considered how the Museum's negotiations over the final aspects of the projects would go forward. Members were advised that it was now deemed appropriate for any further reports on the Museum project to be made to Scrutiny Committee - Resources and Executive as and when required.

Over 61,000 visitors had been through the Museum in the first weeks of reopening, with approximately 96% of visitors leaving positive or general comments. A Member welcomed this first class asset for Exeter but sought further information on an outstanding matter relating to the building project. The Museums Manager advised that a number of similar issues would be resolved or concluded as part of the 'wrapping up' work undertaken as part of the project's closure. Delivering a project of this scale and complication had provided the Council with experience and knowledge that captured in a 'debriefing' might benefit their work on future capital projects. She responded to a number of Members' questions on snagging work which would be completed over the next coming months, including soft landscaping at the rear of the Museum. The matter of archive material from the Archaeological Field Unit was raised and the Museums Manager explained that officers were currently investigating storage options for the large volume of excavated material involved.

The Museums Manager was also pleased to announce that RAMM had been successful along with its partner Plymouth City Museum & Art Gallery in its application to the Arts Council to become a Major Partner Museum (one of 16 across

the country). A three year programme of funding is associated and although the final amount was yet to be confirmed it would be a significant award. The award was part of a national drive to develop and deliver excellence in museums by reaching out to more people and supporting innovation. Members welcomed this excellent news which reflected the Council's ongoing commitment to the Museum.

Members thanked the Museum staff for their hard work and dedication in bringing the project to fruition. The Museums Manager said that she would pass on the Committee's sentiments which would be most appreciated.

The Scrutiny Committee – Resources noted the report.

(Report circulated to Members)

10 **Retirement of Glyn Bellerby**

The Chair and Members formally recorded the appreciation of the Scrutiny Committee – Resources for the significant contribution made by Glyn Bellerby, Director Corporate Services. He had always provided professional and valuable support and advice, and his quiet counsel and guidance would be missed. Members thanked Glyn for his hard work and dedication, and wished him well on the occasion of his retirement.

The meeting commenced at 5.30 pm and closed at 7.05 pm

Chair

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Agenda Item 9

EXECUTIVE

Tuesday 24 January 2012

Present:

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

Also present:

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

123

MINUTES

Subject to the deletion of the word "Centre" in the fifth line of the third paragraph of Minute 118 (Parking Tariffs) at the request of Councillor Baldwin at Council, the minutes of the meeting held on 6 December 2011 were taken as read and signed by the Chair as a correct record.

124

GRANTS COMMITTEE

RESOLVED that the minutes of the meeting of the Grants Committee held on 1 December 2011 be received.

(Minutes circulated)

125

DECLARATIONS OF INTEREST

The following personal interests were declared:

COUNCILLOR	MINUTE
Cllr R Hannaford	132 (member of Devon County Council Development Control Committee)
Councillor Mrs Henson	132 (lives in vicinity of Car Park North of Digby Drive)

126

COUNCIL TAX BASE 2012/13

The report of the Head of Treasury Services was submitted, setting the 2012/13 Council Tax base in accordance with the Local Authorities (Calculation of Tax Base) Regulations.

RESOLVED that, in accordance with the Local Authorities (Calculation of Tax Base) Regulations, the amount calculated by Exeter City Council as its tax base for the year 2012/13 shall be 38,241.

(Report circulated)

HOUSING RENTS 2012/13

The report of the Head of Treasury Services was submitted, recommending a rent and service charge increase from 1 April 2012 for Council dwellings.

The Director Community and Environment reported that in addition to the general inflationary factor of 5.6%, the increase reflected rental convergence with the housing association sector within four years. In response to a question, the Director undertook to inform members of the proportion of tenants in receipt of Housing Benefit.

Executive supported the proposed rent and service charge increases and noted the support of Scrutiny Committee – Community on 17 January 2012.

RESOLVED that:-

- (1) rents of Council dwellings are increased from 1 April 2012, by an average of 6.84% which includes a general inflationary increase of 6.1% together with the phased introduction of the Government's rent restructuring proposals; and
- (2) Service Charges are increased by 6.1% with the exception of charges specified in paragraph 3.1 of the report.

(Report circulated)

HOUSING REVENUE ACCOUNT BUSINESS PLAN 2012-2042

The report of the Acting Head of Housing Services was submitted, informing Members of the outcome of the review of the Housing Revenue Account Business Plan.

Scrutiny Committee – Community considered the report at its meeting of 17 January 2012 and their comments were noted.

The Director Economy and Development reported that the Council would adopt a 50 year maturity loan payment plan and the interest rate would be fixed at the current, historically low, level. He reported on the underlying key assumptions made in the Business Plan.

Members supported the Business Plan which described what the Council aimed to achieve as a landlord in the short, medium and long term. They acknowledged that the Council had benefited from an efficient, effective and forward-looking Housing service for many years which had enabled the Council to be free of housing debt. They welcomed the opportunity to maximise resources and flexibility in order to improve services and respond to the challenging housing crisis. The Portfolio Holder Housing and Community Involvement informed members that a report on special needs housing would be made to a future Scrutiny Committee – Community.

RESOLVED that:-

- (1) the conclusions in the report be approved;
- (2) the Council adopts a 50 year equal repayment of the debt; and

- (3) a further review is undertaken of the HRA Business Plan annually and the findings reported to Members.

(Report circulated)

129 **DIRECTORSHIP OF THE ASSOCIATION OF RETAINED COUNCIL HOUSING (ARCH)**

The report of the Acting Head of Housing Services was submitted, advising Executive of the changes which the Association of Retained Council Housing (ARCH) is proposing to make to its governance and structural arrangements.

The Director Community and Environment reported that in order for the Council to retain its ARCH Executive Board status in the new arrangements it must nominate Directors to the Board.

Members acknowledged the significant benefits of the Council's membership of the organisation including consultancy and the opportunity to contribute to Government consultation and policy-making. They also commented on the importance of ensuring that the Council received value for money in respect of membership of such organisations.

RESOLVED that, in accordance with s.323(1) of the Companies Act 2006 the Portfolio Holder Housing and Community Involvement and the Assistant Director Housing and Contracts be authorised to be Directors of ARCH and execute voting rights on behalf of the Council.

(Report circulated)

130 **EXETER VISITOR STRATEGY 2012-16**

The report of the Head of Economy and Tourism was submitted, seeking approval to the final draft of the Exeter Visitor Strategy 2012-2016.

Scrutiny Committee – Economy considered the report at its meeting of 19 January 2012 and Executive noted their comments. The Director Economy and Development reported that two of the most significant factors identified by members of the Committee as influencing the success of the Strategy related to the importance of an adequate public transport infrastructure and sufficient hotel bedspaces.

Members noted the summary of comments and suggestions received through the consultation process and were pleased that responses had generally been very supportive of the overall approach of the Visitor Strategy and its proposed Action Plan.

RESOLVED that the Exeter Visitor Strategy 2012-2016 be approved.

(Report circulated)

131 **CORE STRATEGY INSPECTOR'S REPORT AND ADOPTION**

The report of the Director Economy and Development was submitted, seeking support for the adoption of the Core Strategy and subsequent forward planning work.

The Director reported that the Inspector had found the Core Strategy as amended to be sound but had proposed three changes to the plan which related to: (a) the adequacy of housing land supply (b) further investigation into the location of Gypsy and Traveller sites and (c) the deletion of reference to employment land at Ibstock Brickworks. Whilst the introduction of provisions of the Localism Act meant that the Inspector's modifications would no longer have binding status after 21 February, he strongly advised the Council to adopt them in order to strengthen the Council's position at appeal.

Members welcomed the proposed adoption of the Core Strategy which they hoped would ensure a carefully planned future for the City rather than ad hoc responses to development proposals. They were pleased to note that the Council would join the 30% of local authorities which had an adopted Core Strategy and recorded their appreciation for all the hard work of the officers involved.

RECOMMENDED that the Core Strategy as amended by the Inspector be adopted by the Council.

(Report circulated)

132

DEVELOPMENT MANAGEMENT POLICY STATEMENT

The report of the Director Economy and Development was submitted, seeking approval to the adoption of the Development Management Policy Statement (DMPS) which the Inspector examining the Core Strategy had recommended to deal with any shortfall in the provision of a five year housing land supply.

Councillor R Hannaford declared a personal interest in the issue as a member of Devon County Council's Development Control Committee.

Councillor Mrs Henson declared a personal interest as she lived in the vicinity of the Car Park North of Digby Drive which was listed as one of the sites not in the 2010 Strategic Housing Land Availability Assessment.

The Director reported that the Council had given a commitment to introduce a Development Management Policy Statement at the Examination into the Core Strategy and had provided a detailed example of such a statement. This document was the subject of consultation with stakeholders and had been debated at some length at the reconvened hearing.

RECOMMENDED that Council adopt the Development Management Policy Statement to constitute informal policy to deal with any issues relating to a shortage of housing land supply.

(Report circulated)

133

APPOINTMENT OF REPRESENTATIVES TO SERVE ON OUTSIDE BODIES

The schedule of appointments to outside bodies was circulated.

RESOLVED that:-

- (1) the intention of Exeter Municipal Charities to merge with Lord Mamhead Homes be noted and their request for a reduction from seven to four Council representatives in addition to the Lord Mayor be approved; and

RECOMMENDED that:-

- (2) an appointment to replace Alderman NWF Long on Exeter Municipal Charities (General List) be agreed at Council.

(Report circulated)

134 **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, 2 and 3 of Part 1 of Schedule 12a of the Act.

135 **DISPOSAL OF 15 CHURCH STREET, HEAVITREE**

The report of the Acting Head of Estates Services and Acting Head of Housing Services was submitted seeking approval to dispose of 15 Church Street, Heavitree from the Housing Revenue Account (HRA) by selling it on the open market.

RESOLVED that:-

- (1) the Acting Head of Estates Services be authorised to dispose of 15 Church Street on the terms outlined in this report; and
- (2) the Acting Head of Housing Services be authorised to use the funds generated from the sale to purchase suitable homes to meet the City Council's current social housing needs.

(Report circulated to Members)

136 **ACQUISITION OF 16 CHANTER COURT**

The report of the Acting Head of Estates Services and Acting Head of Housing Services was submitted, seeking Members' approval to the acquisition of the 50% share of 16 Chanter Court held by the current shared ownership tenants.

RESOLVED that the Acting Head of Estates Services be authorised to acquire a 50% share in 16 Chanter Court, subject to consultation with the Portfolio Holder Housing & Community Involvement and the Acting Head of Housing Services.

(Report circulated to Members)

137 **RETIREMENT OF HAZEL BALL**

On the occasion of her last Executive meeting, members recorded their appreciation to Hazel Ball, Director Community and Environment for her long and dedicated service and for the significant contribution she had made to the Council.

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

Chair

The decisions indicated will normally come into force 5 working days after publication of the Statement of Decisions unless called in by a Scrutiny Committee. Where the matter in question is urgent, the decision will come into force immediately. Decisions regarding the policy framework or corporate objectives or otherwise outside the remit of the Executive will be considered by Council on 21 February 2012.

GRANTS COMMITTEE

Thursday 1 December 2011

Present:-

Councillor John Winterbottom (Chair)
Councillors Baldwin, Bull, Newcombe and Spackman

Also Present

Director Community and Environment, Arts and Events Manager and Member Services Officer (SJS)

13

MINUTES

The minutes of the meeting held on 15 September 2011 were taken as read and signed by the Chair as correct.

14

DECLARATIONS OF INTEREST

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

COUNCILLOR	MINUTE
Councillor Bull	15* (he and his wife work with the Arts Organisations)
Councillor Newcombe	15 (member of Devon County Council)

15

PERFORMANCE REVIEW OF SERVICE AGREEMENTS WITH STRATEGIC ARTS ORGANISATIONS

Councillor Bull declared a personal and prejudicial interest as he and his wife work with the Arts Organisations and left the room for the duration of the meeting.

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

The Arts and Events Manager presented the report on monitoring reviews which assess the delivery of the Service Agreements for 2011/12 with the following strategic arts organisations: Exeter Northcott Theatre, Theatre Alibi, Spacex, Exeter Barnfield and Exeter Phoenix. Members were advised that the report sought approval of the payment of the final 20% grant funding to Theatre Alibi and Spacex, and the final quarter payment of agreed grant funding to Exeter Phoenix, Exeter Northcott and Exeter Barnfield Theatre, for this financial year.

Members were informed that the Arts Organisations had a good year despite the economic climate. The Exeter Northcott, in its first year trading as Exeter Northcott Theatre Company, had showed a profit. The Council, with Exeter University and the Arts Council, had been working together with the Exeter Northcott to develop a sustainable future for the Theatre as all parties recognised the value of, and the need for, a high quality theatre in the City. Exeter Northcott had been asked to present an updated Business Plan that indicated projections for the next three years, for approval by the Council and other stakeholders, before the Grants

Committee to be held on 23 February 2012 at which funding for 2012/13 would be agreed.

RESOLVED that:-

- (1) the content of the Service Agreement progress reports to date be noted and the final payments of the funding for 2011/12 to Theatre Alibi, Spacex, Exeter Phoenix, Exeter Northcott and Exeter Barnfield be agreed; and

the following be recommended to Executive:-
- (2) an in principle allocation of funds be discussed with Theatre Alibi, Exeter Phoenix, Spacex, Exeter Northcott and Exeter Barnfield as the basis for the development of Service Agreements to be brought to the next Grants Committee for approval.

(Report circulated)

(The meeting commenced at 4.30 pm and closed at 4.40 pm)

Chair

EXECUTIVE

Tuesday 7 February 2012

Present:

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

Also present:

Chief Executive, Strategic Director, Director Corporate Services, Assistant Director Finance, Corporate Manager Democratic & Civic Support and Member Services Manager

16

DECLARATIONS OF INTEREST

No declarations of interest were made.

17

GENERAL FUND REVENUE ESTIMATES AND CAPITAL PROGRAMME 2012/13

The report of the Assistant Director Finance was submitted, seeking approval to the General Fund revenue estimates for 2012/13 and recommending the Band D level of Council Tax for 2012/13. The report also included the proposed Capital Programme for 2012/13 and future years, and a note of the proposals in respect of the Housing Revenue Account.

The Assistant Director Finance reported that the final local government finance settlement for 2012/13 had been announced and was in line with previous forecasts. He drew attention to Exeter's position in relation to other Devon authorities in respect of Formula Grant and Revenue Spending Power Decreases as set out in the appendices to the report. He identified the factors and key assumptions that had been made in producing the Council's medium term financial plan and annual revenue budget. He confirmed that the precept of Devon County Council would be set on 16 February and that of the Devon and Cornwall Police Authority and Devon and Somerset Fire Authority on 17 February.

Members welcomed the proposal to freeze Council Tax at this time of financial pressure on households but noted that the additional grant of £120,000 to compensate the Council was available for one year only. They were pleased to note that balances remained at a relatively healthy level and that the Council was on track to deliver the proposed savings of £2.4 million in its revenue budget for 2011/12. They welcomed the opportunities presented by the New Homes Bonus whilst acknowledging the uncertainty regarding the amount of funding that may be top-sliced from the mainstream Formula Grant in future years.

The Chair thanked officers for their work in constructing the estimates and capital programme. He was pleased to note the level of savings that had been achieved overall, including through the senior management restructure, and looked forward to further savings being delivered through the systems thinking review. He reminded members of the on-going Capital Programme including major development in the City and enhancement of the parks. He was pleased that no major spending cuts had been made this year and commented on the need to ensure that spending on essential services continued.

RECOMMENDED to Council that:-

- (1) the Council's overall spending proposals in respect of both its revenue and capital budgets be approved;
- (2) the council tax for each band be recommended to the Council as set out in section 24.3 of the report, subject to Devon County Council, Devon and Cornwall Police Authority and the Devon and Somerset Fire Authority confirming their Band D levels respectively;
- (3) when the actual council tax amounts for Devon County Council, Devon and Cornwall Police Authority, and the Devon and Somerset Fire Authority are set, then the revised council tax levels be submitted to Council on 21 February 2012 for approval; and
- (4) the statement given by the chief finance officer as required under Section 25 of the Local Government Act 2003 be noted.

(Report circulated)

18

TREASURY MANAGEMENT STRATEGY 2012 - 2013

The report of the Assistant Director Finance was submitted, seeking adoption by the Council of the Treasury Management Strategy Report, incorporating the Annual Investment Strategy 2012/13, as required under section 15(1)(a) of the Local Government Act 2003 and seeking adoption of revised clauses in respect of Treasury Management as part of the Council's Financial Regulations.

Scrutiny Committee – Resources considered the report at its meeting of 25 January 2012 and members' support and comments were noted.

RECOMMENDED that Council adopt the new Treasury Management clauses for inclusion in Financial Regulations and the Treasury Management Strategy and delegations contained therein be approved.

(Report circulated)

19

THE PRUDENTIAL CODE FOR CAPITAL FINANCE IN LOCAL AUTHORITIES

The report of the Assistant Director Finance was submitted, setting out the proposed 2012/13 prudential indicators for capital finance for adoption by the Council and setting the annual statement of Minimum Revenue Provision (MRP).

RECOMMENDED that Council approve the adoption of:

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

(Report circulated)

BUS AND COACH STATION AREA DEVELOPMENT PRINCIPLES

The report of the Strategic Director was submitted, looking to consider the Development Principles that have been prepared to guide development of the Bus and Coach Station area and seeking to approve the Principles for engagement with key stakeholders.

The comments of Scrutiny Committee – Economy which considered the report at its meeting of 19 January 2012 were noted. The Director outlined the consultation process and reported that, in response to the request of members of the Scrutiny Committee, he would circulate to all members a list of the stakeholders who would be invited to the briefings. A further report including feedback from the consultation would be made to Scrutiny Committee – Economy before being considered by Executive in June.

Members acknowledged the significance of the bus and coach station area in relation to the John Lewis Partnership development and emphasised the importance of creating a favourable first impression for visitors arriving in the City. They welcomed the extensive preparation that had gone into the Development Principles for the area and looked forward to a further exciting project in the City.

RESOLVED that:-

- (1) the Development Principles for the Bus and Coach Station area be approved for the purpose of an engagement exercise with key stakeholders and the public; and
- (2) a progress report, including feedback from the consultation, be made to Scrutiny Committee – Economy prior to Executive in June.

(Report circulated)

CONSULTATION ON STRATEGIC PLANNING DOCUMENTS: TEIGNBRIDGE AND EAST DEVON

The report of the Assistant Director City Development was submitted, seeking to formulate a response to the consultation documents recently published by Teignbridge District Council and East Devon District Council as part of ongoing preparation of their Local Development Frameworks.

The Strategic Director introduced the report which concentrated on the proposals for growth in areas adjacent to the City Council boundaries. The Teignbridge Strategy included a single urban extension of some 2000 additional houses and 6 hectares of employment land, adjoining the south west boundary of the City. The East Devon Plan proposed substantial development in the West End of the District, namely 6000 homes at Cranbrook, 800 homes to the north of Pinhoe together with 3 hectares of employment and 600 homes north of Blackhorse. The Director reported that the Planning Member Working Group had discussed the Plans that day and had expressed reservations in respect of the adequacy of the transport infrastructure proposed to support the developments. Members had commented specifically in relation to the third phase access strategy for the Pinhoe and Blackhorse proposals. A number of developments have been approved and the delivery of key highway infrastructure could be problematic.

Councillor Ruffle attended the meeting and spoke on this item under Standing Order 44. He reported that the impact of the Teignbridge development raised a number of issues for the residents of Alphington. Of particular concern was the impact on the already heavy traffic in Alphington and specifically the funnelling of traffic towards the Alphinbrook roundabout. The topography of the area made the road system particularly challenging. He would encourage residents to respond to Teignbridge District Council by the consultation deadline of 2 March. He hoped that the Localism Act would provide the opportunity for significant community involvement in the development.

Councillor Newcombe attended the meeting and spoke on this item under Standing Order 44. She also reported the concerns of local residents regarding the adequacy of the infrastructure in relation to the density of the development. Concern had also been expressed as to whether the schools would be ready on time. The impact of traffic generation was a significant area of concern particularly since Alphington Road and Bridge Road were already at capacity. It was hoped that the creation of the Park and Ride facility would go some way toward easing the traffic problems in the area. She hoped that a forum would be set up with a view to creating a Neighbourhood Plan to provide an effective way for the community to be involved in the planning of the area.

The Strategic Director responded to the points raised and urged the community to meet with the developers to enable input into the development at an early stage. He acknowledged that the transport issues in the area were challenging and it was vital for the strategic authority to ensure the budget was in place to deliver the necessary infrastructure. The Community Infrastructure Levy (CIL) was a new and untried mechanism and this authority was at the forefront of its introduction nationally. The creation of the Park and Ride facility was a critical factor in relation to traffic management in the area.

Members commented on the benefits of community involvement in creating Neighbourhood Plans which could help to smooth the planning process and avoid piecemeal development. They supported the Alphington community's proposal to form a Neighbourhood Forum which would straddle the District boundaries.

Executive emphasised the importance of an adequate infrastructure in respect of all the developments and was particularly concerned to ensure that the strategic authority allocated sufficient budget in respect of the necessary transport infrastructure. Members proposed that Teignbridge District Council be requested to ring-fence the receipt of any CIL funding for the Alphington Growth Point, to be used in this area.

RESOLVED that:-

- (1) Devon County Council be requested to present to Members an update on the implications of the approved developments in and around the Pinhoe area together with proposals in East Devon's "West End" for the phase three access strategy; and further, that East Devon District Council reflect on the conclusions of this update in considering the location and phasing of developments for the West End;
- (2) the proposed response to Teignbridge District Council set out in paragraph 5.1 of the report and the response to East Devon District Council outlined in paragraph 8.1 be agreed; and

- (3) both Councils be informed that this Council views the adequacy of the transport infrastructure as an issue of great importance and requests that any CIL funding received by Teignbridge District Council in respect of the Alphington Growth Point be ring-fenced for use in this area.

(Report circulated)

22

NEW HOMES BONUS - LOCAL INFRASTRUCTURE FUND

The report of the Strategic Director was submitted, recommending arrangements for the establishment and allocation of the proportion of New Homes Bonus that is to be used to provide a Local Infrastructure Fund.

RESOLVED that:-

- (1) a New Homes Bonus Panel to administer a Local Infrastructure Fund be established reflecting the principles set out in Appendix Two of the report;
- (2) the New Homes Bonus Panel takes on the responsibilities of the Grants Committee following its next meeting on 23 February that will also receive a report on future arrangements for other grants;
- (3) any consequential amendments to the Constitution, financial and procurement regulations be made to the next appropriate Council; and
- (4) the effectiveness of the new arrangements be reviewed after 12 months of operation.

(Report circulated)

23

DEDICATION OF RIGHT OF PUBLIC HIGHWAY THROUGH TRIANGLE CAR PARK

The report of the Assistant Director Economy was submitted relating to a proposal to improve the existing public footpath through the City Council's Triangle car park, to enable its use as a combined footpath and cycleway. This would require dedication of additional land as public highway to widen the path. Members were requested to consider the dedication of this land at less than best consideration, namely at no cost to Devon County Council, on the basis that the proposal is in the interests of the economic, social and environmental wellbeing of the community.

Executive welcomed measures to encourage sustainable modes of transport in the City and supported the proposal.

RESOLVED that the dedication of land to Devon County Council at less than best consideration be approved on the basis of the economic, social and environmental benefits arising from the scheme.

(Report circulated)

**AUTHORISED SIGNATORIES FOR COUNCIL AND JOINTLY FUNDED
AFFORDABLE HOUSING SCHEMES**

The report of the Acting Assistant Director Housing and Contracts was submitted seeking approval to signatories to enable the Council to administer, validate, authorise and allow the payment of Other Public Subsidy (OPS), Recycled Capital Grant Fund (RCGF), Social Housing Grant (SHG) and Affordable Rent Tenancy Grants (ARTG) to Registered Social Landlords (RSLs), Registered Providers (RPs) and developers through the Homes and Communities Agency's (HCA's) online Investment Management System (IMS).

RESOLVED that:-

- (1) the following officers be designated as authorised signatories for the purposes set out in paragraphs 1 and 2 and that the Homes and Communities Agency be informed:

All Financial Grant Claims	Assistant Director Finance (A Stark) or Service Finance Manager (B Steer) or Corporate Finance Manager (D Hodgson) Strategic Housing Manager (R Mayers) Housing Development Manager (E Osmundsen) Senior Housing Development Officer (C Massey)
Scheme-work Approvals	Assistant Director Housing and Contracts Strategic Housing Manager (R Mayers) Housing Development Manager (E Osmundsen), Senior Housing Development Officer (C Massey) or Housing Development Officer (G Stenning)
Monitoring	As per scheme-work approvals plus Strategy and Development Assistants (D Brownlie and N Suckley)

- (2) the Housing Development Manager (E Osmundsen) and the Strategic Housing Manager (R Mayers) be designated as Systems and Security Administrators for these purposes on the IMS Computer System.

(Report circulated)

PAY POLICY STATEMENT

The report of the Assistant Director Business Transformation was submitted setting out the Pay Policy Statement for Exeter City Council which had been written to comply with the requirements of Section 38 (1) of the Localism Act 2012. This legislation requires English and Welsh local authorities to produce a statutory pay policy statement for 2012/13 and for each following financial year.

RECOMMENDED to Council that the Pay Policy Statement attached to the report be adopted and delegated authority be granted to the Chief Executive in consultation with the Leader of the Council to make any necessary amendment to reflect any final guidance issued by the government.

(Report circulated)

26

MEMBERS' ALLOWANCES 2012/13

The report of the Corporate Manager Democratic and Civic Support was submitted setting out the report and recommendations of the City Council's Independent Remuneration Panel in relation to Members' Allowances for 2012/13.

RECOMMENDED to Council to agree the recommendations of the Independent Remuneration Panel that:-

- (1) the basic structure and principles of the current Members' Allowances scheme be retained for 2012/13;
- (2) the principle that any Member qualifying for more than one Special Responsibility Allowance is paid the higher allowance only, should be retained;
- (3) the Councillors' Basic and Special Responsibility Allowances should continue to be linked to and updated in line with the Local Government Employers (LGE) staff pay award for the previous year. Therefore, for the year 2012/13, the level of Councillors' Basic and Special Responsibility Allowances should remain unchanged in line with the zero increase offered by the LGE in respect of the annual local government staff pay award for 2011/12;
- (4) the expenses allowance paid to the Lord Mayor be set at the same level as the Basic Allowance paid to Councillors and the expenses allowance paid to the Deputy Lord Mayor be set at 25% of the Lord Mayor's revised allowance;
- (5) the Travel and Subsistence allowances provisions for staff continue to apply to Exeter City Councillors, where appropriate;
- (6) the current Dependants' Carers' Allowance scheme be maintained and the level of allowance, currently £6.08 per hour, continues to be linked to and updated in line with the minimum wage; and
- (7) to note that, following the implementation of the provisions of the Localism Act 2011, the role of the independent member(s) of Standards Committee will be the subject of a future report to Council and to recommend that, in the interim, payments remain unchanged.

(Report circulated)

27

RE-ALLOCATION OF OFFICER DELEGATIONS

The report of the Chief Executive was submitted seeking approval to the re-allocation of delegations to officers to reflect the new organisational structure of the Council in which officers were appointed to their new posts on 1 February 2012.

RECOMMENDED to Council that the proposed amendments to the Responsibility for Functions, Delegations to Officers and Deputies for Delegated Powers as set out in the appendices to the report be agreed for adoption together with the other minor, consequential changes to the Constitution referred to in paragraph 2.3 of the report.

(Report circulated)

28

RETIREMENT OF GLYN BELLERBY

Executive recorded their good wishes to Glyn Bellerby, Director Corporate Services, on the occasion of his retirement and their appreciation for the significant contribution he had made to the Council over many years.

(The meeting commenced at 5.30 pm and closed at 7.00 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 21 February 2012.

Agenda Annex

SEATING IN THE GUILDHALL

Lord Mayor's Chaplain			Deputy Lord Mayor Councillor Mitchell (LD)	Lord Mayor Councillor Mrs Brock (LD)	Chief Executive	Corporate Manager Democratic/Civic Support	
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Member Services Manager	Corporate Manager Legal	Assistant Director Finance		Director Corporate Services	Strategic Director	
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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)
Stone (L)	Bull (L)	Martin (L)		Baldwin (C)	Mottram (C)
Robson (L)	Clark (L)	Sheldon (L)	TABLE	Shiel (C)	Winterbottom (C)
Spackman (L)	Bialyk (L)	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 : 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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