



## Exeter City Council

A meeting of **EXETER CITY COUNCIL** will be held at the **GUILDHALL, HIGH STREET, EXETER** on **TUESDAY 16 OCTOBER 2012**, at 6.00 pm, at which you are hereby summoned to attend. The following business is proposed to be transacted:-

	Pages
1 Appointment of Recorder	
To formally install His Honour Judge Francis Gilbert QC as Recorder of the City.	
2 Minutes	
To sign the minutes of the meeting held on 17 July 2012.	
	1 - 6
3 Official Communications	
To receive minutes of the following Committees and to determine thereon:-	
4 Planning Committee - 23 July 2012	7 - 20
5 Planning Committee - 3 September 2012	21 - 30
6 Planning Committee - 17 September 2012	31 - 44
7 Planning Committee - 1 October 2012	45 - 64
8 Licensing Committee - 24 July 2012	65 - 70
9 Licensing Committee - 25 September 2012	71 - 72
10 Scrutiny Committee - Community - 4 September 2012	73 - 80
11 Scrutiny Committee - Economy - 6 September 2012	81 - 88
12 Scrutiny Committee - Resources - 19 September 2012	89 - 92
13 Final Accounts Committee - 20 September 2012	93 - 94

14	Executive - 18 September 2012	95 - 100
15	Executive - 2 October 2012	101 - 108
16	Notice of Motion by Councillor Bialyk under Standing Order No. 6	

### Regional and Local Public Sector Pay

That the Exeter City Council notes:

- The Chancellor of the Exchequer announced in the 2012 Budget the Government's desire to introduce 'more market facing' public sector pay. This could mean regional or local public sector pay.
- This recommendation has come in advance of the Pay Review Bodies reporting on the issue in July and September 2012.
- There has been no independent assessment of the impact and consequences this policy could have for public services or the economies of low pay regions.

Exeter City Council believes:

- The Government's case is based on the claim that public sector pay is 'crowding out' the private sector. This is not supported by evidence, particularly at a time of high unemployment. There are currently 2073 JSA claimants in the Exeter area.
- This approach also ignores the real reasons for the differences between public and private sector pay. For instance, there are more high skilled workers in the public sector (such as teachers and nurses), and a smaller pay gap between top and bottom earners and a smaller gender pay gap.
- Public sector employers already have some flexibility to adjust pay in response to local conditions, and higher rates are paid in London and the South East
- All other English regions and devolved nations stand to be affected by this, with the possibility of years of pay falling behind the cost of living.
- Workers in the Exeter area are paid £512 pa less than the national average.
- 65% of public sector workers are female.

Exeter City Council further believes:

- Regional or local public sector pay would have a harmful effect on the City.
- It will make it harder for schools and other public services to recruit and retain good quality professionals who could earn more for doing the same job elsewhere.
- There are 31,200 public sector workers in Exeter area and reducing their real terms pay each and every year will dramatically reduce spending power and have a negative impact on the private sector.
- This policy will not improve the pay of private sector workers but instead could encourage further depression of wages in all sectors.
- We do not want to be forever defined as a 'low pay' city.
- This policy is therefore counter to our city vision and ambitions for the future.

Exeter City Council resolves:

- To write to the Chancellor of the Exchequer and Chief Secretary to the Treasury stating this council's opposition to plans for regional and localised public sector pay.
- To write to all local MPs within the next month outlining concerns about the impact that this policy would have on services and the local economy.
- To sign up to the Pay Fair campaign and raise awareness of the implications and risks of this policy locally, regionally and nationally.

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

Date: 9 October 2012

Philip Bostock  
Chief Executive

**NOTE: Members are asked to sign the Attendance Register**



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# Agenda Item 2

## THE MEETING OF EXETER CITY COUNCIL

Guildhall  
Tuesday 17 July 2012

The Right Worshipful the Lord Mayor (Cllr Newby)  
The Deputy Lord Mayor (Cllr Prowse)  
Councillors Baldwin, Bialyk, Bowkett, Branston, Brock, Bull, Choules, Clark, Crew, Crow, Dawson, Denham, Donovan, Edwards, Fullam, Hannaford, D J Henson, Mrs Henson, Laws, Leadbetter, Lyons, Macdonald, Martin, Mitchell, Morris, Mottram, Owen, Payne, Pearson, Robson, Ruffle, Sheldon, Shiel, Spackman, Sutton, Tippins, Wardle and Winterbottom

### 32 MINUTES

The minutes of the Ordinary Meeting of Council held on 24 April 2012 and the Annual Meeting held on 15 May 2012 were taken as read and signed as a correct record.

### 33 OFFICIAL COMMUNICATIONS

The Lord Mayor, on behalf of the Council, congratulated Ron Crabb, Relief Mace Sergeant, on the award of the British Empire Medal in the Queen's Birthday Honours list, for services to the community in Exeter.

### 34 PLANNING COMMITTEE - 16 APRIL 2012

The minutes of the Planning Committee held on 16 April 2012 were taken as read.

The following Councillor declared personal interests:

<b>COUNCILLOR</b>	<b>MINUTE</b>
Dawson	41 (employee of University of Exeter) and 45 (member of RSPB)

**RESOLVED** that the minutes of the Planning Committee held on 16 April 2012 be received.

### 35 PLANNING COMMITTEE - 21 MAY 2012

The minutes of the Planning Committee held on 21 May 2012 were taken as read.

The following Councillors declared personal (\*prejudicial) interests:

<b>COUNCILLOR</b>	<b>MINUTE</b>
Bialyk	54 (knows applicant)
Bowkett	54 (knows applicant)
Bull	54 (knows applicant)
Choules	54* ( he and his wife own the property that is the subject of the application)
Clark	54 (knows applicant)
Crew	54 (knows applicant)
Dawson	54 (knows applicant)
Denham	54 (knows applicant)
Edwards	54 (knows applicant)
Hannaford	54 (knows applicant)

Laws	54 (knows applicant)
Lyons	54 (knows applicant)
Macdonald	54 (knows applicant)
Martin	54 (knows applicant)
Mitchell	54 (knows applicant)
Morris	54 (knows applicant)
Owen	54 (knows applicant)
Robson	54 (knows applicant)
Sheldon	54 (knows applicant)
Spackman	54 (knows applicant)
Winterbottom	53 (knows a supporter of the application) 54 (knows applicant)

**RESOLVED** that the minutes of the Planning Committee held on 21 May 2012 be received.

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**PLANNING COMMITTEE - 25 JUNE 2012**

The minutes of the Planning Committee held on 25 June 2012 were taken as read.

The following Councillor declared a personal and \*prejudicial interest:

<b>COUNCILLOR</b>	<b>MINUTE</b>
Denham	67* (employee of Exeter Deaf Academy)

**RESOLVED** that the minutes of the Planning Committee held on 25 June 2012 be received.

37

**LICENSING COMMITTEE - 12 JUNE 2012**

The minutes of the Licensing Committee held on 12 June 2012 were taken as read.

In response to questions regarding the Law Commission's consultation on changes to taxi and private hire vehicle licensing, the Chair of the Committee reported that the issue had been discussed at the cross-party taxi forum and a further report would be submitted to the Licensing Committee in due course.

**RESOLVED** that the minutes of the Licensing Committee held on 12 June 2012 be received.

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**SCRUTINY COMMITTEE - COMMUNITY - 29 MAY 2012**

The minutes of the Scrutiny Committee - Community held on 29 May 2012 were taken as read.

The following Councillors declared personal (\*prejudicial) interests:

<b>COUNCILLOR</b>	<b>MINUTE</b>
Bowkett	31 and 38 (Committee member of Synergy Housing Board) 31 (employee of Exeter Council for Voluntary Service)
Brock	34* (business subject to Statutory Service Plan)
Prowse	35 (student landlord)

The Portfolio Holder Environment and Leisure was delighted to announce that the Royal Albert Memorial Museum (RAMM) had been awarded the Arts Fund prize and title "Museum of the Year" at the awards ceremony at the British Museum on 19 June. On behalf of the Council, the Lord Mayor thanked all of the officers involved in the re-development of the Museum for their hard work.

In response to a question on flood relief works for the River Exe, the Portfolio Holder stated that the Council recognised flood risk as a major concern and would be mindful of the issue in considering future years' budgets.

**RESOLVED** that the minutes of the Scrutiny Committee - Community held on 29 May 2012 be received.

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**SCRUTINY COMMITTEE - ECONOMY - 31 MAY 2012**

The minutes of the Scrutiny Committee - Economy held on 31 May 2012 were taken as read.

The following Councillors declared personal interests:

<b>COUNCILLOR</b>	<b>MINUTE</b>
Bowkett	23 (Committee member of Synergy Housing Board) and 27 (employee of Exeter Council for Voluntary Service which holds training contracts with Job Centre Plus Devon)
Choules	22 (employee of University)
Owen	24 (his wife has share in the Real Food store)
Prowse	24 (volunteer of Hospiscare Charity shop, Sidwell Street)

In relation to Minute 24 (Bus and Coach Station Area Development Principles), the Leader undertook to clarify Devon County Council's proposals in relation to bus stops in Sidwell Street.

**RESOLVED** that the minutes of the Scrutiny Committee - Economy held on 31 May 2012 be received.

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**SCRUTINY COMMITTEE - RESOURCES - 20 JUNE 2012**

The minutes of the Scrutiny Committee - Resources held on 20 June 2012 were taken as read.

The following Councillor declared a personal interest:

<b>COUNCILLOR</b>	<b>MINUTE</b>
Bowkett	26 (employee of Exeter Council for Voluntary Service which is liaising with voluntary sector on behalf of Exeter City Council on this issue)

**RESOLVED** that the minutes of the Scrutiny Committee - Resources held on 20 June 2012 be received.

**STANDARDS COMMITTEE - 21 JUNE 2012**

The minutes of the Standards Committee held on 21 June 2012 were taken as read.

Council agreed to adopt the new Members' Code of Conduct effective from 1 July 2012, the revised terms of reference for the newly-appointed Standards Committee and the outline procedure for dealing with complaints against members. The appointment of Mr Andrew Mimmack and Professor Brian Kirby as the Council's Independent Persons was also approved, with effect from 1 July 2012 for the duration of the municipal year.

**RESOLVED** that the minutes of the Standards Committee held on 21 June 2012 be received and, where appropriate, adopted.

**EXECUTIVE - 19 JUNE 2012**

The minutes of the Executive held on 19 June 2012 were taken as read.

The following Councillors declared personal (\*prejudicial) interests:

<b>COUNCILLOR</b>	<b>MINUTE</b>
Brock	60* (trader in Magdalen Road)
Bull	56 (shareholder of Real Food Store)
Martin	56 (trustee of Exeter Community Transport Association, shareholder of Real Food Store)
Owen	56 (his wife has shares in the Real Food Store)
Prowse	55 (student landlord), 60 (member of Devon County Council)

In relation to Minute 64 (Appointment of Representatives to serve on Outside Bodies), the following appointments were made:-

- Cllr Ruffle to Councillor Development Steering Group
- Cllr Mottram to Exeter Council for Sport and Recreation
- Cllr Pearson to Exeter Canal and Quay Trust
- Cllrs Payne and Leadbetter to Exeter Fairtrade Steering Group
- Peter Wadham to Exeter Municipal Charities (General List)
- Cllr Ruffle to JL Thomas Liaison Group
- Cllr Shiel to Maynard School (re-appointment)
- Cllr Crow to Parking and Traffic Regulation outside London Adjudication Joint Committee
- John Shepherd to St Sidwell's Parish Lands and other Charities (re-appointment)
- Cllr Clark to Turntable Furniture Recycling Project

A question was asked on Min 55 (Private Sector Housing Policy: Financial Assistance Packages 2012/13), regarding the Council's funding for private sector housing and the potential for some clawback or a voluntary licensing scheme. In response, the Portfolio Holder Housing and Community Involvement stated that the Council was keen to tackle poor quality housing and officers would look at best practice elsewhere on this issue and report back to Scrutiny Committee - Community in due course.



In relation to Minute 60 (Renaming of Car Parks and Remaking of Parking Places Order), the Leader acknowledged the concerns of some local residents regarding traffic flow issues. He reported that considerable thought had gone into the re-naming of part of the King William Street Car Park to the John Lewis Car Park and this had been agreed in the interests of effective traffic management. The car park would remain in the ownership of the Council and the revenue generated would come to the city. It was noted that the reference to the "Fairport" car park in the minutes should refer to the "Fairpark" car park.

In relation to a question regarding performance-related remuneration (Minute 62 – Pay Award for Low Paid Staff), the Leader responded that the new organisational structure may provide the opportunity to review staff pay. He agreed that members should be briefed on staff pay mechanisms.

**RESOLVED** that the minutes of the Executive held on 19 June 2012 be received and, where appropriate, adopted.

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### **EXECUTIVE - 3 JULY 2012**

The minutes of the Executive held on 3 July 2012 were taken as read.

**RESOLVED** that the minutes of the Executive held on 3 July 2012 be received and, where appropriate, adopted.

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

Chair

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## PLANNING COMMITTEE

Monday 23 July 2012

### Present:

Councillor Bialyk (Chair)  
Councillors Lyons, Denham, Edwards, Mrs Henson, Morris, Owen, Prowse, Spackman, Sutton and Winterbottom

### Apologies:

Councillors Donovan and Mitchell

### Also Present:

Strategic Director (KH), Assistant Director City Development, Senior Area Planning Officer, Planning Solicitor and Member Services Officer (SJS)

### 74 MINUTES

The minutes of the meetings held on 16 April 2012, 21 May 2012 and 25 June 2012 were taken as read and signed by the Chair as correct.

### 75 DECLARATIONS OF INTEREST

Members declared the following personal interests:-

<b>COUNCILLOR</b>	<b>MINUTE</b>
Councillor Mrs Henson	79 (knows the applicant)
Councillor Winterbottom	79 (knows the applicant)

### 76 PLANNING APPLICATION NO.12/0327/03 & LISTED BUILDING CONSENT NO.12/0328/07 - MAGNOLIA HOUSE AND ACACIA HOUSE, FRIARS GREEN, EXETER, EX2 4DB

The Senior Area Planning Officer presented the planning application and listed building consent for the sub division of the two existing dwellings to create three new dwellings with associated internal and external works, construction of two new dwellings to south east corner of site, new access road, parking and bin storage at Magnolia House and Acacia House, Friars Green, Exeter.

These applications had been deferred at the previous Planning Committee for a site inspection by all Planning Committee Members to assess the impact of the proposed two new dwellings on the character of the area.

Members were circulated with an update sheet giving details of the conservation officer's comments in response to an objectors comment.

The recommendation was for approval of the planning application and listed building consent subject to a Section 106 Agreement (planning application only) and conditions as set out in the report.

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

- speaking on behalf of local residents
- asked Committee to take on board the points raised at the previous Planning Committee
- Councillor Laws letter to Members stated that the proposal was over development being adjacent to Grade II Listed Buildings, Colleton Crescent and Friars Green
- Exeter Civic Society objected to the new dwellings
- the new dwellings did not enhance or contribute to the conservation area and would dominate Friars Green and Colleton Crescent
- the new dwellings would result in significant change to the street scene
- should refuse the new dwellings; if the Committee were minded to approved the dwellings should be set back a little further from the road.

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

- speaking as an individual although his views reflected the consensus of opinion of residents in the area
- Exeter Civic Society and Devon Building Group objected to the proposed new dwellings
- the gardens of Magnolia House and Acacia House were a little green haven in the city
- the site was visible from the Quay
- the agent stated that the restoration of Magnolia House and Acacia House would not be viable without the new dwellings: had not seen any costings to support this
- if there was to be development here it should be of exceptional design
- the conditions did not cover boundary treatment or the parking area
- further work would need to be undertaken before approval was given.

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

- the viability of the scheme had been demonstrated by a Quantity Surveyor; all the information had been submitted to the Local Planning Authority as part of the planning application
- the new dwellings would sit well on the site
- could set back the new dwellings a little into the site; the final position of the dwellings could be agreed with the Local Planning Authority
- conditions were proposed regarding the boundary treatment and screening the parking area
- had been working with planning officers including the conservation officer for 12 months to put together this proposal
- would not be visible from long distance views
- there were examples in the city of new buildings adjacent to listed buildings i.e. Princeshay and the City Wall
- would be proper family homes with gardens and parking
- needed the investment capital from the new dwellings to progress the scheme.

In response to Members' questions, Mr Turner clarified that the rear gardens would be larger than the minimum required by the Local Plan Authority and that there was room to move the dwellings back slightly from the road frontage; the scheme would not be viable without the new dwellings; and he had agreed to pay £3,000 to the County Council and to assist them to deliver the traffic order in order to speed up progression of the scheme.

Whilst the majority of Members felt satisfied that the proposal including the design and location of the new dwellings were acceptable, some Members still had concerns regarding the proposed new dwellings.

**RESOLVED** that planning permission for sub division of two existing dwellings to create three new dwellings with associated internal and external works, construction of two new dwellings to south east corner of site, new access road, parking and bin storage be **approved** subject the completion of a Section 106 Agreement in respect of affordable housing financial contribution, Traffic Order financial contribution (£3,000) and a financial contribution to Natura 2000 of £1,050 (3 units x £350) and the following conditions:-

- 1) C05 - Time Limit - Commencement
- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on April 2012 (dwg nos. D009/11/SP11.0.F; D009/11/TB11E & D009/11/MA) as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 3) C17 - Submission of Materials
- 4) C35 - Landscape Scheme
- 5) C37 - Replacement Planting
- 6) No development shall take place until full details of all screen walls, railings or fences including height, design and materials to be used has been submitted to and approved in writing by the Local Planning Authority and the works carried out in accordance with the approved details thereafter.  
**Reason:** In the interests of the visual appearance of the conservation area.
- 7) Notwithstanding condition no 2, no work shall commence on site under this permission until full details of the following have been submitted to and approved in writing by the Local Planning Authority 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) parking area surfacing;
  - f) refuse storage;
  - g) swift box locations.**Reason:** Insufficient information has been submitted with the application and in the interests of visual amenity.
- 8) Prior to commencement of the development, details shall be submitted to the Local Planning Authority of the proposed cycle parking facilities. Development shall not be commenced until such details have been agreed in writing by the Local Planning Authority, and prior to first occupation of the development, the cycle parking shall be provided in accordance with the approved details.  
**Reason:** To encourage use of cycling as a sustainable mode of transport, in accordance with Local Plan policy T3.

- 9) No part of the development hereby approved shall be commenced until a construction statement, to include details of:
- a) parking and vehicles of site personnel, operatives and visitors;
  - b) loading and unloading of planting and materials;
  - c) storage of plant and materials;
  - d) programme of works to include measures for traffic management;
  - e) vehicle washdown measures and facilities; and
  - f) provision of boundary hoarding
- has been submitted to, agreed and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with the agreed details throughout the development period.
- Reason:** In the interests of public safety and to ensure that adequate on-site facilities are available throughout the development period.
- 10) No construction work shall take place outside the following times: 8 am to 6pm Monday to Fridays, 8am to 1 pm on Saturdays nor at any time on Sundays, Bank or Public Holidays.
- Reason:** In the interest of residential amenity.
- 11) No part of the development hereby approved shall be occupied or brought into its intended use until the access, parking spaces, turning area and access drainage have been marked out, provided and maintained in accordance with details that shall have been submitted to, agreed and approved in writing by, the Local Planning Authority and those facilities shall be retained for the benefit of the development at all times thereafter.
- Reason:** To ensure that adequate facilities are available for the traffic attracted to the site.
- 12) No development shall commence until details stating the time frame for works to the listed buildings have been submitted to and approved in writing by the Local Planning Authority and the works shall thereafter be carried out in accordance with the approved details.
- Reason:** To ensure that work is carried out to the listed building before or in association with the new dwellings.
- 13) C57 - Archaeological Recording
- 14) C61 - Approval of Foundation Details
- 15) No development shall commence until a specific schedule of works for the listed buildings and boundary wall, in particular specifying the treatment of specific historic features and fabric have been submitted to and approved in writing by the Local Planning Authority and the works shall thereafter be carried out in accordance with the approved details.
- Reason:** To ensure that works carried out to the listed building and boundary wall are appropriate given their historic importance.
- 16) C23 - Permitted Development Restriction
- 17) The two new build dwellings permitted hereby shall not be occupied or otherwise brought into use until all works to the listed buildings have been completed to the satisfaction of the Local Planning Authority and the three dwellings within the listed buildings are ready for occupation.
- Reason:** To ensure that work is carried out to the listed buildings before or in association with the new dwellings.

In the event that the Section 106 Agreement is not completed within 3 months of the date of this committee meeting, authority be delegated to the Assistant Director City Development 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.

**RESOLVED** that listed building consent for the sub division of two existing dwellings to create three new dwellings with associated internal and external works, construction of two new dwellings to south east corner of site, new access road, parking and bin storage be **approved** subject to the following conditions:-

- 1) C08 - Time Limit - L.B. and Conservation Area
- 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 April 2012 (dwg nos. D009/11/SP11.0.F; D009/11/TB11E & D009/11/MA) as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 3) C17 - Submission of Materials
- 4) No development shall take place until full details of all screen walls, railings or fences including height, design and materials to be used has been submitted to and approved in writing by the Local Planning Authority and the works carried out in accordance with the approved details thereafter.  
**Reason:** In the interests of the visual appearance of the conservation area.
- 5) Notwithstanding condition no 2, no work shall commence on site under this permission until full details of the following have been submitted to and approved in writing by the Local Planning Authority 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) parking area surfacing;
  - f) refuse storage;
  - g) swift box locations.**Reason:** Insufficient information has been submitted with the application and in the interests of visual amenity.
- 6) No development shall commence until details stating the time frame for works to the listed buildings have been submitted to and approved in writing by the Local Planning Authority and the works shall thereafter be carried out in accordance with the approved details.  
**Reason:** To ensure that work is carried out to the listed building before or in association with the new dwellings.
- 7) C57 - Archaeological Recording
- 8) C61 - Approval of Foundation Details
- 9) No development shall commence until a specific schedule of works for the listed buildings and boundary wall, in particular specifying the treatment of specific historic features and fabric have been submitted to and approved in

writing by the Local Planning Authority and the works shall thereafter be carried out in accordance with the approved details.

**Reason:** To ensure that works carried out to the listed building and boundary wall are appropriate given their historic importance.

(Report circulated)

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**PLANNING APPLICATION NO.12/0605/03 & LISTED BUILDING CONSENT NO.12/0606/07 - SOUTHLANDS, FORE STREET, HEAVITREE, EXETER, EX1**

The Assistant Director City Development presented the planning application and listed building consent for a ground floor extension on the north elevation and two storey extension on the north east elevation to create two new flats and to increase the size of two existing flats whilst retaining the same number of units at Southlands, Fore Street, Heavitree, Exeter.

Southlands was a Grade II Listed Building set in large grounds and in the 1960/70's a development of retirement flats was built within the grounds of the building. The existing building comprised 10 self contained flats (1 'studio' flat, 8 one bed flats and 1 two bed flat). The total number of flats would remain the same and additional parking spaces would be created.

The recommendation was for approval of the planning application and listed building consent subject to the conditions as set out in the report.

The Assistant Director City Development stated that officers would seek to negotiate the removal and replacement of the close board boundary fencing although it was not part of this application.

During discussion Members raised the following points:-

- would have a negative effect on the elderly persons bungalows due to the poor outlook as they would have view of a blank wall causing loss of amenity
- too close to the Bicton Place which was a Grade II Listed Building
- there would be an increase in the use of the access which was difficult and dangerous being directly on a traffic light junction
- did not preserve or enhance the conservation area
- adverse impact on the character and appearance of the listed building and the surrounding listed buildings.

The Assistant Director City Development clarified that the Highway Authority did not object to the increase in the size of the flats; there was no evidence to say that the flats were specifically occupied by students; and the gardens should be communal.

**RESOLVED** that planning permission for a ground floor extension on the north west elevation and two storey extension on the north east elevation creating two additional flats be **refused** for the following reasons:-

- 1) By virtue of the height of the extension and its proximity to No.1 Bicton Place and 15 Southlands the proposal would have an overbearing impact upon those properties detrimental to the living conditions/amenity of their occupants. Thereby the proposal would be contrary to policy CO6 of the Devon Structure Plan 2001 to 2016 and Policies DG1 (f) and (g) and DG4 (b) of the Exeter Local Plan First Review 1995-2011.
- 2) By virtue of its size, height and location the proposed extension would have an adverse impact upon the character and appearance of this Grade II Listed Building and its setting, and the wider setting of the Grade II Listed



Building and its setting, and the wider setting of the Grade II Listed Buildings at 1 Bicton Place and 8 Mont Le Grand. In addition the proposal would neither preserve nor enhance the character and appearance of this part of the Baring Crescent and Mont Le Grand Conservation Area. Thereby the proposal would be contrary to policies CO6 and CO7 of the Devon Structure Plan 2001 to 2016, and policies C1 and C2 of the Exeter Local Plan First Review 1995-2011.

- 3) The potential increase in use of the access resulting from the improvements to the accommodation comprised in the building, and the provision of additional parking spaces to serve the residential accommodation contained therein, would be likely to increase the conflict of traffic movements close to the signal controlled junction of Fore Street with Polsloe Road, Heavitree Road and Barrack Road, which has restricted visibility from and of emerging vehicles, resulting in additional danger and inconvenience to all users of the road contrary to Policy TR10 of the Devon County Structure Plan 2011 to 2016.

**RESOLVED** that listed building consent for a ground floor extension on the north west elevation, two storey extension on the north east elevation creating two additional flats and associated works be **refused** for the following reasons:-

- 1) By virtue of the height of the extension and its proximity to No.1 Bicton Place and 15 Southlands the proposal would have an overbearing impact upon those properties detrimental to the living conditions/amenity of their occupants. Thereby the proposal would be contrary to policy CO6 of the Devon Structure Plan 2001 to 2016 and Policies DG1 (f) and (g) and DG4 (b) of the Exeter Local Plan First Review 1995-2011.
- 2) By virtue of its size, height and location the proposed extension would have an adverse impact upon the character and appearance of this Grade II Listed Building and its setting, and the wider setting of the Grade II Listed Buildings at 1 Bicton Place and 8 Mont Le Grand. In addition the proposal would neither preserve nor enhance the character and appearance of this part of the Baring Crescent and Mont Le Grand Conservation Area. Thereby the proposal would be contrary to policies CO6 and CO7 of the Devon Structure Plan 2001 to 2016, and policies C1 and C2 of the Exeter Local Plan First Review 1995-2011.

(Report circulated)

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**PLANNING APPLICATION NO.12/0806/01 - PILTON HOUSE, PILTON LANE, EXETER, EX1 3RA**

The Senior Area Planning Officer presented the application for two detached dwellings at Pilton House, Pilton Lane, Exeter.

The site was a rectangular area of land covering approximately 0.17ha. It was mainly laid to grass and formed an extended garden area to Pilton House. The site would be accessed by a wide double gated entrance off Harts Lane. Outline planning permission was sought for two dwelling houses. All matters were reserved for future consideration.

Members were circulated with an update sheet giving details of an additional condition.

The recommendation was for the application to be delegated to the Assistant Director City Development to approve subject to the completion of a Section 106 Agreement securing the matters referred to in the circulated report, the conditions set out in the report and the additional condition on the update sheet.

**RESOLVED** that planning permission for two detached dwellings (All matters reserved for future consideration), be delegated to the Assistant Director City Development to **approve** subject the completion of a Section 106 Agreement securing the matters referred to in the report and the following conditions:-

- 1) C01 - Standard Outline
- 2) C04 - Outline - Exclude Details
- 3) C06 - Time Limit - Approval of Reserved Matter
- 4) C07 - Time Limit - Outline
- 5) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details (insofar as they relate to matters controlled by this outline consent) received by the Local Planning Authority on 31 May 2012 (dwg. nos. PL/254.01, PL/254/2, PL/254/.03 & PL/254/04) as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 6) C17 - Submission of Materials
- 7) C34 - Landscape Scheme - Outline
- 8) C36 - No Trees to be Felled
- 9) C37 - Replacement Planting
- 10) C38 - Trees - Temporary Fencing
- 11) No part of the development hereby approved shall be occupied until the on-site parking facilities together with any means of access 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 those purposes at all times.  
**Reason:** To ensure that adequate facilities are available for the traffic attracted to the site.
- 12) No other part of the development hereby approved shall be commenced until adequate areas shall have been made available within the site to accommodate operative's 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 those purposes during the construction period.  
**Reason:** To ensure that adequate facilities are available for the traffic attracted to the site during the construction period having regard to the limited width of access to the site, in the interest of public safety.
- 13) The buildings comprised in the development hereby approved shall be constructed to have all their heating systems (including space and water heating) compatible with the proposed decentralised energy network. Prior to occupation of the development, the necessary on-site infrastructure shall

be put in place for connection of those systems to the network at a point on the site boundary agreed in writing by the LPA.

**Reason:** In the interests of sustainable development.

- 14) No dwelling hereby approved shall be occupied until the applicant has submitted a SAP calculation which demonstrates that, through the use of decentralised energy or local energy networks and renewable or low carbon energy sources, a 10% reduction in CO2 emissions over that necessary to meet the requirements of the Building Regulations current at the time of Building Regulations approval can be achieved. The measures necessary to achieve this CO2 saving shall thereafter be implemented on site.

**Reason:** In the interests of sustainable development.

- 15) Any individual dwelling hereby approved shall achieve a Code Level 3 as a minimum, but shall achieve a Code Level 4 if commenced on or after 1st January 2013, and a Code Level 5 if commenced on or after 1st January 2016, in accordance with the requirements of the Code for Sustainable Homes: Technical Guide (or such equivalent national measure of sustainability for house design that replaces that scheme) and Exeter Core Strategy Policy CP15. No dwelling shall be occupied until a Final Code Certificate has been issued for it certifying that a Final Code Level of 3,4 or 5 has been achieved as appropriate.

**Reason:** In the interests of sustainable development.

- 16) The Local Planning Authority shall be notified in writing of any dwelling for which construction is commenced before 1st January 2013 and for any dwelling for which construction is commenced thereafter but before 1st January 2016, within 10 working days of those dates.

**Reason:** In the interests of sustainable development.

- 17) Construction/demolition work shall not take place outside the following times: 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.

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

- 18) 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."

In the event that the Section 106 Agreement is not completed within 3 months of the date of this committee meeting, authority be delegated to the Assistant Director City Development 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)

79

**PLANNING APPLICATION NO.11/2018/03 - FORMER EXETER AND MIDDLEMOOR SERVICE STATION, RYDON LANE, EXETER, EX2**

Councillor Mrs Henson declared a personal interest as she knows the applicant.

Councillor Winterbottom declared a personal interest as he knows the applicant.

The Assistant Director City Development presented the application for 2/3 storey building comprising 14 self contained apartments, pedestrian access, parking and associated works at the Former Exeter and Middlemoor Service Station, Rydon Lane, Exeter. The site extended to 2216 square metres, it had been cleared and had remained vacant for some time.

15 parking spaces were proposed to be located to the rear of the building with access provided off Quarry Lane. Cycle parking and an area of communal amenity space was also provided at the rear of the building. The materials to be used would be metal and render and there would be balconies on the front of the building.

The recommendation was for the application to be delegated to the Assistant Director City Development in consultation with the Chair to approve subject to the agreement of the arrangements for provision of affordable housing and the location of the refuse storage, the completion of a Section 106 Agreement and the conditions as set out in the report.

During discussion Members raised the issue of the affordable housing contribution, the materials to be used, the treatment of the two storey end elevation being more interesting and the use of the balconies for hanging washing and storage.

The Assistant Director City Development stated that the use of the balconies could not be dealt with through the planning system but he would feedback Members concerns to the applicant.

**RESOLVED** that planning permission for 2/3 storey building comprising 14 self contained apartments, pedestrian access, parking and associated works be delegated to the Assistant Director City Development in consultation with the Chair of Planning Committee to **approve** subject to the agreement of the arrangements for provision of affordable housing, the location of the refuse storage, the treatment of the two storey end elevation and a Section 106 Agreement as detailed in the report and the following conditions:-

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C17 - Submission of Materials
- 4) C35 - Landscape Scheme
- 5) Development shall not begin until a scheme for protecting the proposed dwellings from noise from Rydon Lane has been submitted to and approved by the Local Planning Authority, and all works which form part of the scheme shall be completed before any of the permitted dwellings are occupied.  
**Reason:** In the interests of residential amenity.
- 6) No part of the development hereby approved shall be occupied until the on-site car and cycle parking facilities as shown on drawing no.100571.AP(0)03G, together with any means of access thereto have been provided, allocated, surfaced and marked in accordance with the requirements of this permission. Thereafter the said facilities shall be retained for those purposes at all times.  
**Reason:** To ensure that adequate facilities are available for the traffic attracted to the site and to encourage travel by sustainable means in accordance with Local Plan policy T3.

- 7) Prior to the first occupation of any of the units hereby approved the road markings within the site entrance, and the warning signs, as shown on drawing no.100571.AP(0)03G shall be installed. Thereafter they shall be maintained in accordance with the approved details at all times.  
**Reason:** In the interests of highway safety.
- 8) 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 those purposes during the construction period.  
**Reason:** To ensure that adequate facilities are available for the traffic attracted to the site during the construction period, in the interest of public safety.
- 9) C57 - Archaeological Recording
- 10) The development hereby approved shall not commence until details of the proposed finished floor levels and overall ridge heights of the dwelling/building(s), in relation to an agreed fixed point or O.S datum have been submitted to, and been approved in writing by, the Local Planning Authority.  
**Reason:** In the interests of the visual amenities of the area and the residential amenities of the occupants of surrounding properties.
- 11) No development shall take place until a Wildlife Plan which demonstrates how the proposed development will be managed in perpetuity to enhance wildlife has been submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out entirely in accordance with the approved plan.  
**Reason:** In the interests of protecting and improving existing, and creating new wildlife habitats in the area.
- 12) No development shall begin until a scheme for generating a proportion of the energy requirement of the development from on-site renewable sources which reduce the predicted CO2 emissions by 10 per cent (or other proportion as agreed in writing), has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the building is brought into use and shall thereafter be maintained so that it provides the required level of generation.  
**Reason:** To ensure 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.
- 13) Construction work shall not take place outside the following times: 8am to 6pm (Monday to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.  
**Reason:** In the interests of the amenity of occupants of nearby buildings.
- 14) If, during the development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority (LPA)) shall be carried out until the developer has submitted, and obtained written approval from the LPA for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall then be implemented as approved.

**Reason:** To protect controlled waters.

- 15) Prior to the commencement of the development hereby approved a drainage strategy for the disposal of surface water shall be submitted to and be approved in writing by the Local Planning Authority. Such strategy shall demonstrate how the disposal of surface water shall be managed to ensure that it does not mobilise any residual contamination on the site.

**Reason:** To protect controlled waters.

In the event that the Section 106 Agreement is not completed within 3 months of the date of this committee meeting, authority be delegated to the Assistant Director City Development 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)

80

**PLANNING APPLICATION NO.12/0922/03 & LISTED BUILDING CONSENT NO. 12/0923/07 - 15 REGENTS PARK, EXETER, EX1 2NT**

The Assistant Director City Development presented the planning application and listed building consent for alterations to provide three separate apartments at 15 Regents Park, Exeter.

The application related to a Grade II Listed Building located within the Mont le Grand Conservation Area. The dwelling was built around 1830/1840 and was a three storey mid-terraced house. The property was recognised as making a positive contribution to the area.

Earlier in 2012, a certificate of lawfulness of existing use for three flats was submitted by the same applicant and due to a number of anomalies with the floor plan, coupled with a break in use following the death of the previous owner, the Local Planning Authority were legally advised not to issue the certificate. The applicant had withdrawn that application and submitted a planning application and a listed building consent to convert the property into three self-contained apartments.

Members were advised that although the consultation period did not end until 2 August 2012 the recommendation was to delegate to the Assistant Director City Development to approve both the planning application and listed building consent subject to no significant new issues being raised post committee and the conditions as set out in the report.

Members were circulated with an update sheet giving details that an objection that had been received relating to the basement the basement did not form part of this proposal.

The Assistant Director City Development reported that further emails and letters of objection had been received from 9, 11 and 13 Regents Park. They raised concerns regarding the consultation period; being able to register to speak at committee; works undertaken in the basement: and inadequate proposed parking arrangements.

Members were advised that the Highways Authority had not objected.

In response to Members, the Assistant Director City Development clarified the position with regards to the previous use as three flats including the internal layout and the parking arrangements which included three garages to the rear and two off-

road parking spaces at the front of the property. Any future residents would also be able to apply for residents parking permits.

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

- it had been considered appropriate to apply for planning permission and listed building consent rather than a certificate of lawfulness
- this property had been divided into three flats for some time
- council tax confirmed that there had been three flats in the property: there were also three separate water and electric meters
- although access to the three rear garages was compact there was enough space to allow cars to manoeuvre
- would create flats suitable for professionals working in the city
- within walking distance of city centre making it less desirable to drive
- site would take up to five cars; residents could also apply for a residents parking permit
- would bring back this run down property to life.

In response to Members' questions, Mr Turner clarified that if the rear garages were removed then there could be space for up to four cars; the garages could be reconfigured to make three garages all of the same size; the basement was damp and dingy some work had been undertaken to stop a water leak; and there would be access from the rear garages into the flats.

During discussion Member's raised the following points:-

- on road parking was already a problem in the area and turning at the end of the road was very difficult
- concern that the consultation period did not end until 2 August 2012
- the garages at the rear were very tight; could you actually park a car in them and then get out?
- applications should be deferred to allow for the consultation period to expire and also enable a site visit by all Planning Committee Members to assess, in particular, the parking arrangements

The Planning Solicitor clarified the position with regards to the certificate of lawfulness of existing use for three flats and that although the history of the site was relevant there was no current permission or right for the property to be sub-divided into three flats.

**RESOLVED** that planning permission for alterations to provide three separate apartments be deferred to enable the consultation period to expire (2 August 2012) and for site inspection by all Planning Committee.

**RESOLVED** that listed building consent for alterations to provide three separate apartments be deferred to enable the consultation period to expire (2 August 2012) and for site inspection by all Planning Committee.

(Report circulated)

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### **BUILDINGS AT RISK**

The Assistant Director City Development presented the report on progress since the previous Buildings at Risk report in February 2012. He advised that Clystlands, Fore Street, Heavitree and Holmbush, Little Johns Cross Hill had been added to the register.

Members noted the report.

(Report circulated)

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

The report of the Assistant Director City Development was submitted.

**RESOLVED** that the report be noted.

(Report circulated)

83                    **ENFORCEMENT PROGRESS REPORT**

The Assistant Director City Development presented the report updating Members on enforcement matters.

**RESOLVED** that the report be noted.

(Report circulated)

84                    **APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

**RESOLVED** that the report be noted.

(Report circulated)

85                    **SITE INSPECTION PARTY**

**RESOLVED** that the next Site Inspection Party will be held on Tuesday 21 August 2012 at 9.30 a.m. The Councillors attending will be Lyons, Mrs Henson and Winterbottom.

(The meeting commenced at 5.30 pm and closed at 7.40 pm)

Chair



## PLANNING COMMITTEE

Monday 3 September 2012

### Present:

Councillor Bialyk (Chair)  
Councillors Lyons, Denham, Donovan, Edwards, Mrs Henson, Mitchell, Morris, Owen, Prowse, Spackman, Sutton and Winterbottom

### Also Present:

Strategic Director (KH), Assistant Director City Development, Senior Area Planning Officer, Planning Solicitor, Environmental Improvements Officer and Member Services Officer (SJS)

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### DECLARATIONS OF INTEREST

Members declared the following personal interests:-

<b>COUNCILLOR</b>	<b>MINUTE</b>
Councillor Donovan	87 (knows one of the residents)
Councillor Prowse	91 (Student landlord and owner of an HMO)

87

### PROPOSED FOOTPATH BETWEEN WELL OAK PARK AND WYVERN PARK

Councillor Donovan declared a personal interest as he knows a local resident.

The Environmental Improvements Officer presented the report to ask Members to consider whether to proceed with the 2 November 2009 Planning Committee resolution to close the pedestrian footpath link between Masterson Street (Wyvern Park) and Well Oak Park, or to leave the footpath open and monitor the situation.

He advised Members of the background including separate meetings with the Well Oak and Wyvern Park residents and their objections to the options; views of the Police Architectural Liaison Officer; the Highways Authority view on the public right of way and the position of the CCTV camera.

Members were circulated with an update sheet giving details of comments from the Planning Solicitor in response to the submission by residents of Well Oak Park which made reference to various sections of the Highways Act 1980 and questioned the lawfulness of closing the existing footpath.

Officers advised that there were two potential options available to the Planning Committee:-

- (i) To proceed with the 2 November 2009 Planning Committee resolution to close the pedestrian footpath link between Masterson Street (Wyvern Park) and Well Oak Park, or
- (ii) To leave the footpath open and monitor the situation. Officers would advise that if this option is taken that vegetation is cut back close to the path to open up sight lines and increase visibility through the space, and that the rear boundaries of adjacent properties are planted with thorny plants to discourage access to these.

Mr Climas representing Wyvern Park Residents spoke on this item. He raised the following points:-

- in 2009 residents objected to the Shakespeare Road – Well Oak Park link although they welcomed that the route between Well Oak Park and Masterson Street be securely closed
- this footpath was not well used; seven users were counted in 10 hours
- Police advice was that the path should be closed for reasons of crime and anti-social behaviour
- in the last year crime within a one mile radius had increased by 12%
- the Crime and Disorder Act 1998 placed a joint responsibility on Local Authorities as well as the Police to reduce crime and disorder in local areas.
- the Local Authority should support the Police to minimise crime in Wyvern Park.

In response to Members' questions, Mr Climas clarified that the count of users had been taken on an ordinary school day when the weather was dry; Wyvern Park residents experienced youths climbing over a two metre high wall into a private parking area; the distance to Masterson Street using Well Oak Park would be about another 150 metres; youths climbed over from Burns Avenue day and night and they had been seen checking front and back doors; if the footpath from Well Oak Park to Masterson Street was not closed off when the link to Shakespeare Road was open there would be easy access to the properties and garages in Wyvern Park; the situation would be even worse when Devon County Council turn off the lights at night; CCTV camera viewing the link would help although it would not see over fences and the vegetation would need to be cut back; the thorny shrubs proposed would not mature for least five years therefore leaving the properties vulnerable to crime and anti-social behaviour.

Mr Sharpe representing Well Oak Park Residents spoke on this item. He raised the following points:-

- the crime rates were low in the area
- when the Shakespeare Road – Well Oak Park link is open there is no reason to suppose that crime and anti-social behaviour would be confined to Wyvern Park
- the foot path from Shakespeare Road to Well Oak Park would be considerably different to that proposed in 2009 because of the levels involved the gradients of the path would make it unsuitable for wheelchair users and those with physical disabilities
- two options to the Council were to keep the footpath link open from Well Oak Park to Masterton Street or think again about alternative routes to the Shakespeare Road – Well Oak Park footpath.

In response to Members' questions, Mr Sharpe clarified that the information regarding the unsuitability of the path for wheelchair users and the disabled was from a Design Architect who lived on the estate; the path through to Wyvern Park was a more direct link to schools and buses and was regularly used by Well Oak Park residents and children walking to local schools; had lived in Well Oak Park and for half of that time there had been a boundary fence to prevent incidents of crime and anti-social behaviour this fence was in direct response to incidents that had taken place. The crime had dropped off as soon as the fence was erected.

The Environmental Improvements Officer clarified the position with regards to the slope of the Shakespeare Road – Well Oak Park footpath link, that it would be a 1 in 12 incline which was not ideal, and that for the incline to be lower the path would need to zig zag more thus requiring the removal of more trees.

During discussion, Members raised the following points:-

- problems of tackling the youths coming over via Burns Avenue
- should re visit the 2009 decision taken to proceed with the Shakespeare Road – Well Oak Park link
- the decision taken in 2009 was fully debated by the Planning Committee at the time; this access through from Shakespeare Road would provide a quicker route through to the hospital and would be beneficial for local residents
- possibility of having two CCTV camera to monitor both the Shakespeare Road – Well Oak Park link and Well Oak Park – Masterson Street link
- the path from Well Oak Park to Masterson Street should be kept open and the position monitored as it was easy safe route for local residents to use
- if the path was kept open, officers should consider temporary fencing until the thorny shrubs were established.

The Planning Solicitor advised that any decision to reverse the 2009 approval for a new pedestrian and cycle access between Well Oak Park and Shakespeare Road would need to be taken to the Executive as the Council was owner of the Shakespeare Road site.

The Environmental Improvements Officer stated that it was proposed to have a CCTV camera in Well Oak Park, it could be possible to have another camera at this point as the cabling would already be installed covering more of the Well Oak Park – Masterson Street link.

A motion to reverse the 2009 decision for a new pedestrian and cycle access between Well Oak Park and Shakespeare Road was proposed, seconded, put to the vote and lost.

**RESOLVED** to leave the footpath between Well Oak Park and Masterson Street open and monitor the situation. The vegetation to be cut back close to the path to open up sight lines and increase visibility through the space, and that the rear boundaries of adjacent properties to be planted with thorny plants to discourage access to these.

(Report circulated)

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**PLANNING APPLICATION NO.12/0922/03 & LISTED BUILDING CONSENT NO. 12/0923/07 - 15 REGENTS PARK, EXETER, EX1 2NT**

The Assistant Director City Development presented the planning and listed building applications for alterations to provide three separate apartments at 15 Regents Park, Exeter.

The applications related to a Grade II Listed Building located within the Mont le Grand Conservation Area. The dwelling was built around 1830/1840 and was a three storey end-terraced house. The property was recognised as making a positive contribution to the area.

These applications had been deferred at the last Planning Committee to allow the consultation period to expire (2 August 2012) and for a site inspection by all the Planning Committee to view the parking and access provision on site. Since the last meeting, negotiations between the Council and the applicant had continued. On the 17 August 2012 amended drawings were submitted that showed the demolition of the existing garages and formation of four conventional off-street parking spaces. The alterations had been discussed with both the Conservation Officer and the

Highway Engineer; neither objected to the amendment. Additional public consultation letters had been dispatched.

Members were circulated with an update sheet advising that three letters had been received in response to the additional consultation letters sent on 17 August 2012.

The Assistant Director City Development advised that a further letter of objection had been received from 13 Regent Park requesting further conditions regarding sound proofing the wall between 13 and 15 Regents Park, carpeting common areas to prevent sound attenuation and for the construction access to be solely via the rear access. He stated that condition 4 covered sound installation and that it would be unreasonable for the construction access to be solely via the rear access.

The recommendation for the planning and listed building applications was approval subject to the conditions as set out in the circulated report with the wording of condition 6 amended.

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

- lived at 13 Regents Park
- wanted to draw the Committee's attention to the parking to the rear; the creation of the four spaces did not provide enough width for each space; this would not work
- concern that the basement would also be converted to a flat bringing the total to four flats in this property
- there was a change to the historic use as it was previously a family home with two, one bed flats and the occupants of the flats had been carefully chosen; this application was a different situation with three to four flats in the property
- was contrary to the Councils policies H5 and DG4 as would harm the locality and the amenity of local residents.

In response to Members' questions, Mr Boyce clarified that the applicant had told him that there would be four flats in the property with one in the basement; had measured the parking spaces in the local supermarket and the proposed spaces would not be as wide and therefore the parking spaces would not be used; there was a market for family homes and this property had been sold at a discounted price because of its poor condition. Residents in the street were entitled to two parking permits per property which most residents had and used in particular when they had visitors.

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

- the parking spaces were 2.35 metres wide and 4.8 metres long
- had checked the manoeuvres with the Devon County Council Highways handbook and there was enough space
- would be natural to park to the rear of the flats and use the back access as it was a quick way into the flats
- the front parking on the property was covered by a covenant and the residents would also be entitled to two parking permits
- the accommodation was aimed at professionals working in the City and although would have cars did not envisage they would use them for work given the location of the property
- the proposal would bring the property back into use
- Highways Authority had not objected
- there was no application for a fourth flat.

In response to Members' questions, Mr Turner clarified that four parking spaces would fit to the rear of the property; the Councils Conservation Officer did not object to the removal of the walls to create the parking spaces; and the Highways Authority did not object to the proposed parking arrangements.

Whilst the majority of Members were of the view that that space to the rear could accommodate four parking spaces, some Members had concerns that the space was only large enough for three cars.

**RESOLVED** that planning permission for alterations to provide three separate apartments and creation of 4 car parking spaces 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 25 June 2012 (*dwg. no(s). D020/12/211 and Schedule of Alterations*), as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 3) The external finishes of the development hereby permitted, including all repairs, shall match those of the existing building in material, colour, style, bonding and texture.  
**Reason:** To ensure a satisfactory appearance to the development in the interests of visual amenity.
- 4) A scheme of sound insulation shall be submitted to and approved in writing by the Local Planning Authority prior to the approved units being occupied. The soundproofing shall be carried out in accordance with the approved scheme before brought into use.  
**Reason:** To prevent unreasonable noise and disturbance to neighbouring occupants in the interests of residential amenity.
- 5) 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.
- 6) No part of the development hereby approved shall be occupied until the car parking facilities that are illustrated on drawing number DO20/12/214 and any other vehicular access facility have been provided, allocated, marked out and retained for that use at all times.  
**Reason:** To ensure that adequate access and parking facilities are available for the traffic attracted to the site.

**RESOLVED** that listed building consent for alterations to provide three separate apartments and creation of 4 car parking spaces be **approved** subject to the following conditions:-

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.  
**Reason:** To comply with section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on the 25 June 2012 (*dwg. no(s). D020/12/211 and Schedule of Alterations*), as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 3) The external finishes of the development hereby permitted, including all repairs, shall match those of the existing building in material, colour, style, bonding and texture.  
**Reason:** To ensure a satisfactory appearance to the development in the interests of visual amenity.
- 4) Notwithstanding condition No.1 no work shall commence on site under this permission until full details of the following have been submitted to and approved in writing by the Local Planning Authority and the following shall thereafter be provided in accordance with such details: Bridge and Balustrade.  
**Reason:** Insufficient information has been submitted with the application and in the interests of visual amenity.

(Report circulated)

89

**PLANNING APPLICATION NO.12/1016/02 - FORMER IBSTOCK BRICKWORKS SITE, LAND OFF HARRINGTON LANE, EXETER**

The Senior Area Planning Officer presented the application for the removal of condition 25 on planning application ref No 11/1800/03 requiring the construction of the care home prior to the occupation of the 200th dwelling at the former Ibstock Brickworks Site, land off Harrington Lane, Exeter.

Members were advised that there was currently no reason to believe that the care home element of the planning permission would not go ahead. Planning permission would be required for any alternative development of the site, so the Council would retain control. The contractual and financial difficulties which arise as a consequence of condition 25 could delay or halt development of the site, which would be undesirable. As the Council had not originally required a care home on this site and it had been the developers choice, it would be excessive to restrict the phasing of the development on the basis that the care home must be provided before the housing was completed.

Members were circulated with an update sheet giving details of one additional letter of objection.

The recommendation was for approval.

Mr Rickard (for the applicant) spoke in support of the application. He raised the following points:-

- Development Manager for Castle Oak Care Developers; have built 150 care homes providing over 9,500 bed spaces
- supported Redrow
- Castle Oak are committed to building a care home on the site

- the condition requiring the construction of the care home prior to the occupation of the 200th dwelling was causing contractual problems with the potential care operator; these negotiations were at an advanced stage but it was difficult to secure the operator with this condition in place as the operator would require the care home to be built to their specific requirements.

Although some Members did have reservations regarding the removal of the condition they recognised that the condition was not practical.

**RESOLVED** that planning permission for Removal of condition 25 on Ref No 11/1800/03 requiring the construction of the care home prior to the occupation of the 200th dwelling be **approved**.

(Report circulated)

90

**PLANNING APPLICATION NO.12/0889/02 - LAND SOUTH OF YEOFORD WAY,  
MARSH BARTON TRADING ESTATE, EXETER**

The Assistant Director City Development presented the application for access and infrastructure works (application for approval of reserved matters following outline approval 10/0200/01 granted 18th March 2011) at land south of Yeoford Way, Marsh Barton Trading Estate, Exeter.

Members were circulated with an update sheet advising that the Environment Agency raised no objections.

The site had planning approval for 46,500 square metres of mixed use development for B1, B2 and B8 uses. This application sought to provide the infrastructure provision, principally highway and drainage provision, required to serve the future uses of the site.

The proposed road layout follows the route which was indicated on the outline application with the main access road into the site provided from the existing spur from the Yeoford Way/ Silverton Road roundabout. To the south of this access road there would be a new roundabout with a new access road to the east to serve the remainder of the site. The submitted drawings indicated a footway width of between 2 and 2.5 metres with associated pedestrian and cyclist crossing points.

The Environment Agency had raised no objection, the Highway Authority had objected to the application on a number of issues and recommended refusal.

The recommendation was that the application be delegated to the Assistant Director City Development in consultation with the Chair of Planning Committee to determine.

In response to a Member's question, the Assistant Director City Development clarified that a proposal to enlarge and improve the existing drainage channels on the site had been approved and that these were primarily the works currently being undertaken on the site.

**RESOLVED** that planning permission for access and infrastructure works (application for approval of reserved matters following outline approval 10/0200/01 granted 18th March 2011) be delegated to the Assistant Director City Development in consultation with the Chair of Planning Committee to determine.

(Report circulated)

**PLANNING APPLICATION NO.12/0898/03 - 52 UNION ROAD, EXETER, EX4 6HU**

Councillor Prowse declared a personal interest as he is a student landlord and owner of a house in multiple occupation (HMO).

The Senior Area Planning Officer presented the application for change of use from dwelling to house in multiple occupation (C4 use) at 52 Union Road, Exeter.

This application was for an HMO for up to six people, the physical changes to the property being minimal. This proposal required planning permission because the property was within the Council's designated Article 4 area, where permitted development rights to convert a dwelling to a house in multiple occupation had been removed.

Members were circulated with an update sheet giving details of the applicant's response to the objections.

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

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

- Planning policy stated that the limit for the percentages of HMO's was 20%; the percentages of HMO's in this area were the north side of Union Road 27.4%, and adjacent areas of part of Sylvan Road 31.4% and Clevedon Close 25%; local residents believe that the HMO's in the area had reached a limit
- Union Road was a small vibrant community and the number of HMO's was over the upper 20% limit
- wards should be split into smaller areas to give a true percentage of HMO's
- there were vacant student properties in the city
- this proposal would cause traffic congestion and waste problems.

In response to Members, Dr Treharne clarified that he felt that the whole situation regarding HMO's and the percentages and areas should be looked at.

The Planning Solicitor clarified the position with regarding to the Council's planning policy and Development Plan Policy and the difficulties of defending any appeal when a decision was contrary to council policy.

During discussion, Members raised the following points:-

- concerns regarding refuse storage
- over concentration of HMO's in this part of Pennsylvania Ward
- policy should be looked with a view to establishing smaller zones, which would represent true percentages
- the property would not be kept in the same condition as it was now, when converted to a HMO
- HMO's were self evident from their external appearance
- there should be a management condition on any approval.

The Senior Area Planning Officer confirmed that condition 4 dealt with the provision of refuse storage.

The Assistant Director City Development clarified that a condition could be added to any approval requiring a management plan.



**RESOLVED** that planning permission for change of use from dwelling to house in multiple occupation (C4 use) 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 18 June 2012 (*dwg. no(s). Proposed Floor Plans*), 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) Notwithstanding condition No.1, no work shall commence on site under this permission until full details of the following have been submitted to and approved in writing by the Local Planning Authority and the following shall thereafter be provided in accordance with such details: siting and design of refuse storage provision.  
**Reason:** Insufficient information has been submitted with the application and in the interests of visual amenity.
- 5) Prior to occupation a management plan shall be submitted to and agreed in writing by the Local Planning Authority, that details maintenance of external areas, the approved plan shall thereafter be complied with. The plan shall include contact details and be reviewed annually, submitting revised details if required.  
**Reason;** To ensure the character and appearance of the property is protected.

(Report circulated)

92

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

The report of the Assistant Director City Development was submitted.

**RESOLVED** that the report be noted.

(Report circulated)

93

**APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

**RESOLVED** that the report be noted.

(Report circulated)

**SITE INSPECTION PARTY**

**RESOLVED** that the next Site Inspection Party will be held on Tuesday 18 September 2012 at 9.30 a.m. The Councillors attending will be Prowse, Spackman and Sutton.

(The meeting commenced at 5.30 pm and closed at 8.05 pm)

Chair

# Agenda Item 6

## PLANNING COMMITTEE

Monday 17 September 2012

### Present:

Councillor Bialyk (Chair)  
Councillors Lyons, Denham, Donovan, Edwards, Mrs Henson, Morris, Owen, Prowse, Spackman, Sutton and Winterbottom

### Apologies:

Councillors Mitchell

### Also Present:

Strategic Director (KH), Assistant Director City Development, Senior Area Planning Officer, Planning Solicitor and Member Services Officer (SJS)

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### DECLARATIONS OF INTEREST

A Member declared the following personal interest:-

<b>COUNCILLOR</b>	<b>MINUTE</b>
Councillor Morris	99 (Governor of the West Exe Technology College who were consulted on the application)

96

### PLANNING APPLICATION NO.12/0666/02 - LAND OFF, HILL BARTON ROAD, EXETER, EX1

The Assistant Director City Development advised Members that this item would be deferred to the next meeting of the Planning Committee to allow the objectors to be notified of the date of the meeting, and thus enable them to speak at Planning Committee should they wish to do so.

**RESOLVED** that the planning application for 133 dwellings with associated public open space, amenity space, infrastructure and landscaping (Approval of reserved matters Ref. No. 10/1840/01 granted 7th October 2011) be deferred to the Planning Committee on 1 October 2012.

(Report circulated)

97

### PLANNING APPLICATION NO.12/0788/03 - STONEYCOMBE, MATFORD ROAD, EXETER, EX2 4PE

The Senior Area Planning Officer presented the application for a first floor extension to create a two and a half storey dwelling, double garage on north east elevation, ground floor extension on north west and south west elevations and alterations to the driveway at Stoneycombe, Matford Road, Exeter.

The application site was located on the corner of Matford Road and Matford Avenue, currently on the site was a bungalow. The proposal was to substantially change the existing dwelling to a two storey dwelling with a fourth bedroom in the roofspace and an increase in the footprint. The ridge height would 0.65 metres higher than the two storey dwelling at 13 Matford Avenue.

Members were circulated with an update sheet advising that amended plans had been received which stated the ridge heights of the existing dwelling at 13 Matford Avenue.

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

Mr Gibson (representing local residents) spoke against the application. He raised the following points:-

- had lived in the area for over 40 years and was the neighbourhood co-ordinator
- this application was overdevelopment of the site
- would cause overlooking and have a detrimental effect on neighbours privacy
- inappropriate development for the conservation area and was on a prominent site
- would be a three storey building
- the south west extension would break the building line of the street scene
- was less than 22 metres to the houses on the opposite side of the road
- the dwellings on the opposite side of the road were 2 metres lower therefore the proposed dwelling would tower above these properties
- the Council's SPD stated that a person should be able to enjoy a degree of privacy this development was contrary to that
- not against development here, had supported the previous application
- this application should be refused as it was too large; breaks the building line; and not in keeping with the street scene.

In response to Members, Mr Gibson clarified that the ground floor extension would be close to the corner of 12 Matford Avenue; the first floor would overlook a bedroom, kitchen and bathroom of the house opposite; concern that the bungalow to the rear would be overlooked; and because of the ground levels the dwelling would tower above the houses opposite.

The Senior Area Planning Officer stated that it was 24 metres to the nearest property; no habitable rooms would be overlooked; had discussed the Juliet balconies with the applicants although these were not a justifiable reason for refusal.

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

- this application was in consultation with Exeter City Council Planning Officers
- the previous application had been refused because of the loss of garden space; this application sought to address those reasons for refusal
- this application was a minimal increase in the footprint
- the green area and hedgerows would be protected
- these were generous plots and two storey dwellings were typical in this area
- the property would be set back, the roads were wide and the privacy of the neighbours would be protected
- would not have a detrimental effect on the amenity of the neighbours
- the area had a mix of house types
- the material of white render was not out of place in St Leonard's

In response to Members, Mr Pollintine clarified that the footprint of the building would be increased by extending the garage and a conservatory; the total increase

in footprint was relatively small; had no intention to remove trees and hedgerows; and the trees would be protected during construction

The Senior Planning Area Officer advised that there was a slight drop in ground level to the houses on the opposite side of the road.

Whilst the majority of Members supported the proposal, other Members had concerns regarding overlooking and the dwelling being out of character in the conservation area and detrimental to the street scene.

**RESOLVED** that planning permission for a first floor extension to create two storey dwelling, double garage on north east elevation, ground floor extension on north west and south west elevations and alterations to driveway 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 16 August 2012 (dwg no. 901/P002B, 901/P003B & 901/P004), as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 3) Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority and the development shall not be started before their approval is obtained in writing and the materials used in the construction of the development shall correspond with the approved samples in all respects.  
**Reason:** To ensure that the materials conform with the visual amenity requirements of the area.
- 4) Notwithstanding the provisions of the Town and Country Planning General Development Order 1995 or any Order revoking and re-enacting that Order, no extension, garages or other development shall be carried out within the curtilage of the dwelling(s) without the formal consent of the Local Planning Authority.  
**Reason:** In order to protect the visual and residential amenities of the surrounding area and to prevent overdevelopment.
- 5) A detailed scheme for landscaping, including the planting of trees and/or shrubs, the use of surface materials and boundary screen walls and fences shall be submitted to the Local Planning Authority and no development shall take place until the Local Planning Authority have approved a scheme; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and any earthworks required together with the timing of the implementation of the scheme. The landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.  
**Reason:** To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

- 6) Any trees, shrubs and/or hedges on or around the site shall not be felled, lopped or removed without the prior written consent of the Local Planning Authority.  
**Reason:** To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 7) In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to become established and to prosper for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced with such live specimens of such species of such size and in such number as may be approved by the Local Planning Authority.  
**Reason:** To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 8) No materials shall be brought onto the site or any development commenced, until the developer has erected tree protective fencing around all trees or shrubs to be retained, in accordance with a plan that shall previously have been submitted to and approved in writing by the Local Planning Authority. This plan shall be produced in accordance with BS 5837:2005 - 'Trees in Relation to Construction'. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.  
**Reason:** To ensure the protection of the trees during the carrying out of the development.
- 9) No part of the development hereby approved shall be commenced until a method of demolition and construction statement, to include details of:  
a) parking and vehicles of site personnel, operatives and visitors;  
b) loading and unloading of planting and materials;  
c) storage of plant and materials;  
d) programme of works to include measures for traffic management;  
e) vehicle washdown measures and facilities; and  
f) provision of boundary hoarding  
have been submitted to, agreed and approved in writing by the Local Planning Authority and carried out in accordance with the agreed details throughout the development works.  
**Reason:** In the interests of public safety and to ensure that adequate on-site facilities are available throughout the development period.
- 10) Notwithstanding condition no 2, no work shall commence on site under this permission until full details of the following have been submitted to and approved in writing by the Local Planning Authority 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) parking area surfacing.  
**Reason:** Insufficient information has been submitted with the application and in the interests of visual amenity.

- 11) 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.
- 12) The height of the new dwelling shall accord with the ridge levels for the new dwelling and No.13 Matford Avenue as shown within drawing no. 847/P002B dated 16 August 2012.  
**Reason:** In the interest of visual amenity and to ensure a consistent ridge level within the streetscene.

(Report circulated)

98

**PLANNING APPLICATION NO.12/0859/03 & CONSERVATION AREA CONSENT  
NO.12/0860/14 - 11 MATFORD AVENUE, EXETER, EX2 4PW**

The Senior Area Planning Officer presented the planning application for a replacement two storey dwelling, widened entrance and associated works and conservation area consent for the demolition of a bungalow at 11 Matford Avenue, Exeter.

The site currently contained a single storey dwelling. It was proposed to demolish the existing property and replace with a two storey property with an en suite bedroom in the roofspace. The ridge height would be 0.2 metres higher than the adjacent dwelling at 13 Matford Avenue. The proposed building would be constructed of a mixture of render with aluminium windows and a slate roof with a distinctive curved front feature which would accommodate the stairs.

Members were circulated with an update sheet advising that amended plans had been received which stated the ridge heights of the adjacent existing dwelling and a Sustainability Statement in respect of the replacement dwelling.

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

Mrs Mead (representing local residents) spoke against the applications. She raised the following points:-

- lives opposite the development
- neighbours welcomed development in the area but were opposed to this proposal due to its scale and effect on the neighbourhood
- in 1958 a covenant was placed on the land stating that only a bungalow could be built on the site
- the bungalow was built in 1959 and had been well maintained it was just in need of modernisation
- St Leonard's had a mix of properties; the smaller dwellings were on smaller plots; this was an attractive low density area
- this proposal would upset the current balance and mix of properties in the area increasing the density
- would be three storeys high
- 12, 14 and 16 Matford Avenue would lose privacy
- redevelopment in the conservation area should enhance the area; this did not
- the Juliet balcony and curved stairwell were not in keeping with the street scene
- hedgerows and a cherry tree would be removed

- contrary to NPPF section 12
- should refuse this application.

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

- this application was in consultation with Exeter City Council Planning Officers
- the proposal was sensitive to the location
- would increase the green space on the site as the footprint was smaller than the existing bungalow
- would preserve hedgerows and the cherry tree; there would be a small reduction in vegetation for the driveway
- would be a two storey building with a sloping pitched roof
- there were other properties in Matford Avenue with velux windows and there were curved stairwells in the area
- the dwelling would be some distance from the bungalow to the rear and trees would provide screening
- this dwelling would provide a family home
- there was mix of properties in the area.

In response to Members, Mr Pollintine clarified that the cherry tree would be retained; only a small part of the hedgerow would be lost to accommodate the driveway; and the footprint of the proposal would be smaller than the existing bungalow therefore increasing the garden size.

**RESOLVED** that planning permission for a replacement two storey dwelling, widened entrance and associated works 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 16 August 2012 (dwg no. 847/P003C & 847/P004) and 24 August 2012 (dwg no. 847/P002C), as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 3) Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority and the development shall not be started before their approval is obtained in writing and the materials used in the construction of the development shall correspond with the approved samples in all respects.  
**Reason:** To ensure that the materials conform with the visual amenity requirements of the area.
- 4) Notwithstanding the provisions of the Town and Country Planning General Development Order 1995 or any Order revoking and re-enacting that Order, no extension, garages or other development shall be carried out within the curtilage of the dwelling(s) without the formal consent of the Local Planning Authority.  
**Reason:** In order to protect the visual and residential amenities of the surrounding area and to prevent overdevelopment.



- 5) A detailed scheme for landscaping, including the planting of trees and/or shrubs, the use of surface materials and boundary screen walls and fences shall be submitted to the Local Planning Authority and no development shall take place until the Local Planning Authority have approved a scheme; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and any earthworks required together with the timing of the implementation of the scheme. The landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.  
**Reason:** To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 6) Any trees, shrubs and/or hedges on or around the site shall not be felled, lopped or removed without the prior written consent of the Local Planning Authority.  
**Reason:** To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 7) In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to become established and to prosper for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced with such live specimens of such species of such size and in such number as may be approved by the Local Planning Authority.  
**Reason:** To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 8) No materials shall be brought onto the site or any development commenced, until the developer has erected tree protective fencing around all trees or shrubs to be retained, in accordance with a plan that shall previously have been submitted to and approved in writing by the Local Planning Authority. This plan shall be produced in accordance with BS 5837:2005 - 'Trees in Relation to Construction'. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.  
**Reason:** To ensure the protection of the trees during the carrying out of the development.
- 9) No part of the development hereby approved shall be commenced until a method of demolition and construction statement, to include details of:  
a) parking and vehicles of site personnel, operatives and visitors;  
b) loading and unloading of planting and materials;  
c) storage of plant and materials;  
d) programme of works to include measures for traffic management;  
e) vehicle washdown measures and facilities; and  
f) provision of boundary hoarding  
have been submitted to, agreed and approved in writing by the Local Planning Authority and carried out in accordance with the agreed details throughout the development works.  
**Reason:** In the interests of public safety and to ensure that adequate on-site

facilities are available throughout the development period.

- 10) Notwithstanding condition no 2, no work shall commence on site under this permission until full details of the following have been submitted to and approved in writing by the Local Planning Authority 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) parking area surfacing.

**Reason:** Insufficient information has been submitted with the application and in the interests of visual amenity.
- 11) 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.
- 12) The height of the new dwelling shall accord with the ridge levels for the new dwelling and No.13 Matford Avenue as shown within drawing no. 847/P002C dated 24 August 2012.

**Reason:** In the interest of visual amenity and to ensure a consistent ridge level within the streetscene.

**RESOLVED** that listed building consent for the demolition of a bungalow be **approved** subject to the following conditions:-

- 1) C08 - Time Limit - L.B. and Conservation Area
- 2) C58E - Contract Prior to Demolition
- 3) No demolition work shall not take place outside the following times: 8 am to 6pm Monday to Fridays, 8am to 1 pm on Saturdays nor at any time on Sundays, Bank or Public Holidays.

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

(Report circulated)

99

**PLANNING APPLICATION NO.12/0514/03 - LAND BOUNDED BY ALPHINGTON ROAD, ASHTON ROAD AND, MARSH BARTON ROAD, EXETER, EX2**

Councillor Morris declared a personal interest as a Governor of West Exe Technology College who were consulted on the application.

The Assistant Director City Development presented the application for a mixed use development comprising three new industrial/business units, three refurbished industrial/business units, four restaurant/cafe units, all associated parking, servicing and landscaping at land bounded by Alphington Road, Ashton Road and, Marsh Barton Road, Exeter.

The Assistant Director City Development advised that the site had been vacant for 15 about years. The application was in two parts, six units for uses in Classes B1 and B2 and four units of Class A3 uses. The application sought to provide four restaurant units on the Alphington Road/Marsh Barton Road frontage with two of the units specified as including a drive through. The units proposed to occupy the restaurants were indicated to be Frankie and Bennys and Chiquito, with one of two the drive throughs/restaurants to be Starbucks, the other lease had yet to be

secured. The B1/B2 uses were to be located to the rear either side of the vehicular access from Ashton Road. These units were split into two main buildings, one of which was refurbishment of an existing building and each comprising of three units. A total of 109 car parking spaces and 11 disabled bays are proposed. A total of 54 cycle spaces were proposed throughout the site.

Members were advised of the main issues including transport, the retail policy sequential assessment process and the flooding issues which had been addressed by the inclusion of a first floor refuge in the case of flooding.

Members were circulated with an update sheet giving details of a letter from the agent stating that the applicant was aware of the issue of previous anti-social behaviour at the Stone Lane Retail Park and, to ensure that this did not occur in relation to the restaurant and take-away users, they would put in place surveillance measures and take appropriate action to dissuade such activities.

The recommendation was for approval subject to additional conditions with regards to two new noise conditions as recommended by the Assistant Director Environmental Health, amendment to condition 11 to include mitigation in air quality, amendment to condition 17 to ensure there was a management plan for the refuge in the event of flooding and the conditions as set out in the report.

In response to Members' highway concerns, the Assistant Director City Development confirmed that the County Head of Planning, Transport and Environment raised no objection to the proposal and a Transport Assessment had been submitted with the application.

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

- is a Local Ward Member
- had experience of late night noise and litter caused by takeaways already in the area
- the site was in urgent need of development
- would like to see conditions added to prevent anti social behaviour
- the car park should include bollards and planting to prevent boy racers using the area as a track late at night
- should have locked gates when closed to prevent access
- at Stoney Lane Retail Park there is number plate recognition which comes into force if anyone has parked there for over 45 minutes after 7pm
- should have a robust schedule for the picking up of litter
- concern regarding the impact of traffic congestion on Alphington Road particularly as buses to this area stop at 7pm and do not run on a Sunday
- should have a turn left only sign coming out onto Marsh Barton Road.

The Assistant Director City Development clarified that condition 17 incorporated a litter management plan.

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

- supported Councillor Clark
- had an email from a business on Ashton Road objecting to this application
- concerned that two takeaways together in this location was too much
- would cause traffic congestion getting out of Ashton Road on to Marsh Barton Road
- although local residents want to see the site developed, should just have one takeaway on the site.

In response to Members, Councillor Ruffle stated that egress on to Alphington Road could be an option.

Mr Warrington (representing the applicant) spoke in support of the applications. He raised the following points:-

- the Highways Authority would not allow direct access and egress on to Alphington Road
- there would be a management plan in place to ensure that there was a barrier to the car park after the last occupier had left the restaurants and thereafter there would be an hourly inspection of the site.

In response to Members, Mr Warrington clarified that the flood refuge was at the request of the Environment Agency, did not have an occupier for the second takeaway unit at this present time; the Transport Assessment concluded that the proposal would not have a negative impact on the traffic on Alphington Road; the hours of opening were 8am to 11pm and if any occupier wanted to increase these hours they would have to submit a planning application for an extension of hours.

During discussion, Members raised the following points:-

- concern regarding the traffic generation and egress on to Marsh Barton Road and the impact on Alphington Road
- need to ensure that Local Ward Members concerns were addressed with regard to anti social behaviour and litter nuisance, and that they were consulted by the Assistant Director City Development to ensure that the conditions addressed their concerns and experience in the area.

The Assistant Director City Development clarified that a condition could be added to any approval for the removal of permitted development rights for A3 to A1 to ensure that the use could not be changed to retail without applying for planning permission. Amendments could be made to condition 17 with regards to agreeing a site management plan with input from the Local Ward Members to ensure that their concerns were addressed.

**RESOLVED** that planning permission for a mixed use development comprising three new industrial/business units, three refurbished industrial/business units, four restaurant/cafe units, all associated parking, servicing and landscaping be **approved** subject to the following conditions:-

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C17 - Submission of Materials
- 4) C35 - Landscape Scheme
- 5) C37 - Replacement Planting
- 6) The restaurant use hereby approved shall not be carried on other than between the hours of 0800 to 2300.  
**Reason:** So as not to detract from the amenities of the near-by residential property.
- 7) C70 - Contaminated Land
- 8) C72 - Highway - Estate Roads etc

- 9) C57 - Archaeological Recording
- 10) Prior to the commencement of any individual building, an assessment of the impact of all external lighting associated with the development shall be submitted to and approved in writing by the Local Planning Authority. The assessment should address the impact of the lights (including hours of use) on the nearest receptors. Thereafter the lighting shall be installed and maintained in accordance with the specifications within the assessment.  
**Reason:** To reduce light pollution in the area and protect the amenity of nearby residents.
- 11) The construction of the development hereby permitted shall not commence until a Construction Management Plan has been submitted and approved in writing by the Local Planning Authority. The plan shall include consideration of construction vehicle movements, construction operation hours, construction vehicle routes to and from site, construction delivery hours, expected number of construction vehicles per day, car parking for contractors, specific measures to be adopted to mitigate construction impacts including air quality in pursuance of the Environmental Code of Construction Practice and a scheme to encourage the use of Public Transport amongst contractors. The development shall be carried out strictly in accordance with the approved Construction Management Plan.  
**Reason:** In the interests of highway safety, the efficient operation of the local road networks and to safeguard the amenity of neighbouring residents.
- 12) 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 unless otherwise agreed in writing by the Local Planning Authority.  
**Reason:** To protect the amenities nearby residential occupiers.
- 13) Prior to occupation of the development hereby permitted, cycle parking for visitors and secure cycle parking, lockers, showers and changing facilities for staff shall be provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority and the cycle parking and other facilities shall be maintained at all times thereafter.  
**Reason:** To ensure that cycle parking and other facilities are provided in accordance with Local Plan policy T3 to encourage travel by sustainable means.
- 14) No part of the development shall be occupied until a travel plan (including recommendations and arrangements for monitoring and review) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the recommendations of the travel plan shall be implemented, monitored and reviewed in accordance with the approved document, or any amended document subsequently approved in writing by the Local Planning Authority. [Devon County Council may have more specific requirements]  
**Reason:** To encourage travel by sustainable means, in accordance with Local Plan policy T3.
- 15) The lowest floor level in the completed building shall not be less than 7.3 above ordnance datum.  
**Reason:** To comply with the requirements of the Environment Agency.

- 16) The restaurant buildings hereby permitted shall not be occupied or otherwise brought into use until all the works to the B1/B2 use buildings have been completed to the satisfaction of the Local Planning Authority.  
**Reason:** To ensure that work is carried out to the B1/B2 use buildings before or in association with the restaurant use and in accordance with Exeter Local Plan policy E3 and Exeter Core Strategy policy CP2
- 17) Notwithstanding condition no 2 no work shall commence on site under this permission until full details of the following have been submitted to and approved in writing by the Local Planning Authority and the following shall thereafter be provided in accordance with such details:  
i) noise impact assessment;  
ii) air quality assessment;  
iii) details of kitchen extraction systems;  
iv) litter management plan  
v) site management plan to address any potential anti-social behaviour  
**Reason:** Insufficient information has been submitted with the application and in the interests of amenity.
- 18) Unless otherwise agreed in writing, no unit shall be occupied until a Deliveries Management Plan relating to that unit is submitted and approved in writing by the Local Planning Authority. The Deliveries Management Plans shall describe (in an enforceable manner) how deliveries shall be prevented from having a noise impact on neighbouring receptors. It should be made clear in the plans that the proposals do not conflict with health and safety requirements, for example in respect of reversing beepers. Thereafter the deliveries shall be managed entirely in accordance with the approved management plan.  
**Reason:** In the interests of residential amenity.
- 19) The level of noise emitted from all fixed plant and equipment on the site shall not exceed a rating noise level of 50.9 dB (07:00 to 19:00), 41.8 dB (19:00 to 23:00) and 35 dB (23:00 to 07:00) (measured in accordance with BS4142:1997) at the nearest residential receptors (or other surrogate point with appropriate distance corrections). The developer shall demonstrate by measurement compliance with this level prior to occupation of the development and as requested by the LPA thereafter.  
**Reason:** In the interests of residential amenity.
- 20) Notwithstanding with provisions of Article 3 and Schedule 2 Part 3 Class C of the Town and Country Planning General Development Order 1995 this consent shall permit the use of Units 7,8,9 and 10 as a restaurant/hot food takeaways falling with Class A3/A5 of the Town and Country Planning (use Classes) Order 1987 but shall not operate to permit any subsequent change of use to Shops Class A1 of the Use Classes Order.  
**Reason:** To prevent the establishment of retail uses in an area designated primarily for employment uses in the Local Plan.
- 21) The internal refuge area from flooding identified adjacent to Unit 6 as shown in drawing number 1003P-04 shall be retained and be available at all times. A management plan stating how this area will be operated shall be submitted to and approved in writing prior to the occupation of the approved units.  
**Reason:** To address concern raised by the Environment Agency during times of potential high flood levels within the site.

(Report circulated)

**PLANNING APPLICATION NO.12/0908/03 - REYNOLDS, WHITE STREET,  
TOPSHAM, EXETER, EX3 0AA**

The Assistant Director City Development presented the application for a ground floor extension on the south west elevation at Reynolds, White Street, Topsham, Exeter.

Members were circulated with an update sheet advising that, at the request of the Local Planning Authority, amended drawings had been submitted that showed a 600mm gap between the two properties, and there, as a result, the objection from the neighbour was considered to be addressed.

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

**RESOLVED** that planning permission for a ground floor extension on south west elevation be **approved** subject to the following conditions:-

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.  
**Reason:** To ensure compliance with sections 91-92 of the Town and Country Planning Act 1990.
- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on the 20 June 2012 and the 11 July 2012 (*dwg. no(s). 039/03, 039/05b, 039/10, 039/08a and 039/09a*), as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 3) Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority and the development shall not be started before their approval is obtained in writing and the materials used in the construction of the development shall correspond with the approved samples in all respects.  
**Reason:** To ensure that the materials conform with the visual amenity requirements of the area.

(Report circulated)

(The meeting commenced at 5.30 pm and closed at 7.25 pm)

Chair

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## PLANNING COMMITTEE

Monday 1 October 2012

### Present:

Councillor Lyons (Chair)  
Councillors Donovan, Edwards, Mrs Henson, Morris, Owen, Prowse, Spackman and Sutton

### Apologies:

Councillors Bialyk, Denham, Mitchell and Winterbottom

### Also Present:

Strategic Director (KH), Assistant Director City Development, Senior Area Planning Officer, Planning Solicitor and Member Services Officer (SJS)

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### DECLARATIONS OF INTEREST

Members declared the following personal interests:-

<b>COUNCILLOR</b>	<b>MINUTE</b>
Councillor Donovan	107 (contractor at the Met Office)
Councillor Prowse	103 (member of Devon County Council) 108 (member of Devon County Council)

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### PLANNING APPLICATION NO.12/0666/02 - LAND OFF, HILL BARTON ROAD, EXETER, EX1

The Senior Area Planning Officer presented the application for 133 dwellings with associated public open space, amenity space, infrastructure and landscaping (Approval of reserved matters Ref. No. 10/1840/01 granted 7th October 2011) at land off Hill Barton Road, Exeter.

Members were circulated with an update sheet advising that there was an error in the report and three x three bed units, not two, would be wheelchair accessible. The applicant had now confirmed that there would be 1.8m high close board fence to the western site boundary with Greenpark Avenue. Members were advised that the majority of the houses now met the Council's Supplementary Planning Document (SPD) Residential Design Guide requirements on space and garden sizes.

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

In response to Members, the Senior Area Planning Officer clarified that where hedge boundaries to adjacent properties were of poor quality, 1.8 metre close board fencing would be erected, the management of the treatment of the boundaries would be looked at carefully and covered by condition. The development coming forward on the adjacent land would have its own access, although the access to this site would be available for use by the future residents of the any development on the adjacent land. Over 90% of the houses/gardens met the guidelines in the Residential Design Guide and those that did not, were very close to the requirements.

**RESOLVED** that planning permission for 133 dwellings with associated public open space, amenity space, infrastructure and landscaping (Approval of reserved matters Ref. No. 10/1840/01 granted 7th October 2011) be **approved** subject to the following conditions:-

- 1) C15 - Compliance with Drawings
- 2) All conditions imposed on notice of outline approval (ref no. 10/1840/01) are hereby reiterated in as much as they relate to the development and have yet to be discharged in writing by the Local Planning Authority.  
**Reason:** To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
- 3) Prior to occupation of any dwelling hereby permitted, secure cycle parking shall be provided for that dwelling in accordance with details previously submitted to and approved in writing by the Local Planning Authority, and the cycle parking 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.
- 4) 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 (including access points at the site boundaries), road crossings, 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. The routes provided in accordance with this condition shall be maintained at all times thereafter, including keeping them free from vegetation, unless or until they become maintainable at public expense.

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

- 5) Prior to commencement of the development, a scheme for on-site bus routes shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:-
  - (a) details of routes and stops (including shelters, seats, and signage);
  - (b) a programme for implementation synchronised with the progressive occupation of the development, road adoption programme, and/or applicable funding.

The approved scheme shall be adhered to at all times, including (where applicable) any amendments subsequently agreed in writing by the Local Planning Authority. The facilities provided in accordance with this condition shall be maintained at all times thereafter, unless or until they become maintainable by or on behalf of a public authority.

**Reason:** To ensure that suitable bus routes and stops are provided, to enable and encourage use of public transport in accordance with policy T3.

- 6) A Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development, and adhered to during the construction period. This should include details of monitoring and mitigation measures to control the environmental impact of the development during the construction and demolition phases, including site traffic and emissions of noise and dust. The CEMP should contain a procedure for handling and investigating complaints as well as provision for regular liaison with local residents, in order to disseminate information about forthcoming work and any potential environmental impact.

**Reason:** In the interests of local amenity and because insufficient information was included in the CEMP submitted with this application to satisfy the conditions of the outline consent.

- 7) 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 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.

- 8) No development shall take place until the Local Planning Authority, in consultation with the Met Office, has approved in writing a detailed plan outlining how vehicles, machinery and other equipment involved in the construction phases of the scheme will be deployed and managed to prevent interference and obstruction to Met Office satellite receivers in relation to their operational schedules. Construction work will only take place in accordance with the agreed plan.

**Reason:** In the interests of minimising the impact of development work on the performance of the satellite receivers.

(Report circulated)

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**PLANNING APPLICATION NO.12/0982/02 - FORMER ST LOYES COLLEGE,  
TOPSHAM RD, EXETER, EX2 6EP**

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

The Assistant Director City Development presented the application for the redevelopment of the southern part of the site, including the demolition of existing structures to provide 58 dwellings, a children's play area, landscaping, associated roads, garaging, car parking, and bin and cycle storage at the former St Loyes College, Topsham Road, Exeter.

The proposal was for a mix of two to four bedroom houses with 111 parking spaces, the development would take the form of three character areas. A play area was proposed in the western corner of the site close to Millbrook Lane which was intended to be adopted and maintained by the Council.

Members were circulated with an update sheet advising that the Highway Authority raised no objection subject to an additional condition. Members were circulated with

an email of support from a Local Councillor and had also received further information from the applicants, Linden Homes.

The Assistant Director City Development advised that, because some of the conditions on the outline application had been discharged, condition five would now become an informative on any planning approval. The building for life score was 18.5 which was in the “excellent” category.

The recommendation was for approval subject to the conditions as set out in the report, with condition five being deleted and added as an information note together with the additional condition on the update sheet as requested by the Highway Authority.

During discussion Members raised the following points:-

- concern regarding adequate play areas and its location not being overlooked
- welcomed the high building for life score
- design not imaginative enough
- highways concerns regarding the use of Millbrook Lane.

The Assistant Director City Development clarified the position with regard to play area provision; the Parks and Open Spaces Manager was satisfied with the location of the play area; the Millbrook was some distance from the play area; the balconies were useable; the Highway Authority was satisfied with Millbrook Lane being used as the access for the development.

Whilst the majority of Members supported the application, one Member had concerns regarding the design and layout of the dwellings and the location and provision of the play area.

**RESOLVED** that planning permission for redevelopment of the southern part of the site, including the demolition of existing structures, to provide 58 dwellings, a children's play area, landscaping, associated roads, garaging, car parking, bin and cycle storage. (Approval of reserved matters following outline consent Ref. 11/0787/01 granted 6 July 2012) be **approved**, subject to the following conditions:-

- 1) C15 - Compliance with Drawings
- 2) Prior to the occupation of any dwellings a detailed scheme which ensures the delivery of the play area indicated on the approved site plan shall be submitted to the Council for approval. Thereafter no more than 14 units should be occupied until such an agreement is in place.  
**Reason:** To ensure a mechanism is in place for delivery of the play area.
- 3) Notwithstanding the details contained within Drawing YGSWBLIN/MILK/01 a detailed scheme for landscaping, including the planting of trees and/or shrubs, the use of surface materials and boundary screen walls and fences shall be submitted to the Local Planning Authority and no dwellings shall be occupied until the Local Planning Authority have approved a scheme; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and any earthworks required together with the timing of the implementation of the scheme. The landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.  
**Reason:** To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

- 4) Prior to occupation of the development hereby permitted, secure cycle parking shall be provided in accordance with the details shown on drawing number ST-08, 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.
- 5) The proposed estate roads, footways, footpaths, junctions, verges, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be 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 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.

Informative Note:-

All conditions imposed on notice of outline approval (ref no.11/787) are hereby reiterated in as much as they relate to the development and have yet to be discharged in writing by the Local Planning Authority.

**Reason:** To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.

(In accordance with Standing Order No. 43 Councillor Mrs Henson requested that her vote against this application be recorded)

(Report circulated)

104 **PLANNING APPLICATION NO.12/0921/02 - LAND NORTH OF OLD RYDON LANE, EXETER, EX2**

The Senior Area Planning Officer presented the application for redevelopment to provide 233 dwellings (approval of reserved matters on Ref.07/2169/01 granted on 17/05/10) for access, appearance, landscaping, layout and scale at land north of Old Rydon Lane, Exeter.

Members were circulated with an update sheet advising that details of the agreement in respect of layout, space standards and affordable housing provision had not been finalised and therefore it was requested that delegated authority be granted to the Assistant Director City Development in consultation with the Chair of Planning Committee to approve.

The Senior Area Planning Officer advised that the Highway Authority had no objection subject to two additional conditions and that a late representation had been received from St Bridget's Nursery raising issues of protecting the boundary for any future development; the poor layout of the north west corner of the site; and the need for a footpath to connect through to the Nursery site. Members were informed that these issues were being addressed by proposed conditions and revised plans would be submitted shortly.

The recommendation was that delegated authority be granted to the Assistant Director City Development in consultation with the Chair of the Planning Committee to approve the reserved matters application subject to receipt and consideration of revised plans to deal with the outstanding matters, to any responses to reconsultation on the revisions (if necessary), additional conditions as requested by

the Highway Authority and the conditions as set out in the report and amended if necessary.

Mrs Barrett (representing a local resident) spoke against the application. She raised the following points:-

- lived in the area since 1981
- did not dismiss the developer; they had some good developments in the area
- objected to changes to Affordable Housing allocation and site layout at the last minute
- Social Housing should be scattered more evenly across sites
- the Council's Local Plan stated that development should be height appropriate
- height of buildings should reflect the surrounding area and relate well to adjoining buildings.

Mr Kendall (representing Barratt Homes) spoke in support of the application. He raised the following points:-

- this site had outline consent and the Section 106 agreement had been signed
- this was a Barratt and David Wilson Homes scheme
- the proposal was in accordance with the Masterplan design code
- there were open spaces on the site; hedgerows and wildlife corridors would be protected
- the height of the buildings accorded with the local area
- very close to agreement with regards to the affordable housing contribution and landscaping details
- committed to this development
- had addressed officers and objectors' concerns.

In response to Members, Mr Kendall clarified that work was ready to start on the site once a planning decision had been issued and discussion was still taking place as to the final location and mix of the affordable housing.

During discussion, Members raised the issue of the 10% open space requirement and had concerns that not enough larger open spaces were being provided on large housing developments. The provision was very piecemeal and not well thought out. Wildlife corridors were not always useable open space. Ward Councillors should be consulted on any proposed amendments.

The Senior Area Planning Officer clarified that the public open space area was 10% of the site with a further 0.54 hectares forming a wildlife corridor area.

A Member stated that the Local Ward Members had concerns regarding the lack of open space on the development.

**RESOLVED** that planning permission for redevelopment to provide 233 dwellings (approval of reserved matters on Ref.07/2169/01 granted on 17/05/10) for access, appearance, landscaping, layout and scale be delegated to the Assistant Director City Development in consultation with the Chair of Planning Committee and Local Ward Councillors to **approve** the application subject to receipt and consideration of revised plans to deal with the outstanding matters, to any responses to reconsultation on the revisions (if necessary), and the following conditions which may be modified if necessary:-

1) All conditions imposed on notice of outline approval (ref no. 07/2169/01) are hereby reiterated in as much as they relate to the development and have yet to be discharged in writing by the Local Planning Authority.  
**Reason:** To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.

2) C15 - Compliance with Drawings

3) Unless otherwise agreed in writing, prior to commencement of the development, a detailed scheme for delivery of 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 shared use footway/cycleways on the spine road;  
(b) the paths shown on the planning drawing 103B or any drawing superseding that drawing, the path to the north of plots 1, 8 and 9, and the route across the spine road between plots 136 and 143-148, all paths to be delivered as 3m wide pedestrian/cycle links;  
(c) a link of the same standard running approximately east-west, to the north of plots 67, 57, 56 and 55 and turning south to connect with the cul-de-sac between plots 57 and 56;  
(d) details of all road crossings, surface treatments, lighting, street furniture and signage;  
(e) a programme for implementation synchronised with the progressive occupation of the development; and  
(f) 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. The routes provided in accordance with this condition shall be maintained at all times thereafter, unless or until they become maintainable at public expense.

**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.

4) A pedestrian and cycle link shall be constructed up to, and contiguous with, the boundary line dividing the application site from the land to the immediate north. The link shall be located opposite plots 75/88 and completed prior to occupation of more than 200 dwellings comprised in the development, or as otherwise agreed in writing by the Local Planning Authority to co-ordinate with the timing and layout of development to the north. The link shall be constructed in accordance with details to be approved pursuant to condition 19 of outline planning consent reference no. 07/2169/01.

**Reason:** To ensure that appropriate connections are made between the site and adjoining land in the interests of promoting the use of sustainable modes of transport in accordance with policies T1 and T3 of the Adopted Exeter Local Plan First Review 1995-2011, and policy CP17 of the Exeter Local Development Framework Core Strategy.

5) Prior to first occupation of the development, bus stops shall be provided on either side of the spine road. The exact location of the stops, and details of associated shelters, seats, and signage, shall be in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The facilities provided in accordance with this condition shall be maintained at all times thereafter, unless or until they become maintainable by

or on behalf of a public authority.

**Reason:** To encourage travel by sustainable means, in accordance with Local Plan policy T3.

- 6) 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 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.

- 7) No part of the development hereby approved shall be occupied until the on-site parking facilities together with any means of access have been provided in accordance with details that shall previously been submitted to, agreed and approved in writing by the Local Planning Authority and retained for those purposes at all times.

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

- 8) No 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 those purposes during the construction period.

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

(Report circulated)

105 **PLANNING APPLICATION NO.12/0870/02 - LOWER RNSD, TOPSHAM ROAD, EXETER EX2**

The Assistant Director City Development presented the application for redevelopment to provide 289 dwellings (Phase 2) (approval of reserved matters on Ref.07/2169/01 granted on 17/05/10) for access, appearance, landscaping, layout and scale at lower RNSD, Topsham Road, Exeter.

The application site comprised part of the former lower RNSD land which had outline consent for residential redevelopment. The site was bounded to the south-west by existing residential properties on Topsham Road, to the south-east by the 'Darts' land and Phase 1 of the lower RNSD, and to the north-west and north-east by Exeter Golf and Country Club. The spine road linking Topsham Road to the A379 passed through the site. The proposal included a mix of dwelling types including flats and two, three, four, and five bed houses in six character areas with a building for life score of 16.5.

Members were circulated with an update sheet advising of comments from the County Director of Environment, Economy and Culture on amendments to a condition; details of further representations received from residents on properties on Topsham Road ; further representations by the applicant and the adjoining landowner; and amendments and revisions to the conditions.

The Assistant Director City Development advised of the main issues. Firstly the provision of a acceptable access from this site to the primary school that was proposed on the adjacent 'Darts Land' site before the occupation of the ninth dwelling. Conditions four and five as amended on the update sheet proposed to



address this. In this respect he reported that a further representation had been received from the applicant's agent setting out their concerns regarding condition four. Members had also been circulated with a response from Darts Properties Ltd advising that in their view proposed conditions four and five were appropriate.

Members were updated on the second main issue, the relationship and distances of the affordable housing in the south-west corner of the site with the existing two storey properties on Topsham Road. These comprised of a three storey, nine block of flats and two, two and half storey houses. Amendments had been made to these properties to reduce the height and impact on the dwellings on Topsham Road and a 1.8 close board fence was proposed on the boundary.

The recommendation was for approval to be delegated to the Assistant Director City Development subject to clarification of the transfer of the five bed affordable house, the conditions as set out in the report and as amended in the update sheet.

Mrs Barrett (representing local residents) spoke against the application. She raised the following points:-

- the properties that Persimmon Homes had built so far were excellent
- there were better locations on the development where the three storey flat block could be sited such as the 'circus' where there were going to be two and half and three storey buildings
- her property was five metres below the proposed three storey block of flats and the neighbours four and half metres below; the plans do not show this
- the properties on Topsham Road were 'upside down' house with the living accommodation on the first floor
- the two and half storey social housing would cause overlooking to 469 and 471 Topsham Road
- at present had planting in the rear of the property; the 1.8 close board fence would not appear that high from the properties in Topsham Road because of the difference in site levels
- the three storey block of flats and the two and half storey two houses should not be built on this part of the site.

In response to Members, Mrs Barrett clarified that the land from the site steps down towards her property; would welcome being consulted on any landscaping scheme along the boundary with Topsham Road and the planting of trees to increase the privacy from plots 314 and 315; and the fence would effectively only be 1.4 high from her property.

The Assistant Director City Development clarified that there were three trees covered by a Tree Preservation Order in the rear garden of a property on Topsham Road; a 1.8 metres close board fence was proposed along the south-west boundary with additional planting; would look at improving planting to plots 314 and 315; and the close board fence would be 1.8 metres on the higher part of the ground.

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

- planning consultant for Persimmon Homes
- the approval of the outline application had established the principal of residential development on this site
- working closely with planning officers and the Highway Authority on this application
- was in accordance with the masterplan framework for the area
- high quality development with character areas
- in accordance with the Council's Residential Design Guide

- excellent building for life score
- had made amendment to address objectors concerns; had moved back from the boundary the three storey block of flats; reduced its height and removed some stair well windows
- was a minimum of 33 metres from the properties on Topsham Road
- attractive high quality proposal

In response to Members, Mr Roberts clarified that the building for life score was 16.5; proposed conditions four and five did not make sense from a build point of view as would start building from the north and south of the site and then meet in the middle although he would accept these conditions; had responded to the Council's request on the mix of Affordable Housing, and as a result, some of the properties had to be amended; and the block of flats was adjacent to a large open space.

During discussion, Members raised the following points:-

- essential that the route to the school be provided as soon as possible;
- supported conditions four and five
- creeper on the blank wall of the flats in the south-west corner would help eliminate its starkness
- landscaping and trees planting would improve the privacy to properties on Topsham Road
- because of the changes in levels and the angles involved over looking would be minimal
- Local Councillors and local residents should be consulted on the landscaping in the south-west to corner to ensure the best possible screening was provided.

**RESOLVED** that planning permission for redevelopment to provide 289 dwellings (Phase 2) (approval of reserved matters on Ref.07/2169/01 granted on 17/05/10) for access, appearance, landscaping, layout and scale be delegated to the Assistant Director City Development to **approve** subject to clarification of the transfer of the five bed affordable house, consultation with the Chair of Planning Committee, Local Ward Members and local residents re discharge of landscaping conditions affecting the south west corner of the site and the following conditions which may be modified if necessary:-

- 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 14th June and 13th August 2012 (*dwg. nos. PL-01.1 Rev A, PL-03.2 Rev T, PL-04.1 Rev A, PL-05.1 Rev A, PL-06.1 Rev A, SS-02 Rev A, 2HT-P640-01 Rev A, 2HT-P640-02 Rev A, 2HT-P640-03 R4 Rev A, 2HT-P730-05 Rev A, 2HT-P893-01 Rev A, 2HT-P893-02 Rev A, 2HT-P893-03 Rev A, 2HT-P950-01 Rev A, 2HT-P950-02 Rev A, 2HT-P950-03 Rev A, 2HT-P950S-01 Rev A, 2HT-P950S-02 Rev A, 2HT-P950S-03 Rev A, 2HT-P1228-01 Rev A, 2HT-P1228S-01 Rev A, 2HT-P1228S-02, 2HT-P1443-01 Rev A, 2HT-P1443-02 Rev A, 2HT-P1443-03, 2HT-P1475-01 Rev A, 2HT-S2-01 Rev A, 2HT-S3-01 Rev A, 2HT-S3-02 Rev A, 2HT-S3-03 Rev A, 2HT-S3-04 Rev A, 2HT-S6-01 Rev A, 2HT-CC1777-01 Rev A, 2HT-CC1777-02 Rev A, 2HT-CC1804-01 Rev A, 2HT-CC1804-02 Rev A, 2HT-P1813-01 Rev A, 2HT-CC2063-01 Rev A, 2HT-CC2063-02 Rev A, 2HT-CC2063-03 Rev A, 2HT-CC2063-04 Rev A, 2HT-WP5625-01 Rev A, 2HT-WP3520A-01 Rev A, 2HT-WP3520A-02 Rev A, 2HT-WP3520C-01 Rev A, 2HT-WP3520E-01 Rev A, 2HT-WP3520C-03, 2HT-WP3520C-04, 2HT-WP4625A-02 Rev A, 2HT-WP4625A-02, 2HT-WC3B-01 Rev B, 2HT-WC4B-01 Rev A, 2HT-WC5B-01 Rev B, HT-A.3444.1 Rev B, HT-1755, HT-2067, HT-2421, HT-2443, HT-*

2443(2), HT2583, HT-3444, HT-A.3444.2 Rev B, HT-3455, HT-3477, HT-3531, 354-02, 354-03, Store\_02-01(/), Store\_02-02(/), Store\_02-03(/), GAR-01 HT-GAR-01, HT-GAR-02, HT-GAR-03, HT-GAR-04, HT-GAR-05, HT-GAR-06, PL-08 Rev A, 010 Rev P02, 011 Rev P02, PL-06 Rev D), as modified by other conditions of this consent.

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

- 2) Prior to commencement of the development, a detailed scheme for delivery of the pedestrian and cycle network shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:-
- (a) all links shown for adoption on drawing no. PL-06.1 including details of shared use footway/cycleways on the spine road, plus a link across the open space in front of plots 285/329, all including road crossings, 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. The routes provided in accordance with this condition shall be maintained at all times thereafter, unless or until they become maintainable at public expense.

**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.

- 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 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.

- 4) Prior to the first occupation of the 9th dwelling within the development hereby approved the road connection from the existing spine road to the boundary with the adjacent development opposite plots 151/152 shall be constructed up to, and contiguous with, the boundary line dividing the application site from the immediately adjoining land, in accordance with details to be approved pursuant to condition 19 of outline planning consent reference no. 07/2169/01 and the details shown on drawing nos. PL-03.2 Rev T and PL-06.1 Rev A.

**Reason:** To ensure that appropriate connections are made between the site and adjoining allocated residential land in the interests of promoting the use of sustainable modes of transport in accordance with policies T1 and T3 of the Adopted Exeter Local Plan First Review 1995-2011, and policy CP17 of the Exeter Local Development Framework Core Strategy and access to local facilities.

- 5) The road access to the adjacent land to the east of the site, as referred to in condition 4, shall be made available without obstruction for the purposes of accessing the school site prior to the opening for use of the school.

**Reason:** In order to provide adequate access from the development to the new school and in the interests of securing the appropriate comprehensive planning of the Newcourt area.

- 6) Prior to commencement of the development, details of bus stops on the spine road shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:-
- (a) stops near plots 123 and 186 as shown on drawing PL-06.1 Rev A together with a stop in each direction in the vicinity of plot 401, including shelters, seats, and signage;
  - (b) a programme for provision of the stops, synchronised with the introduction of the bus service and the progressive occupation of the development; and
  - (c) any temporary arrangements 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. The facilities provided in accordance with this condition shall be maintained at all times thereafter, unless or until they become maintainable by or on behalf of a public authority.
- Reason:** To ensure that suitable stops are provided, to enable and encourage use of public transport in accordance with policy T3.
- 7) Prior to the first occupation of any dwelling comprised in the application hereby approved all the boundary treatments to said property shall be completely provided in accordance with the details indicated on drawing no. BT-01.1.
- Reason:** In the interests of the character and appearance of the area and the residential amenity of the occupants of proposed and existing properties.
- 8) Prior to the commencement of the development hereby approved a strategy for the provision of public art within the development shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall identify the overall theme shaping individual pieces of public art within the development, their location, number, maintenance arrangements and timeframe for their implementation.
- Reason:** To ensure that the approach to the provision of public art within the development accords with the provisions set out in the approved Design Code for the development (Page 41).
- 9) In respect of landscaping proposals for the site the submitted details are not considered acceptable and lack the required detail set out in Condition 8 of outline planning consent reference 07/2169/01. Consequently, prior to the commencement of the development hereby approved, a detailed landscaping scheme shall be submitted to and be approved in writing by the Local Planning Authority. Such scheme shall specify types, species, size and quantity of planting, any earthworks required, and finished levels of all areas of public open space, together with a programme of planting, maintenance and the timing of the implementation of the scheme (including the timeframe for completion and transfer of any public open space to the Council).
- Reason:** To ensure that the landscaping of the site is appropriate and that public open space is provided to an agreed standard and timeframe.
- 10) The proposed estate roads, footways, cycleways/footpaths, verges, bus stops, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to

the Local Planning Authority.

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

- 11) No part of the development hereby approved shall be occupied until the on-site parking facilities together with any means of access shall have been provided in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority and retained for those purposes at all times.

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

- 12) The garages hereby approved shall be used solely for the storage of private motor vehicles and shall not be used in connection with any trade or business.

**Reason:** To control the character, and to minimise the volume, of traffic attracted to the site.

- 13) Prior to the commencement of any development comprising dwellings directly abutting the boundary of the site with Exeter Golf and Country Club a scheme for boundary treatment to mitigate the effects of the housing development on the adjacent golf course shall be submitted to and agreed in writing by the Local Planning Authority. This scheme will indicate the position, design, materials and type of boundary treatment to be undertaken along the boundaries shared with Exeter Golf and Country Club. The agreed scheme of works shall then be implemented in accordance with a timetable agreed in writing with the Local Planning Authority and shall thereafter be retained in situ at all times.

**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 along this boundary.

(Report circulated)

106

**PLANNING APPLICATION NO.12/0988/03 - FORMER UNIVERSITY OF PLYMOUTH, FACULTY OF ARTS & EDUCATION, EARL RICHARDS ROAD NORTH, EXETER, EX2 6AS**

The Senior Planning Officer presented the application for redevelopment to provide 39 dwellings, parking, landscaping and associated works at the former University of Plymouth, Faculty of Arts and Education, Earl Richards Road North, Exeter.

This application was for a mix of two to five bedroom properties, the mature trees on the site to be protected with a significant amount of open space across the site extending to 0.74 hectare. There would be access from the site to a public playground which was located immediately to the south of the site.

Members were circulated with an update sheet giving details of amendments to conditions and additional conditions. Members were advised that the education contribution in the Section 106 agreement would be £102,253 and not the larger figure quoted in the report, as Devon County Council had advised that the development would only create the need for additional primary places. Secondary pupils could be accommodated by existing school capacity.

The recommendation was for approval subject to a Section 106 Agreement, conditions as set out in the report and revisions and amendments to conditions as per the update sheet.

The Assistant Director City Development clarified that the Section 106 agreement included a contribution of £675 a dwelling towards indoor sports facilities.

**RESOLVED** that planning permission for redevelopment to provide 39 dwellings, parking, landscaping and associated works be **approved** subject to a Section 106 Agreement as detailed in the report and the following conditions with delegated authority be given to the Assistant Director City Development to approve the final form of condition 22 and any amendments to dwelling design if necessary to comply with code for sustainable homes:-

- 1) C05 - Time Limit - Commencement
- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 9th July 2012 (*dwg. nos. 11009/100, 11009/101, 11009/102, 11009/103, 11009/015, 11009/104 Rev A, 11009/105, 11009/106, 11009/107, 11009/108, 11009/109, Soft Landscape Proposals Rev A, 11009/200 Rev D, 11009/201 Rev E, 11009/202 Rev D, 11009/111, 11009/209, 11009/210, 11009/211, 11009/212, 11009/213, 11009/214, 11009/215, 11009/216, 11009/217, 11009/218, 11009/219, 11009/220, 11009/221, 11009/222, 11009/223, 11009/224, 11009/225, 11009/226, 11009/227, 11009/228, 11009/229, 11009/230, 11009/232, 11009/233 and 11009/402*), as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 3) C17 - Submission of Materials
- 4) C12 - Drainage Details
- 5) C57 - Archaeological Recording
- 6) The development hereby approved shall not commence until details of the proposed finished floor levels and overall ridge heights of the dwellings, in relation to an agreed fixed point or O.S datum have been submitted to, and been approved in writing by, the Local Planning Authority.  
**Reason:** In the interests of the visual amenities of the area and the residential amenities of the occupants of surrounding properties
- 7) The hard/soft landscaping scheme and boundary treatments, as indicated on drawing nos. 11009/105, Soft Landscape Proposals Rev A and 11009/102 and 11009/103 respectively, shall be implemented in accordance with a phasing and time scale to be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the development hereby approved.  
**Reason:** In the interests of the visual amenity of the site.
- 8) C37 - Replacement Planting
- 9) C38 - Trees - Temporary Fencing
- 10) C72 - Highway - Estate Roads etc

- 11) No part of the development hereby approved shall be occupied until the on-site parking facilities together with any means of access have been provided and surfaced in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority and retained for those purposes at all times.  
**Reason:** To ensure that adequate facilities are available for the traffic attracted to the site.
- 12) No 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 on-site facilities are available for the construction traffic attracted to the site.
- 13) Prior to occupation of the development hereby permitted, secure cycle parking shall be provided in the locations shown on drawing number 11009/101, in accordance with details previously submitted to and approved in writing by the Local Planning Authority, and the cycle parking 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.
- 14) The pedestrian and cycle link to Salmon Pool Lane shown on drawing number 11009/101 shall be completed prior to occupation of plots 17 and 20, in accordance with details as to surface treatment, lighting, street furniture and signage previously submitted to and approved in writing by the Local Planning Authority.  
**Reason:** To encourage travel by sustainable means in accordance with Local Plan policy T3.
- 15) Prior to occupation of the development hereby permitted, a travel pack shall be provided informing all residents of walking and cycling routes and facilities, and public transport routes and timetables, car sharing schemes, and the location of local and central shopping and leisure facilities, the form and content of which shall have previously been approved in writing by the Local Planning Authority.  
**Reason:** To ensure that all occupants of the development are aware of the available sustainable travel options.
- 16) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for an amended investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with. Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority.  
**Reason:** In the interests of the amenity of the occupants of the building(s) hereby approved.

- 17) A Construction and Demolition Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development, and adhered to during the construction period. This should include details of the monitoring and mitigation measures to control the environmental impact of the development during the construction and demolition phases, including site traffic and emissions of noise and dust. This should include details of the phasing and timing of work and measures that will minimise the impact of construction traffic on the local road network, including parking. The CEMP should contain a procedure for handling and investigation complaints as well as provision for regular meetings with appropriate representatives from the Local Authorities during the development, in order to discuss forthcoming work and its environmental impact.  
**Reason:** To minimise the potential for disruption during the construction process.
- 18) Construction/demolition work shall not take place outside the following times; 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.  
**Reason:** In the interest of residential amenity.
- 19) Prior to the demolition of the existing buildings on the site a detailed bat survey shall be undertaken to
- a) establish the presence or otherwise of bats within the buildings to be demolished as part of this development, and
  - b) identify any required mitigation measures to be carried out.
- Prior to the commencement of the development the results of the bat survey, and any mitigation measures required, including the timeframe for their implementation, shall be submitted to and be approved in writing by the Local Planning Authority. Thereafter the development shall only be carried out in accordance the details agreed pursuant to this condition.  
**Reason:** To ensure that any protected species present on the site are dealt with in an appropriate manner.
- 20) No development shall take place unless and until a Wildlife Plan which demonstrates how the proposed development will be managed in perpetuity to enhance wildlife has been submitted to and approved in writing by the Local Planning Authority. The Wildlife Plan shall take on board the summary and conclusions of the submitted Ecological Assessment, and include identification of opportunities to incorporate wildlife habitats within the buildings. 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.
- 21) No dwelling hereby approved shall be occupied until the applicant has submitted a SAP calculation which demonstrates that, through the use of decentralised energy or local energy networks and/or renewable or low carbon energy sources, a 10% reduction in CO2 emissions over that necessary to meet the requirements of the Building Regulations current at the time of Building Regulations approval can be achieved. The measures necessary to achieve this CO2 saving shall thereafter be implemented on site.  
**Reason:** In the interests of sustainable development.



- 22) Any individual dwelling hereby approved shall achieve a Code Level 3 (including a 25% CO2 emissions rate reduction from Part L 2006) as a minimum, but shall achieve a Code Level 4 (including a 44% CO2 emissions rate reduction from Part L 2006) if commenced on or after 1<sup>st</sup> January 2013, and a Code Level 5 (Zero Carbon) if commenced on or after 1<sup>st</sup> January 2016, in accordance with the requirements of the Code for Sustainable Homes 2006 and the Code for Sustainable Homes Technical Guide November 2010 (or such equivalent standard that is approved in writing by the Local Planning Authority) and Exeter Core Strategy Policy CP15. No dwelling shall be occupied until a Final Code Certificate has been issued for it certifying that a Final Code Level of 3, 4 or 5 has been achieved as appropriate.  
**Reason:** In the interests of sustainable development.
- 23) The Local Planning Authority shall be notified in writing of the identity of all dwellings for which construction has commenced before 1<sup>st</sup> January 2013, and of the identity of all dwellings for which construction has commenced thereafter but before 1<sup>st</sup> January 2016, within 10 working days following each of those dates.  
**Reason:** In the interests of sustainable development.
- 24) Notwithstanding the provisions of the Town and Country Planning General Development Order 1995 or any Order revoking and re-enacting that Order, no extension or garages shall be carried out within the curtilage of plots 1, 8, 17, 23, 24, 25, 36 and 37, without the formal consent of the Local Planning Authority. Additionally, no works as set out in Part 2 Class A or B of that Order shall be carried out within the curtilage of any of the dwellings 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.
- 25) Notwithstanding the provisions of the Town and Country Planning General Development Order 1995 or any Order revoking and re-enacting that Order, no works as set out in Part 1 Class E shall be carried out within the curtilage of plots 29, 30, 31, 32 and 33, without the formal consent of the Local Planning Authority.  
**Reason:** In order to protect the visual and residential amenities of the surrounding area.
- 26) The 5 metre landscape buffer to be implemented to the rear of plots 29 to 33 pursuant to condition 7 shall be permanently maintained in accordance with the approved details.  
**Reason:** In the interests of visual amenity and ecological value of the site, and the residential amenity of the occupants of those properties.

(Report circulated)

107

**PLANNING APPLICATION NO.12/0954/02 - LAND SOUTH OF MET OFFICE, FITZROY ROAD, EXETER, EX1**

Councillor Donovan declared a personal interest as he is a contractor at the Met Office.

The Senior Area Planning Officer presented the application for a hotel and restaurant (Approval of reserved matters following outline approval 11/1619/01 granted 19 June 2012) at land south of the Met Office, Fitzroy Road, Exeter

The application site formed part of a larger site which had been granted outline consent in June 2012 for a range of commercial uses, including a hotel and was on the corner of Fitzroy Road and Honiton Road. This was a reserved matters application for a three storey, 102-bed hotel and a separate two storey 200-cover pub/restaurant. The hotel building was of a contemporary design with a flat roof. It was faced with a combination of red bricks, white render and boarding. Close to the Fitzroy Road/Honiton Road corner was a tower feature with glazed curtain walling. The pub/restaurant building would be comparatively domestic in scale, with a combination of red brick, white render, natural finish weatherboarding facing materials, and a slate grey standing seam decorative profile roof membrane.

Members were circulated with an update sheet advising that discussions had not yet been finalised in respect of east-west permeability through the site for pedestrians and cyclists and that the application be delegated to the Assistant Director City Development to approve subject to receipt and consideration of appropriate revisions (if any).

The recommendation was that the application be delegated to the Assistant Director City Development to approve subject to receipt and consideration of appropriate revisions (if any), and the conditions set out in the report.

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

- Exeter Civic Society had objected stating that the building was not a landmark building and was of bland design; this objection could not be sustained
- had taken full account of the Monkerton/Hill Barton Masterplan
- the building had strong frontage
- was a contemporary design
- these buildings had been carefully designed in consultation with officers and amendments had been made to the height
- the report stated that the buildings were considered to be of a high standard which were appropriate for this commercial location
- the Northern Area Working Area had no concerns
- the contract was worth £6.5 million and would bring jobs to the city
- asked the Committee to approve the application to avoid further delay.

In answer to a Member's question, Mr Rocke clarified that in the majority of hotels of this hotel chain the room layout and dimensions were the same, the external design and appearance would vary to take account of its location.

In response to a Member, the Senior Area Planning Officer clarified that there was a covered walkway around the side of the hotel towards the pub/restaurant with only eight metres that was not covered.

**RESOLVED** that planning permission for hotel and restaurant (Approval of reserved matters following outline approval 11/1619/01 granted 19 June 2012) be delegated to the Assistant Director City Development to **approve** the application subject to receipt and consideration of appropriate revisions (if any) and the following conditions:-

- 1) All conditions imposed on notice of outline approval (ref no. 11/1619/01) are hereby reiterated in as much as they relate to the development and have yet to be discharged in writing by the Local Planning Authority.  
**Reason:** To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.

2) C15 - Compliance with Drawings

(Report circulated)

108

**DEVON COUNTY COUNCIL CONSULTATION NO.12/1165/26 - FORMER  
KENNELS SITE, EXWICK LANE, EXETER, EX4**

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

The Assistant Director City Development presented the Devon County Council consultation for the demolition of existing former kennels buildings to provide a new six classroom teaching building with associated teaching accommodation, covered play area, parking and landscaping at the former kennels site, Exwick Lane, Exeter.

The site was previously used for guide dog training purpose and an application for 10 dwellings had been approved by Planning Committee in January 2012 subject to the completion of a Section 106 Agreement. This Agreement had recently been completed and the consent issued. This proposal sought to demolish the existing kennel buildings to provide a new six classroom teaching building with associated teaching accommodation and increase its current capacity from 420 places (plus nursery) to 630 places (plus nursery). There would be 20 car parking spaces including two disabled spaces. In addition, it was intended to remodel the existing school vehicular access to provide an on site turning loop.

Members were circulated with an update sheet giving details of comments from the Landscape Officer, a response from the applicant, and one letter of objection.

The recommendation was that the County Council be advised that the City Council raises no objection to the proposal subject to it taking into account comments from Assistant Director Environment, the Projects and Business Manager and the Landscape Officer, the provision of additional cycle parking and that the County Council using their best endeavours to secure the provision of a pedestrian/cycle link between Liverpool Hill and Kinnerton Way.

Members welcomed the expansion of the school although they raised concerns regarding the traffic congestion at the school at the start and end of the school day and their wish to see a pedestrian/cycle link between Liverpool Hill and Kinnerton Way.

**RESOLVED** that the County Council be advised that the City Council raises no objection to the demolition of existing former kennels buildings to provide a new six classroom teaching building with associated teaching accommodation, covered play area, parking and landscaping to taking into account comments from Assistant Director Environment, the Projects and Business Manager and the Landscape Officer, the provision of additional cycle parking and that the County Council use their best endeavours to secure the provision of a pedestrian/cycle link between Liverpool Hill and Kinnerton Way.

(Report circulated)

109

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

The report of the Assistant Director City Development was submitted.

**RESOLVED** that the report be noted.

(Report circulated)

110

**ENFORCEMENT PROGRESS REPORT**

The Assistant Director City Development presented the report updating Members on enforcement matters.

**RESOLVED** that the report be noted.

(Report circulated)

111

**APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

**RESOLVED** that the report be noted.

(Report circulated)

112

**SITE INSPECTION PARTY**

**RESOLVED** that the next Site Inspection Party will be held on Tuesday 16 October 2012 at 9.30 a.m. The Councillors attending will be Donovan, Owen and Morris.

(The meeting commenced at 5.30 pm and closed at 8.05 pm)

Chair

## LICENSING COMMITTEE

24 July 2012

### Present:

Councillor Moira Macdonald (Chair)

Councillors Owen, Choules, Clark, Dawson, D J Henson, Leadbetter, Payne, Pearson, Robson, Ruffle, Shiel, Tippins and Winterbottom

### Also present:

Corporate Manager - Legal, Licensing Solicitor, Principal Licensing Officer and Member Services Officer (SJS)

### 34 **Minutes**

The minutes of the meeting held on 12 June 2012 were taken as read and signed by the Chair as a correct record.

### 35 **Declarations of Interest**

No declarations of interest were made by Members.

### 36 **Review of Gambling Policy : Draft Policy to be used as Consultation Document**

The Corporate Manager Legal Services presented the report on the Gambling Act 2005 which introduced significant changes to the Licensing Law in England and Wales. The report referred to one of the main provisions of the Act, the Gambling Policy Statement and the requirement to review it. The purpose of the report was to inform Members of the document that was being used as a consultation document to fulfil the obligation for a three yearly review.

**RESOLVED** that the draft policy document be circulated and consulted upon as required with any responses being brought to the November meeting of this Committee for consideration prior to the adoption of the policy.

(Report circulated)

### 37 **Law Commission - Proposals for Change to Taxi and Private Hire Licensing**

Members noted that this item would be deferred to a future meeting of the Licensing Committee.

### 38 **Sex Entertainment Venues and Sex Establishments**

The Licensing Solicitor presented the report proposing the adoption of the amendments made to Schedule 3 Local Government (Miscellaneous Provisions) Act 1982 ("the 1982 Act") by section 27 Policing and Crime Act 2009 ("the 2009 Act") to allow the regulation of lap dancing and other sexual entertainment venues. The report also proposed the adoption of a policy in respect of the regulation of sex establishments, including sexual entertainment venues.

Members were advised that these powers were not mandatory and would only apply where adopted by local authorities. Where adopted, these provisions would allow local authorities to refuse an application on potentially wider grounds than was permitted under the Licensing Act 2003 and would give local people a greater say over the regulation of lap dancing clubs and similar venues in their area. The draft policy reflected the current position and it was proposed that the policy remained as the status quo. The proposed pool of conditions would give the Council tighter control over such establishments.

A Member circulated information regarding the issue of an equality impact assessment (EIA); proposed amendments/additions to the reasons for refusing application in the cumulative impact zone (CIZ) and the administrative area where the number of sex establishments shall be nil; and proposed amendments and additions to the conditions for the protection for workers against their being exploited, these being suggested by Philip Kolvin, QC. She stated that it was important to ensure that the policy was robust to protect against any challenge and that workers were protected.

The Licensing Solicitor advised that the Principal Licensing Officer had undertaken an EIA; the number of establishments defined in the policy and statutory legislation set out in paragraph 12 schedule 3 of the Local Government (Miscellaneous Provisions Act) 1998 parts (c) and (d) which make reference to the character and nature of a locality would offer the Council grounds to refuse an application and any challenge to that decision. To add reasons to the nil limit for the administrative area could potentially open up the Council to challenge. The suggested amendments and additions to the pool of conditions could be included in the policy although with the proviso of 'as far as they were enforceable' included. The area in which the limit of one sex establishment policy applied was based on the CIZ under the Licensing Act 2003 and this in turn was based on the night time economy at this present time. The area in which the nil policy applied could be changed to reflect any developments.

The Corporate Manager Legal Services advised that a report on EIA could be brought back to this Committee at a later stage and this would not prevent the policy from being adopted. The more detailed reasons the Council sets out for refusing an application the more likely that any refusal could be opened to be challenged.

**RESOLVED** that Schedule 3 of 1982 Act as amended come into force on 3 September 2012 and the Sex Establishment Policy as amended be adopted as set out in the report with amendments and additions to the pool of conditions (as far as they are enforceable) as circulated at the meeting.

(Report circulated)

**39 Minor amendments to the Constitution to delegate functions under the Licensing Act 2003**

The Licensing Solicitor presented the report on proposed changes to ensure as the Licensing Authority, the recent amendments to the Licensing Act 2003 the functions of the Council, were delegated to the appropriate level and addressed in the Constitution.

In response to Members, the Licensing Solicitor stated that there was a statutory process for the submission Late Temporary Event Notices which included a statutory time period. There was no discretion to be exercised in the service of a counter

notice where there was an objection to a Late Temporary Event Notice and so the delegation was at officer level.

The Corporate Manager Legal Services advised that there was no right of appeal in the legislation to a Temporary Events Notice. Should councillors or residents wish to complain about any aspect of the process for an individual application they would need to take the matter up with the Assistant Director.

**RECOMMENDED** that the Council adopts the changes to the Constitution to reflect the minor new delegations and minor amendments to the existing delegations to the Licensing Sub Committee and the Assistant Director Environment.

(Report circulated)

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

**RESOLVED** that, under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the consideration of the following items on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Part I, Schedule 12A of the Act.

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**

41 **Application for Consent to Trade (Mr M.R.)**

The Principal Licensing Officer reported that Mr MR had applied for consent to street trade for a period of twelve months in Castle Street, a designated area under the provisions of the Local Government (Miscellaneous Provisions) Act 1982. He had not previously held consent to trade in any part of the City. An application for consent for a stall had been refused at the meeting of this Committee on 12 June 2012 as Members had been concerned at the lack of space and because Mr MR had been unable to advise precisely of the size of his stall.

Officers circulated photograph's of possible options for the siting of the stall.

Mr MR attended the meeting and spoke in support of his application for this fast food business. He circulated photograph's showing two possible locations for the siting of the stall one close to the wall on the right hand side (looking up Castle Street) of Castle Street and another on the top left (looking up Castle Street) of Castle Street near to the cash point. He stated that either of these options would still give people space to move around Castle Street freely. He was offering good healthy food and the stall would attract more people to the area.

In response to Members' questions, Mr MR clarified the positions that he had identified and that the vehicle he was planning to purchase would be manoeuvrable; would leave enough space for access to the cycle racks; anticipated that the stall would be the same size as the creperie stall, although was prepared to build his own stall to fit a space; there would be enough space for access to Musgrave Road should the stall be placed in the top left of Castle Street; he had measured the area and was of the view that that was enough room for his stall.

Members noted that the Christmas market was dealt with via the City Centre Management Office and that the current stalls position were moved slightly to accommodate the market.

The Licensing Solicitor outlined to Members the potential challenges that could arise should Members decide to visit the site and the difficulty of ensuring fairness in the present circumstances.

The Licensing Committee retired to make its decision.

**RESOLVED** that the Licensing Committee had concerns regarding the congestion the stall could cause and the lack of space there would be for people to circulate so the application for consent be refused.

(Report circulated to Members)

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

#### **42 Application for the Issue of a Hackney Carriage Vehicle Licence (Mr S.H.)**

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

Mr SH had emailed stating that he would be unable to attend the meeting but inviting the Licensing Committee to make its decision based upon his previous applications.

The Licensing Solicitor advised that in light of Mr SH advising that wished the decision to be made in his absence and the indication that he had nothing further to add to this application then the decision could be made in absence. It was not possible to consider evidence put forward in previous applications as these had been determined and refused.

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

(Report circulated to Members)

#### **43 Application for the issue of a Hackney Carriage Vehicle Licence (Mr S.R.)**

The Principal Licensing Officer reported that Mr SR had applied for a hackney carriage licence. Mr SR had indicated that, if successful, he would put a Ford Journey onto the circuit which would be a wheelchair accessible vehicle. Mr SR had undertaken a survey of 28 people these surveys were attached to the Committee papers.

Mr SR attended the meeting and spoke in support of his application. He stated that Exeter was now getting very busy and on a Friday and Saturday night there were long queues of people waiting for a taxi. His survey and photograph's were evidence of this.

In response to Members' questions, he stated that he worked at night and that generally most of his customers said they had to wait to get a taxi. There was a problem late at night/early morning as the buses and trains stopped at midnight



therefore people needed to use a taxi to get home. The survey was given to all his customers.

The Licensing Solicitor clarified the position with regards to the evidence gathering that would have been undertaken for the Mouchel Ltd. survey (published in September 2010) and the top-up survey published in March 2011.

The Licensing Committee retired to make its decision.

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

(Report circulated to Members)

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

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

Mr SB attended the meeting and spoke in support of his application.

He stated that, overall there had been a reduction in the number of taxi seats in the City. This was partly resulting from some operators converting to smaller vehicles and that were not enough seven seater vehicles in the city. He had recently been assaulted and the TX4 Elegance was a safer vehicle.

In response to Members', Mr SB clarified that the TX4 Elegance had glass between the driver and passengers which offered protection from assault; at present he was renting a hackney carriage and driving the night shift. He had tried to find a safer vehicle to rent but had not been able to.

Mr SB stated that when he had been assaulted he had been hit and slapped on the back of his head from behind. He had not been hospitalised, suffered no permanent injury and had carried on driving. He advised of the details of the assault and that the Police had witnessed the incident and arrested the woman in question. The incident had happened when he had taken a woman from St David's Station to The Royal Oak in Heavitree, she had then refused to pay the fair and would not get out of the taxi. He had then driven her to the Police station and eventually stop near a Police van in Gladstone Road where he explained to the Police Officers what had happened and who also witness the woman attacking him.

The Licensing Solicitor advised that in the last two years the Committee had been aware of two serious assaults on taxi drivers but that the Council was not aware of a serious problem of assault on drivers in the city.

The Licensing Committee retired to make its decision.

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

(Report circulated to Members)

The meeting commenced at 5.30 pm and closed at 8.40 pm

Chair

## LICENSING COMMITTEE

25 September 2012

### Present:

Councillor Moira Macdonald (Chair)

Councillors Owen, Choules, Clark, Dawson, D J Henson, Leadbetter, Payne, Shiel and Tippins

### Apologies:

Councillors Pearson, Robson, Ruffle and Winterbottom

### Also present:

Assistant Director Environment, Licensing Solicitor, Solicitor and Member Services Officer (HB)

#### 45 **Declarations of Interest**

No declarations of interest were made by Members.

#### 46 **Licensed Vehicle Emissions Policy**

The Assistant Director Environment presented the report informing Members of a proposed policy of regulating the vehicles licensed as Hackney Carriages in the City by way of the emission standard of engine used to propel the vehicle rather than the current method of limitation by way of age of the vehicle.

**RESOLVED** that a Licensed Vehicle Emissions Policy be adopted so that:-

- (1) with effect from 7 January 2013 Exeter City Council removes the age limitation policy in favour of the emissions policy;
- (2) the newly adopted policy will require all newly licensed Hackney Carriage vehicles to attain Euro standard five as a minimum;
- (3) with effect from January 2016, all vehicles currently licensed will achieve Euro Standard 5 as a minimum; and
- (4) the policy will be reviewed at intervals of no longer than five years to ensure the highest achievable level of control of emissions is adopted.

(Report circulated)

#### 47 **Live Music Act 2012**

The Senior Licensing Officer presented the report informing Members of changes to the Licensing Act 2003 and advising on the potential impact this new legislation would have when in place, the provisions to come into force on 1 October 2012.

**RESOLVED** that the report be noted.

(Report circulated)

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

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

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

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

Councillor Macdonald, the Chair, left the meeting prior to this application being considered. Councillor Owen, the Deputy Chair, chaired the remainder of the meeting.

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

Mr SH did not attend the meeting. He had sent an email advising that he was unable to attend but that he was prepared for the Committee to determine his application in his absence. The email also indicated that he remained of the view that there existed a latent unmet demand for taxis in the City.

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

(Report circulated to Members)

The meeting commenced at 5.30 pm and closed at 6.13 pm

Chair

## SCRUTINY COMMITTEE - COMMUNITY

4 September 2012

### Present:

Councillor Norman Shiel (Chair)

Councillors Mitchell, Branston, Bowkett, Choules, Clark, Dawson, Donovan, Laws, Morris, Mottram, Payne and Tippins

### Also present:

Strategic Director (KH), Assistant Director Economy, Assistant Director Environment, Assistant Director Housing and Contracts, Principal Accountant (SR), Museums Manager, 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

### 42 **Minutes**

The minutes of the meeting held on 29 May 2012 were taken as read and signed by the Chair as correct.

### 43 **Declaration of Interests**

Members declared the following personal interests:-

<b>COUNCILLOR</b>	<b>MINUTE</b>
Councillors Choules and Dawson	45 (employees of the University of Exeter)

### 44 **Parkwood Leisure Management Contract**

The minutes of the meeting of the Parkwood Leisure Services Working Group held on 9 July 2012 were received.

(Minutes circulated)

### 45 **University of Exeter**

Councillors Choules and Dawson declared personal interests as employees of the University of Exeter.

The Chair welcomed Jilly Court, the University's Director of Operations of Campus Services. She set out in her presentation the achievements and strategic objectives of the University and how it was working together with other partners in the City. She detailed the on-going and proactive work undertaken by the University in the community much of which reflected the Council's aspirations. These included "StreetWise" - a non-emergency call service, student wardens, refuse, sustainability and noise and anti social behaviour initiatives. Rory Cunningham - the Community

Liaison Officer - was particularly active and successful in respect of the latter issues. She detailed future community initiatives such as an increase in disposal of student refuse, joint work with the Exeter Night Time Economy Forum, support of Landlord Accreditation and further Resident Liaison Group meetings. Suggestions for improved joint working were also put forward.

She responded as follows to Members' queries:-

- the University's leisure facilities were open to the public including schools and sporting groups although there was a limitation on capacity especially during term time. Phil Atwell, the University's Director of Sport, was involved in current discussions on the Bus Station site and the proposals for a new swimming pool;
- there was some spare capacity in student accommodation due to there being a slight decrease in Undergraduate numbers in September 2012, primarily due to the University maintaining the quality of students entering with a minimum of two A's and one B grade at A Level. There was also a decrease in the number of students deferring in September 2011 which would come through this year. The University owned or managed 5,500 purpose built student accommodation units and discussions were being held with City Council planning and housing officers with a view to possibly utilising some student units on a short term basis in order to support the Council's housing needs;
- care was taken to ensure the appropriate management of the mix of home, EU and overseas students. The University was obliged to meet targets in respect of "widening participation" to encourage students from different backgrounds and schools. There were also policies in place to offer financial and social support to ensure the effective integration of all students. Of the 2011 intake, 5% were of Exeter and Devon origin which was significantly lower than the metropolitan Universities such as Manchester and Birmingham where there was a greater proportion of female and ethnic students many of whom lived at home within these Cities; and
- liaison with local communities was often achieved through working with groupings of residents, community associations etc. Local Members were welcome to pass on news of the University's initiatives highlighted in the presentation on an individual basis to residents.

Members thanked Ms Court for her presentation. They were particularly appreciative of Rory Cunningham's role and work. The Chair also thanked her and remarked on the very important and longstanding relationship between the University and the City and suggested a further presentation at a future date.

**46 Royal Albert Memorial Museum And Art Gallery Performance Review - 15 December 2011 to 31 July 2012**

The Chair welcomed Camilla Hampshire, the Museums Manager to the meeting.

Her report reviewed the seven month period of service delivery following the re-opening of the Royal Albert Memorial Museum and Art Gallery (RAMM) post its capital re-development. It covered the full spectrum of Museum operations in order to provide a whole view of the service, the interconnections between different aspects of its work and to describe how these feed into public outputs. Though starting from a very positive position, it also described some of the constraints, pressures and challenges facing the service in coming years. The presentation itself focussed on people stories, providing a different perspective through which to understand the work carried out at the RAMM.

She responded as follows to Members' queries:-

- the outreach programme during the four year closure period had been very successful with approximately 1.6 million public contacts made. It had attracted national attention. Some aspects of outreach had been maintained since re-opening, this included RAMM representation at the Contemporary Crafts Fair run in conjunction with the Devon Guild of Craftsmen and attendance at the County Show. Partnerships remained central to RAMM's work and examples include over the past seven months "in-reach" with Age UK on "Culture Café" and with the Devon and Cornwall Police and the County Council's Social Services on an Intervention Project to address the needs of Young People at Risk of Offending;
- RAMM had submitted a successful partnership bid with the Plymouth City Museum and Art Gallery with the result that the peninsula's two principal Cities had been selected as part of the Arts Council for England's Major Grants Programme. The bid had included a letter of support from the University of Exeter;
- there was active engagement with the City's small ethnic communities, a springboard being provided by RAMM's internationally important World Cultures Collection;
- regional museums, unlike the Victoria and Albert or British Museums, for example, found it difficult to operate shops at a successful profit margin because of high overheads, especially staff costs. In order to minimise risks to the Council, the decision had been taken during the run up to re-opening not to operate a shop at RAMM. Currently there was a sales point with a limited number of souvenirs;
- school sessions in RAMM were teacher led using their own resources or the RAMM's Marketing Research Pack or activity sheets sent to them when they book their visit (also downloadable from the website). Schools could also pay for session at St Nicholas Priory led by an independent school specialist;
- Monday closures were important for maintenance, cleaning and review/re-organisation of displays but also meant that the Museum was closed on the four Bank Holidays. The new Saturday and Sunday pattern of openings had been established in response to public requests. Saturday and Sunday openings were popular and successful, with the latter popular with many families - there were up to 650 visitors on Sundays;
- a post of Building Services Officer had been created with the post-holder able to undertake a specified range of electrical and mechanical maintenance tasks, but with specialist officers from the contracts unit engaged as necessary;
- Dartmoor Kitchen was currently operating the "pop up" café and, although the tendering process had been reviewed, it was anticipated, at present, that an in-house Council operated café would not be viable because of the specialist nature of catering operations which are not currently covered in the range of Council services. This would be re-examined;
- The Debate – Great Exhibition - Great Debate, chaired by John Humphries, had been very successful and it was hoped to hold further events of this nature. Pricing, for any future similar events would be examined, the cost of this event, which had been experimental, having been aligned with classical music events in the City; and
- the Museum was looking to invite talented local artists to display their work. The value of involving talented local artists as well as regional and national ones was recognised and would be allied to an Express and Echo feature between 22 November and 5 December on local art groups.

The Chair thanked the Museums Manger for an excellent presentation and he and other Members congratulated the Museums Service and its staff on the quality of the

outstanding new facility and the early successes. They also offered their congratulations on RAMM winning the Arts Fund's Museum of the Year Prize.

(Report circulated)

### **MATTERS FOR CONSIDERATION BY THE EXECUTIVE**

#### **47 Kitchen and Bathroom Replacement Programme**

The Assistant Director Housing and Contracts presented the report seeking approval for increasing the housing capital programme for the next three years to accelerate the programme of kitchen and bathroom replacement in the Council's housing stock.

She undertook to ensure that Members were advised when major replacement works were undertaken in their wards, particularly where the elderly were affected. She also confirmed that suitable monitoring was undertaken where large national contractors used local sub-contractors.

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

- (1) approve an additional £1.775 million allocated to the capital programme in 2012/13 for replacement kitchens, bathrooms, associated works and staff costs; and
- (2) approve an increase in the Housing Capital Programme to £3.7 million in 2013/14 and £3.8 million in 2014/15 for replacement kitchens, bathrooms, associated works and staff costs.

(Report circulated)

#### **48 Review of Anti Social Behaviour Policy and Procedures for Housing Landlord Services**

The Assistant Director Housing and Contracts presented the report seeking approval for the Council's amended Anti-Social Behaviour (ASB) Policy and Procedures for tackling anti-social behaviour on the Council's housing estates.

Review of the policy was a requirement of the Anti-Social Behaviour Act 2003 and the report detailed the actions being taken to tackle anti-social behaviour. Between April 2011 and March 2012, 740 new cases of anti-social behaviour had been reported to the Neighbourhood Housing Team with an average of 146 cases open at any one time

The results of a Home Office consultation had shown that early intervention was vital with disruptive residents but that, in the minority of cases, there was a need for tough action. The results of the consultation had shown that victims wanted their problem to be taken seriously, an efficient service and a quick response and for the problem to stop and not to happen again. The consultation had shown that an overall decrease in satisfaction levels was apparent and that an important element was to respond effectively to initial enquiries and complaints. Effective communication by the housing team would be an important part of this.

Members noted the significant case load currently being experienced by the City Council and referred both to individual problem cases and to the wider issue of accommodating young people amongst the middle age and elderly. Many of the anti-social behaviour problems were caused by the former creating particular problems



for longstanding residents who had no desire to leave their areas. The Assistant Director explained that the demographic mix was the result of most residences being in general needs accommodation although older residents were amongst those encouraged to downsize where possible.

Because of the level of problems being experienced it was suggested that a Member Working Group be set up to look at issues in depth.

The Strategic Director stated that, because of the concerns raised by Members, it would be appropriate for himself, the Assistant Director and senior housing staff to re-examine the procedures. Notwithstanding the level of case load, because of financial constraints, he did not anticipate that it would be possible to increase resources but a review was likely to be able to identify potential areas for improving the current system. Members were supportive of this suggestion of further analysing procedures and felt that, in the meantime, the proposed changes to policies and procedures, as set out in the report, should be recommended to Executive for approval.

Scrutiny Committee - Community noted the report and recommended Executive to adopt the revised Anti-Social Behaviour Statement of Policy and Procedures, with the understanding that an internal review of current practice would be undertaken on detailed procedures and the Assistant Director would report back to a future meeting of this Committee.

(Report circulated)

#### 49 **Succession and Assignment Policy**

The Assistant Director Housing and Contracts presented the report setting out proposed changes to the Council's policy on the succession and assignment of tenancies.

Responding to Members, she confirmed the intention of relaxing the policy, as appropriate, to allow under-occupation by one bedroom as elderly residents often appreciated an extra bedroom as a safeguard should they become ill and require over night assistance or to accommodate visiting family members. A Member also suggested that this might assist in cases of adults returning to family homes as a consequence of forthcoming welfare reforms.

She confirmed however that, allowing under occupation would have a detrimental effect on waiting lists as people with higher needs would not be able to access the houses. So a balanced approach was necessary.

Particular care would be taken in approaching a surviving family member in respect of future occupation after a death in the family. This was because, recently, some surviving family members had found it difficult when, in line with the current Succession and Assignment Policy, they had been advised that they would be required to move to different accommodation.

Scrutiny Committee - Community noted the report and recommended Executive to support the revision of the current Succession and Assignment policy to:-

- (1) define properties as more extensive when there is more than one bedroom in excess of requirements;

- (2) define properties which have had disabled adaptations as “substantially different” where the value of the adoption exceeds £1,000; and
- (3) introduce an appeals procedure.

(Report circulated)

### **MATTERS FOR CONSIDERATION BY SCRUTINY COMMITTEE - SCRUTINY**

#### **50 Update on the Older Person's Housing Strategy 2010-2015 Action Plan**

The Assistant Director Housing and Contracts presented the report setting out progress in delivering the Older Persons Housing Strategy 2010-2015 Action Plan.

With regard to the private sector renewal scheme, she confirmed that appropriate publicity would be undertaken to promote the availability of grants and would target areas known to have the poorest housing conditions. A Member referred to the use of the Toronto House communal room and it was noted that the Action Plan included a proposal to re-assess the uses of such communal facilities. An important element of the Plan would be renewed engagement and more joint action with the PCT with involvement in the agenda of the new Health and Well Being Board.

Scrutiny Committee - Community noted the progress made on the Action Plan for the Older Persons Housing Strategy 2010-2015.

(Report circulated)

#### **51 Community Toilets Working Group - Final Report**

The Assistant Director Environment advised Members of the outcomes of the Community Toilet Working Group, highlighting some of the key conclusions regarding public toilet provision.

He reported that the Council was about to embark on two key pieces of work. One was the development of a City Centre Strategy, in which public toilet provision had been identified as an important element in terms of how the quantity and quality of provision could help the visitor experience and in turn assist business. The second piece of work was a systems review of the purpose of ‘keep my city safe and looking good’, and the part that public toilet provision plays in this would be an important element to examine. Both these pieces of work were planned for Autumn 2012 and, it was anticipated that, action plans would be drawn up listing improvements for implementation.

Councillor Mitchell, the Chair of the Working Group, complimented the report and stated that the involvement of Professor Clara Greed of the University of the West of England and various user groups had been of particular value. Toilet provision in Exeter compared favourably with other areas and he hoped that the proposals would improve toilet provision in both the City Centre and outlying areas.

Scrutiny Committee - Community:-

- (1) supported the findings of the Working Group;
- (2) agreed that the forthcoming systems review of the purpose of ‘keep my city feeling safe and looking good’ should strive to achieve improvements in public toilet provision as one of its key issues for a further report on the findings and

recommendations of the working group to be presented to a future meeting of this Committee;

- (3) agreed that the work of the forthcoming City Centre Strategy should encompass public toilet provision as an integral part of the review and should explore the potential to develop a community toilet scheme based on the Oxford City Council model; and
- (4) agreed that, subject to the successful development of a community toilet scheme in the city centre, this experience be built upon with a view to extending the scheme to other parts of the City in order to supplement existing provision in other wards.

(Report circulated)

### **PERFORMANCE MONITORING**

#### **52 Housing Revenue Account - Budget Monitoring to June 2012**

The Assistant Director Housing and Contracts presented the report on major differences by management unit to the outturn forecast for the first three months of the financial year up to 30 June 2012. During this period, the total of the variances indicated that there would be a net surplus of £2,357,550, which would be transferred from the working balance at 31 March 2013. This represented a reduction of £37,280 compared to the budgeted reduction in the working balance of £2,320,270. It was estimated that the working balance would stand at £8,121,973 at 31 March 2013.

Scrutiny Committee - Community noted the report.

(Report circulated)

#### **53 Community - Budget Monitoring to June 2012**

The Principal Accountant presented the report advising Members of any major differences by management unit to the revised budget. The current forecast suggests that net expenditure for this Committee will increase from the revised budget by a total of £91,000 which represents a variation of 0.78% from the revised budget.

Scrutiny Committee - Community noted the report.

(Report circulated)

The meeting commenced at 5.30 pm and closed at 8.10 pm

Chair

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## SCRUTINY COMMITTEE - ECONOMY

6 September 2012

### Present:

Councillor Crow (Chair)

Councillors Brock, Bialyk, Bull, Crew, Lyons, Pearson, Prowse, Robson and Wardle

### Apologies:

Councillors Choules, Leadbetter and Mottram

### Also present:

Strategic Director (KH), Strategic Director (MP), Assistant Director Economy, Principal Economic Development Officer, Projects and Business Manager, City Arts and Events Manager and Member Services Officer (SLS)

### In attendance:

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

## 32 DECLARATIONS OF INTEREST

The following personal interests were declared:-

<b>COUNCILLOR</b>	<b>MINUTE</b>
Councillor Prowse	33, 34 and 35 (Member of Devon County Council)
Councillor Bull	34 and 38 (Member of Devon County Council's Highways and Traffic Orders Committee and Arts practitioner, part of the organisation of Exeter Respect and is known to the owner of the Bike Shed Theatre)

## 33 QUESTIONS FROM MEMBERS OF THE COUNCIL UNDER STANDING ORDER 20

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

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 pavement parking issues. The Portfolio Holder replied. Copies of the question had previously been circulated to Members. The question and the reply from the Portfolio Holder (in italics) are appended to the minutes.

## 34 SUPPLEMENTARY PLANNING DOCUMENT ON SUSTAINABLE TRANSPORT

Councillor Prowse declared a personal interest as a Member of Devon County Council. Councillor Bull declared an interest as a Member of Devon County Council's Highways and Traffic Orders Committee.

The Projects and Business Manager presented a report which sought Member support for the draft Supplementary Planning Document on Sustainable Transport, prior to the commencement of a public consultation exercise. The document is to form part of the emerging Local Development Framework for Exeter and has been produced to aid compliance with Objective 5 of the Core Strategy, to achieve a step change in the use of sustainable transport. The report will also be considered by Members of the Planning Member Working Group before seeking approval of the draft for public consultation by Executive at their meeting on 2 October.

The Projects and Business Manager responded to a number of comments:-

- Inclusion of electric vehicle charging points was just one way of reducing emissions. The Council's Air Quality Action Plan set out other measures and he would respond to Councillor Wardle on the specific timescales for improving air quality within the city.
- The use of priority lanes (bus lanes) could allow Heavy Goods Vehicles to maintain a higher gear when travelling through the city, thereby reducing emissions. (A Member referred to a recent meeting of the County Council's Exeter Highways and Traffic Orders Committee and the Congestion Working Party, which were considering ways of reducing the number of HGV's travelling through the city centre).
- The cycle parking standards were in some cases higher than those in the Local Plan, and in some cases lower. The new approach was based on evidence; for example the workplace standards were based on best practice at establishments like the Met Office and the Environment Agency.
- In accordance with Government policy, car parking standards were no longer maximum but indicative standards. On its own, restriction of parking could cause displacement into residential areas, as was complained of around the RD&E Hospital, although that establishment has put a number of measures in place such as its own park and ride service and considerable amounts of cycle parking.
- There had been steady growth in car club provision, with the facility available in Exe Street as part of a car free development, and also in Topsham. This was also being pursued at new developments in Monkerton and Newcourt, as part of a package of measures to encourage less car use and greater use of other means of transport.
- The Green Infrastructure Study crosses local authority boundaries with East Devon and Teignbridge District Councils. There was a correlation between cycle routes and the green infrastructure.

Scrutiny Committee – Economy supported the report and recommended Executive to approve the draft Sustainable Transport Supplementary Planning Document for public consultation.

(Report circulated)

### 35 **TRANSPORT INITIATIVES AND ISSUES UPDATE**

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

The Projects and Business Manager updated Members on the progress made in relation to transport initiatives and issues affecting Exeter and the City Council's involvement, both as a planning authority as well as providing transport infrastructure. The report included a summary of the Devon Metro rail proposals as well as a package of other public transport developments, traffic management and road improvements, cycling and walking. The report emphasised the need to ensure that any new development was designed to maximise sustainable modes of travel, and where possible to influence policy making and promote Exeter's interests. The report also contained a paper about the Invitation to Tender for the Great Western Franchise, for which bids have to be submitted by 25 October.

The Projects and Business Manager provided an update on the refurbishment of the Central Station forecourt. This had involved prolonged dealings with Network Rail in particular, but work should finally commence by the end of the current financial year. He also responded to a Member's question on the location of the new crimson information 'monoliths', which would incorporate a touch screen and real time transport information and would be located (a) at the corner of Sidwell Street by John Lewis, (b) in Cowick Street, and (c) in or near Princesshay, (the final location was still under discussion with Land Securities). A Member referred to the County Council's Exe Rail Project Working Party and had been impressed with the various initiatives to improve public transport. He felt that both the City Council and Devon County Council should be congratulated on their achievements and he fully endorsed the report.

Scrutiny Committee – Economy noted the report and Members offered their continued support for the Council's improvement in initiatives designed to enable and encourage more sustainable travel.

(Report circulated)

### 36 **PLACE MARKETING STRATEGY - EXETER ECONOMY 2012 - 2016**

The Principal Economic Development Officer presented a report on the outcome of consultation on the draft Place Marketing Strategy and sought to provide Members with an opportunity to comment on the final proposed document. The report set out the outcome of the consultation which had taken place in July and August. The report also set out a summary of the proposed first year of actions of the three year marketing programme. One of the aims of the Strategy was to help attract investment and skilled workers to the Exeter economy and raise awareness of the local economy. One outstanding action was to continue to find an appropriate strapline to portray the overarching characteristics of the local economy, which could be adopted by local businesses.

A Member referred to the previous presentation by the South West Local Enterprise Partnership and asked if they could attend a future meeting. The Assistant Director Economy said he would extend a formal invitation to a future meeting as appropriate. He stated that there was every indication that the Growth Board partners would contribute towards the much needed staff resources to deliver the strategy. There needed to be a dialogue about how to find the right approach through the Marketing Alliance when the area covered both Exeter and East Devon.

Scrutiny Committee – Economy supported the final proposed Place Marketing Strategy, and the commitment of the Marketing Budget to support the implementation of the Place Marketing Strategy.

(Report circulated)

### 37 **PROGRESS REPORT: UNEMPLOYMENT IN EXETER**

The Principal Economic Development Officer presented a report which updated Members on trends in unemployment within Exeter, and the support available to help people back into work. He provided an update on the apprenticeship scheme at the City Council, as two apprentices had been taken on in business administration support in Environmental Health and Civic Support. They would study for a business administration qualification. Two more apprentices will be taken on at the Museum and also in the Parks and Gardens Service. A Member congratulated the Council on their recruitment of apprentices and hoped there would be more in future years. The Strategic Director (MP) confirmed that the initial aim was to start with these apprentices and have a further intake next year and expand the scheme in future years. The City Council had created a separate funding stream to allow this scheme to progress. The apprentices will be mentored by designated colleagues within the Council as well as their progress charted by colleagues in Human Resources and staff at Exeter College. Members welcomed this excellent initiative.

A Member referred to the Job Seekers Allowance claims for the period until July 2012 and suggested it would be more relevant to show a comparison of previous years. The Strategic Director (KH) confirmed that Members received a regular copy of the economic trends. A Member referred to the long term unemployment rate and any effort to improve the situation had to be welcomed. The Principal Economic Development Officer stated that the unemployment rate for 2012 showed 40 fewer people and 10 more claiming over the 12 month period. A Member also hoped that every effort would be made to develop more local procurement involving local companies as they should be in a good position to fulfil up and coming contracts.

Scrutiny Committee – Economy noted the report and the progress made.

(Report circulated)

### 38 **ANNUAL ARTS AND EVENTS REVIEW 2012**

Councillor Bull declared a personal interest as an art practitioner who is known to the owner of the Bike Shed Theatre and has contributed towards the organisation of the Exeter Respect Festival.

The Festival and Events Manager presented a report which sought to review and report back to Members on the performance of the festivals and events portfolio, comprising Exeter Open Studios in 2011 and in 2012, Animated Exeter, Vibraphonic,



Respect and the Exeter Torch Relay. Officers have also been working to develop a major new festival for the city in two phases in 2013/14, which would involve commissioning outdoor arts performances using indoor and outdoors spaces across the city. She drew attention to the achievements made in 2012, despite there being no major festival event as the centrepiece. A Member congratulated the Festival and Events Manager and her team on the summer's activities which had worked very well throughout the city.

Scrutiny Committee – Economy noted the report on the performance of the festivals and events portfolio in 2012/2013 and the proposed approach to the festival programme of phases in 2013/2014.

(Report circulated)

### 39 **BUDGET MONITORING REPORT TO 30 JUNE 2012**

The Strategic Director (KH) presented the report on material differences by management unit to the revised budget. The current forecast suggested that net expenditure forecast for this Committee would decrease by a total of £386,830 after transfers to and from reserves, which represented a variation of 13% from the revised budget. The main variations by management unit were detailed in the report and it was noted that the budget remained ahead of profile. He responded to a Member comment stating that Exeter was bucking the retail trend, stating that the work by Members to address the local economy were now coming to fruition.

The Strategic Director responded to a Member's comment and confirmed that the allocation for a pay award had been included in the 2012/13 budgets, but the profile had changed. The Strategic Director also responded to a comment on car parking income which was expected to exceed expectation, despite the closure of the King William Street Car park. Members were right to question whether the income would hold, but there was every indication that the improvements in the city's footfall and potentially the car parking income would continue.

Scrutiny Committee – Economy noted the report.

(Report circulated)

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

**RESOLVED** that, under section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the consideration of the following item on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 3, of Part1, Schedule 12A of the Act.

### 41 **EXETER AND HEART OF DEVON GROWTH BOARD MINUTES**

The Strategic Director (KH) provided an update on the Cranbrook development following the occupation of the first houses, including the imminent opening of the new primary school. A Member sought the approach needed for an upgrade of the partial barrier at the Crannaford railway crossing, which he had previously raised at the County Council's Devon and Exeter Rail Project Working Party. The Strategic Director (KH) suggested the Member write to East Devon District Council to draw

attention to the current level of infrastructure. He also confirmed East Devon District Council had engaged service providers such as the PCT in the planning of the new community and provision for GP facilities in Cranbrook had been taken into account.

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

(Report circulated to Members)

The meeting commenced at 5.30 pm and closed at 7.15 pm

Chair

**SCRUTINY COMMITTEE - ECONOMY – 6 SEPTEMBER 2012**

**QUESTIONS FOR PORTFOLIO HOLDER**  
**UNDER STANDING ORDER NO.20**

Questions from Cllr Prowse for the Portfolio Holder – Sustainable Development and Transport

1. Does the Portfolio Holder know the start date of the pavement offence (formally Section 30 Byelaw).

*Reply - Councillor Sutton responded to the question. She had previously sought the advice of Steve Carnell, the Parking and Waterways Manager. The City Council's legal team had been liaising with officers at Devon County Council as the Highways Authority, regarding the powers to enforce pavement parking. There was an issue of signage which was being discussed with Devon County Council and the Department for Transport to find a reasonable approach to establish the number of signs required to appropriately alert the public.*

*The initial advice from the Department for Transport, related to signage at the gateway or the arterial routes to the city and the need for repeater plates at 400m intervals similar to speed restriction signs. There was a significant cost element as well as an issue of signage clutter. Officer negotiations were ongoing to reach an agreement on the number and make up of signs. There should perhaps be a public campaign to ensure that the enforcement of pavement parking will be carried out and that a penalty notice may well be issued.*

2. Can the Portfolio Holder explain to this Scrutiny Committee the protocols and format when this Authority obtains the Registered Keeper's detail of a vehicle when a Penalty Charge Notice has not been paid within the statutory period.

*Reply - Councillor Sutton referred to information she had received from Steve Carnell, the Parking and Waterways Manager.*

*In relation to the issue of a Penalty Charge Notice, the option is to pay a PCN within 28 days and no further details would then be required. Exeter City Council has a contract with the DVLA and details of the Registered Vehicle Keeper which can be obtained under contract for permitted purposes such as parking enforcement. All information transferred back and forward between the City Council and the DVLA is under secure file transfer protocol. In April 2011, Exeter City Council was subjected to a random audit by the DVLA and they were content that all related conditions complied with the agreement.*

3. Supplementary Question - Councillor Prowse referred to the spot check in April 2011 and to a meeting on the 6 June involving the DVLA and the British Parking Association, which discussed the pursuance of Traffic Orders outside of London. The DVLA representative was asked if the Registered Keepers detail could be obtained. It was noted that this would cost an additional 50p would be charged. Councillor Prowse queried why this should be the case.

He wondered if he could follow up an enquiry as a City Council Member as to whether such a meeting took place. He suggested both DCC and ECC should know the provision for identifying the Registered Keeper as it would be beneficial

*Reply - Councillor Sutton said that she was not aware of the 6 June meeting – Exeter City Council operate a parking enforcement regime under the licensed agreement on behalf of the County Council. The City Council follow the instructions of DCC. She would speak to Steve Carnell to ascertain a reply for Councillor Prowse. She felt that in the role of the City Council acting as agents for the County Council, that it would be inadvisable to expose the City Council to any such risk if it made an unsound decision without full consultation.*

## SCRUTINY COMMITTEE - RESOURCES

19 September 2012

### Present:

Councillor Baldwin (Chair)

Councillors Ruffle, Bowkett, Bull, Crow, D J Henson, Pearson and Spackman

### Apologies:

Councillors Branston, Brock, Crew, Macdonald and Robson

### Also present:

Chief Executive, Strategic Director (MP), Assistant Director Finance, Assistant Director Housing and Contracts, Corporate Manager Democratic and Civic Support, Contract Development Manager and Member Services Officer (SJS)

## 37 **Minutes**

The minutes of the meeting held on 20 June 2012 were taken as read and signed by the Chair as correct.

## 38 **Declarations of Interest**

A Member declared the following personal interest:-

<b>COUNCILLOR</b>	<b>MINUTE</b>
Councillor Crow	(worked on the Green Accord when employed by the Council)

## 39 **Annual Audit Fee Letter 2012/13**

The Assistant Director Finance presented the Annual Audit Fee letter 2012/13.

In response to Members, the Assistant Director Finance clarified that the certification of claims and returns fee for 2011/12 was an estimate as the work was on-going and that the Council was working with the financial system software providers to implement an automated service to improve the efficiency of the payment of accountancy journals.

The Scrutiny Committee – Resources noted the Annual Audit Fee Letter 2012/13.

(Report circulated)

## **PERFORMANCE MANAGEMENT**

### **40 AIM Property Maintenance Progress 2012/13**

The joint report of the Assistant Director Finance, Assistant Director Economy and Assistant Director Housing and Contracts was submitted.

Scrutiny Committee – Resources noted the first quarter financial position of the £7.9 m programme of reactive and planned property maintenance and refurbishment for 2012/13.

(Report circulated)

### **41 Budget Monitoring Report to 30 June 2012**

The joint report of the Strategic Director (MP) and Assistant Director Finance was submitted.

The Scrutiny Committee – Resources noted the report.

(Report circulated)

## **MATTERS FOR CONSIDERATION BY THE EXECUTIVE**

### **42 Capital Monitoring Statement to 30 June 2012**

The Assistant Director Finance presented the report advising of the current position in respect of the Council's revised annual capital programme and of the anticipated level of deferred expenditure into future years.

The Assistant Director Housing and Contracts advised that the savings in the Laings budget were due to a different approach to the management of the properties therefore the budget was no longer required and the reduction in the wheelchair homes in the RNSD Depot budget was as a result of re-negotiations of the Section 106 Agreement.

The Scrutiny Committee – Resources noted the current position in respect of the revised annual Capital Programme and recommended approval by Council of the revised annual Capital Programme.

(Report circulated)

### **43 Overview of General Fund Revenue Budget 2012/13**

The Assistant Director Finance presented the report advising Members of the overall projected financial position of the General Fund Revenue Budget and Housing Revenue Account after three months, for the 2012/13 financial year.

He advised that the Service Committee budgets showed a forecast overspend of £35,430 against a revised Service Committee Net Expenditure budget of £13,718,210 and an overall overspend of £41,594 against General Fund Expenditure. He outlined to Members the individual budgets in respect of each of the Scrutiny Committees, the outstanding sundry debt, debt write-offs and creditor payments performance.

In response to Members, the Assistant Director Finance clarified that the Museums Service budget was overspent due to higher than expected utilities bills and the

higher than anticipated estimate for the Non Domestic Rate bill. The Council was appealing against this and was hopeful that some reduction in the bill would be made. The Council was aware of the potential risks regarding the changes in welfare reform and the pressures that this could cause with the collection of housing rent and council tax benefit, work was being undertaken in conjunction with the Citizens Advice Bureau on measures that could help with money management for residents with difficulties.

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

- 1) General Fund forecast financial position for the 2012/13 financial year;
- 2) HRA forecast financial position for 2012/13 financial year;
- 3) outstanding Sundry Debt position as at June 2012; and
- 4) creditors' payments performance.

(Report circulated)

#### 44 **Annual Sustainable Procurement & Commissioning Report**

The Assistant Director Housing and Contracts presented the report on progress made against the Sustainable Procurement and Commissioning Action Plan and to outline the Sustainable Procurement and Commissioning Action Plan for 2012/13.

The Contract Development Manager outlined to Members the changes in procurement which would be implemented to assist small and medium enterprises (SMEs) in tendering for council contracts. This would include a commitment to sign up to the Council's health and safety policy, instead of having to go to the expense of having their own policy, and attending Council run asbestos awareness training at a reduced cost.

The Scrutiny Committee - Resources supported the Sustainable Procurement and Commissioning Action Plan for 2012/13 and recommended to the Executive that:-

- 1) it approves the Sustainable Procurement and Commissioning Action Plan for 2012/13; and
- 2) notes the actions taken to reflect the new national requirements identified in section 4 of the circulated report.

(Report circulated)

#### **MATTERS FOR CONSIDERATION BY SCRUTINY COMMITTEE - RESOURCES**

#### 45 **The Green Accord Scheme**

Councillor Crow declared a personal interest as she had worked on the Green Accord scheme when employed by the Council.

The Assistant Director Housing and Contracts presented the report to update Members on the Council's Green Accord scheme. The uptake of the scheme had been slower than anticipated, resulting in the original Business Plan income forecast

not being achieved. However, with minimal investment the scheme could be further developed so that it would, as a minimum, break even.

The Contract Development Manager advised Members of the progress to date and that further work was being undertaken with Exeter University to widen its client base who were signed up to the scheme.

Members noted that the scheme was expected to break even this year. They felt that the original business plan had been rather ambitious and that the financial position of the scheme should continue to be monitored.

The Scrutiny Committee - Resources noted the progress on and the development of the Green Accord Scheme and requested that the Committee be updated annually on the progress of the scheme.

(Report circulated)

#### 46 **Guildhall Marriages and Civil Partnership Ceremonies - update**

The Corporate Manager Democratic and Civic Support presented the report to update Members on the first 18 months' operation of The Guildhall being licensed to hold marriages and civil partnership ceremonies. Members were also informed of other collaborative arrangements entered into between Exeter City Council and the Devon Registration Service.

The Committee thanked all those Council staff who had been working hard to take this project forward.

The Scrutiny Committee - Resources:-

- 1) noted the use of The Guildhall and Civic Centre for marriages and civil partnership ceremonies;
- 2) welcomed the collaborative arrangements entered into between Exeter City Council and The Devon Registration Service; and
- 3) noted the extended hours offered for the use of both The Guildhall and Committee Rooms at the Civic Centre for marriages and civil partnership ceremonies, once the necessary legislative changes have been implemented.

(Report circulated)

The meeting commenced at 5.30 pm and closed at 6.25 pm

Chair



## FINAL ACCOUNTS COMMITTEE

Thursday 20 September 2012

### Present:

Councillor Peter Edwards (Chair)  
Councillors Baldwin, Fullam and Martin

### Apologies:

Councillor Sutton

### Also present:

Chief Executive, Strategic Director (MP), Assistant Director Finance, Corporate Finance Manager and Member Services Officer (HB)

Ms J Masci : Grant Thornton

1

### MINUTES

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

2

### DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

3

### FINAL ACCOUNTS : 2011/12

The Corporate Finance Manager presented the report representing the Council's financial statements for 2011/12.

The City Council had achieved excellent financial results for 2011/12 and had maintained its prudent financial position.

**RESOLVED** that the Statement of Accounts for 2011/12 be approved.

(Report circulated)

4

### 2011/12 REPORT TO THOSE CHARGED WITH GOVERNANCE (ISA 260)

Ms J Masci representing Grant Thornton, the Council's external auditors, presented the auditor's report.

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

**RESOLVED** that the report be noted.

(Report circulated)

5 **MANAGEMENT REPRESENTATION LETTER TO THE EXTERNAL AUDITOR**

The Assistant Director Finance presented the draft letter to the external auditor in respect of the 2011/12 Statement of Accounts.

**RESOLVED** that the letter be approved and signed by the Assistant Director Finance for forwarding to the external auditor.

(Letter circulated)

(The meeting commenced at 5.30 pm and closed at 5.53 pm)

Chair

## EXECUTIVE

Tuesday 18 September 2012

### Present:

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

### Also present:

Chief Executive, Strategic Director (KH), Strategic Director (MP), Assistant Director Business Transformation, Assistant Director City Development, Assistant Director Housing and Contracts and Member Services Manager

81

### MINUTES

The minutes of the meetings held on 19 June and 3 July 2012 were taken as read and signed by the Chair as correct.

82

### DECLARATION OF INTEREST

The following personal interest was declared:

<b>COUNCILLOR</b>	<b>MINUTE</b>
Fullam	85 - Employee of Sanctuary Housing Association.

83

### KITCHEN AND BATHROOM REPLACEMENT PROGRAMME

The report of the Assistant Director Housing and Contracts was submitted, seeking approval to increase the housing capital programme for the next three years to accelerate the programme of kitchen and bathroom replacement in the Council's housing stock.

Scrutiny Committee – Community considered the report at its meeting on 4 September 2012 and the support and comments of members were noted.

Members were informed that previous failures in the delivery of the kitchen and bathroom replacement contracts had led to an underspend on the capital budget since 2010/11 and a backlog in the programme. The proposal was to carry over the underspent surplus from the failed contracts in the Housing Revenue Account Capital Programme as well as invest additional funding in the replacement programme in future years. In response to a question, the Portfolio Holder stated that the Council sought to invest in the improvement of existing housing stock as well as allocating funding towards new build.

**RECOMMENDED** to Council that, subject to satisfactory half-yearly progress reports on the contractors' performance:

- (1) an additional £1.775m be allocated to the capital programme in 2012/13 for replacement kitchens, bathrooms, associated works and staff costs; and
- (2) an increase in the Housing Capital Programme to £3.7m in 2013/14 and £3.8m in 2014/15 be approved for replacement kitchens, bathrooms, associated works and staff costs.

(Report circulated)

84

### **REVIEW OF ANTI-SOCIAL BEHAVIOUR POLICY AND PROCEDURES FOR HOUSING LANDLORD SERVICES**

The report of the Assistant Director Housing and Contracts was submitted, seeking approval for the Council's amended Anti-Social Behaviour (ASB) Policy and Procedures for tackling anti-social behaviour on the Council's housing estates. The current policy and procedures had been in place since 2009 and a comprehensive review would be undertaken every three years. The fall in satisfaction levels for the service had been disappointing – it was hoped that minor changes in policy and the proposed revised procedures would address the issues.

Scrutiny Committee – Community considered the report at its meeting of 4 September 2012 and the comments and support of members for the revised provisions were noted. Executive supported Scrutiny Committee's proposal for a further internal review of practice and procedures and a report back to a future meeting of that Committee.

Executive endorsed the importance of taking anti-social behaviour complaints seriously. Members commented that neighbourhood disputes were often at the root of complaints and perceived incidents of anti-social behaviour may also emanate purely from a conflict in lifestyles. The Portfolio Holder informed Executive of measures such as sound-proofing which were being undertaken on a trial basis with a view to addressing some of the more common areas of complaint.

The Assistant Director Housing and Contracts reported that a further report would be made to Scrutiny Committee - Community and Executive in November/December on the Localism Act's provisions in relation to assured shorthold tenancies.

**RESOLVED** that the revised Anti-Social Behaviour – Statement of Policy and Procedure is adopted.

(Report circulated)

85

### **TENANCY SUCCESSION AND ASSIGNMENT POLICY**

Councillor Fullam declared an interest in this item as an employee of Sanctuary Housing Association.

The report of the Assistant Director Housing and Contracts was submitted, setting out proposed changes to the Council's policy on the succession and assignment of tenancies.

Scrutiny Committee – Community considered the report at its meeting on 4 September 2012 and the comments and support of members were noted.

Members acknowledged that whilst the under-supply of social housing required a firm policy in respect of succession and assignment, the Council should also take a more flexible and humane approach in particular circumstances. Executive considered that the proposed amendments to the policy in respect of under-occupation, disabled adaptations and the establishment of an appeals procedure sought to achieve a balanced approach. Whilst the Council would still seek to release under-occupied properties, the revised policy would enable greater use of discretion in particular circumstances.

The Portfolio Holder Housing and Community Involvement proposed an additional recommendation relating to mutual exchanges which was supported.

**RESOLVED** that:-

- (1) in cases where succession or assignment occurs as a result of a bereavement, the current Succession and Assignment Policy is revised to:
  - (i) define properties as “more extensive” when there is more than one bedroom in excess of requirement;
  - (ii) define properties which have had disabled adaptations as “substantially different” where the value of the adaptation exceeds £1000; and
  - (iii) introduce an appeals procedure;
- (2) the revised provisions would not apply to mutual exchanges.

(Report circulated)

86

### **ACQUIRING S106 AFFORDABLE HOMES**

The report of the Assistant Director Housing and Contracts was submitted, seeking approval for the purchase of 16 new build affordable homes on two separate development sites in the city at a total cost of £212,546.

Executive supported the purchase of the homes which presented the opportunity for the Council to increase its housing stock and provided excellent value for money. The Portfolio Holder Housing and Community Involvement particularly welcomed the additional provision of properties built to wheelchair accessible standards which were in short supply, an issue which had previously been raised by Scrutiny Committee-Community.

**RESOLVED** that the purchase of 16 new affordable homes at Dean Clarke House and the Royal Naval Stores Depot be approved at a cost of £212,546 to be met from the HRA Capital Programme.

(Report circulated)

87

### **AFFORDABLE HOUSING SUPPLEMENTARY PLANNING DOCUMENT**

The report of the Assistant Director City Development was submitted, briefing Members and seeking views on:

- the contents of a draft Affordable Housing Supplementary Planning Document (SPD), prepared to amplify affordable housing policy contained in the Exeter Core Strategy;
- the intention to publish the SPD for public consultation; and
- the contents of an Initial Screening Statement prepared to accompany the draft SPD.

Executive noted that, in the current economic climate, housing schemes coming forward in Exeter were generally proving unable to deliver 35% affordable housing and that Policy CP7 currently rendered many smaller housing schemes unviable. Members supported the pragmatic approach proposed in the draft SPD to address these and other issues.

Further to comments raised by Planning Member Working Group, the Assistant Director City Development proposed that the draft SPD be amended to include a reference to the clauses in S106 agreements that if a certain percentage of dwellings are not commenced within three years from the issue of planning permission, the Council may require Affordable Housing provision to be re-assessed to reflect market conditions then prevailing.

**RESOLVED** that publication of the draft Affordable Housing Supplementary Planning Document, attached at Appendix 1 to the report, be agreed for public consultation for about six weeks and that authority be delegated to the Assistant Director City Development to make any minor editorial changes prior to publication.

(Report circulated)

88

**PROPOSED ARTICLE 4 DIRECTION TO CONTROL DEMOLITION OF THE CRAWFORD HOTEL, ALPHINGTON ROAD**

The report of the Assistant Director City Development was submitted, proposing an Article 4 Direction (under the Town and Country Planning (General Permitted Development) Order 1995, as amended), to remove the permitted development right for demolition, with immediate effect, for The Crawford Hotel, Alphington Road, Exeter. He reported that the Hotel was on the Exeter list of Buildings of Local Importance but this did not protect it from threat of speculative demolition.

Executive considered that the Hotel was a significant building in the area and noted local support for the proposal.

**RESOLVED** that Executive:

- (1) considers that the demolition of The Crawford Hotel without the benefit of planning permission would be prejudicial to the proper planning of the Council's area or constitute a threat to the amenities of the Council's area and that it is expedient that such demolition should not be carried out unless permission is granted for it on an application to the Council;
- (2) delegate to the Assistant Director City Development in consultation with the Portfolio Holder for Sustainable Development and Transport the responsibility to make an Article 4 Direction relating to The Crawford Hotel, Alphington Road in the form (or substantially in the form) of the draft Direction in Appendix 2 of the report, to consider any representations and to decide whether to confirm the Direction with or without amendments.

(Report circulated)

89

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

The schedule of appointments to outside bodies was circulated.

**RESOLVED** that the following appointments be agreed:-

- Councillor Laws to replace Councillor Edwards on the Exeter Citizens Advice Bureau
- Councillor Ruffle to replace Councillor Mitchell on Exeter Board
- No further appointment be made to the Exeter Business Centre Board
- Councillor Sutton, Deputy Leader be appointed to the Police and Crime Panel

**RECOMMENDED** that the following appointments be made by Council:-

- To replace Mr JF Marshall on Exeter Municipal Charities (Church List)
- To replace Mr PJ Shepherd on St Sidwell's Parish Lands and Other Charities.

(Schedule circulated)

90

**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, 3 and 4 of Part 1, Schedule 12A of the Act.

91

**EXETER SCIENCE PARK**

In the absence of the Leader, the Deputy Leader took over the Chair for the remainder of the meeting.

The report of the Strategic Director was submitted, setting out progress being made to develop the Exeter Science Park and, as part of this, the preferred delivery option for the Exeter Science Park Centre, the first building on the Science Park. The Centre would provide a catalyst to support the overall development of this strategic employment site, and would lead to the creation of 245 knowledge-based jobs over 2014-8. The report outlined the funding package to deliver the Science Park Centre and the requirements from the City Council.

Executive noted that the development of phase 1 of the site had stalled in the current economic conditions and thanked officers for the considerable efforts they had made to progress the project. Members supported the business model proposed and hoped that the bid for Growing Places funding through the South West Local Enterprise Partnership would be successful.

**RECOMMENDED** that Council:-

- (1) approves the commitment to provide a guarantee to the Exeter Science Park Company to underwrite the loan sought from the Growing Places Fund up to a maximum sum of £914,000 in proportion with our share holding and on the understanding that all other partners commit funds on the same basis with eventual reimbursement from the development account;

- (2) notes that the County Council has agreed to enter into a further agreement with the Exeter Science Park Company and other stakeholders to oversee the future long term development fund;
- (3) approves the City Council contribution up to £150,000 if necessary, towards a cost overrun on the construction of the Science Park Centre, the funding to be reimbursed to the City Council from the development account; and
- (4) upon the completion of the Further Agreement, delegated authority is given to the Chief Executive to sign the shareholders agreement relating to the Exeter Science Park Limited.

(Report circulated to Members)

92

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

**RESOLVED** to note the minutes of the Exeter and Heart of Devon Growth Board meeting held on 16 July 2012 and the comments of Scrutiny Committee – Economy thereon.

(Minutes circulated to Members)

93

### **HR UNIT RESTRUCTURE**

The report of the Assistant Director Business Transformation was submitted, requesting the approval of the restructuring of the Human Resources (HR) Unit. The proposal would result in the overall reduction in posts within the unit (12.90 to 8.75 FTE) and ensure HR had the capacity and capability to deliver support to the Council currently and in the future.

Members supported the proposed business partner operating model whereby HR advisers would develop a greater understanding of business needs in relation to HR issues in their designated service areas.

**RESOLVED** that:-

- (1) the proposed restructuring of the HR unit be approved; and
- (2) the payment of compensation to any postholders made redundant in line with the Council's agreed redundancy policy be approved under the provisions of the Local Government (Early Termination) (Discretionary Compensation) (England and Wales) Regulations 2006.

(Report circulated to Members)

(The meeting commenced at 5.30 pm and closed at 6.45 pm)

Chair

**The decisions indicated will normally come into force 5 working days after publication of the Statement of Decisions unless called in by a Scrutiny Committee. Where the matter in question is urgent, the decision will come into force immediately. Decisions regarding the policy framework or corporate objectives or otherwise outside the remit of the Executive will be considered by Council on 16 October 2012.**



## EXECUTIVE

Tuesday 2 October 2012

### Present:

Councillor Edwards (Chair)  
Councillors Fullam, Hannaford, Mrs Henson, Sheldon and Sutton

### Apologies:

Councillors Denham and Martin

### Also present:

Chief Executive, Strategic Director (KH), Strategic Director (MP), Assistant Director Finance, Assistant Director Housing and Contracts, Projects and Business Manager and Member Services Manager

94

### MAJOR GRANTS AND NEW HOMES BONUS PANEL

The minutes of the Major Grants and New Homes Bonus Panel held on 13 September 2012 were circulated.

The Projects and Business Manager updated Executive in respect of Minute 6 (Application 1 – Wear United and Countess Wear Village Hall). He reported that previous discussions had been on the basis of the new building being constructed on tennis courts, requiring their relocation at additional cost to the project. The presentation to the Major Grants and New Homes Bonus Panel was however based on a revised proposal whereby the building would be located away from the tennis courts. The Parks and Open Spaces Manager was concerned that the revised plans would reduce the space available for playing pitches, which was also unlikely to be acceptable to Sport England. The applicants and their architect were working on plans for a revised arrangement whereby they hoped to demonstrate that sufficient space could be maintained for playing pitches.

Executive considered options for the application, namely approval with extra conditions, refusal or deferral pending a written update to the next meeting of the Panel. Members commented that they would be concerned about any overall loss of playing pitches on the site.

#### **RESOLVED** that:-

- (1) Minutes 3, 4 and 5 of the Major Grants and New Homes Bonus Panel held on 13 September 2012 be received, and where appropriate, adopted; and
- (2) in respect of Minute 6 (Application from Wear United and Countess Wear Village Hall), no decision be made at present, but an update be provided to the Panel at its meeting on 22 November as to whether the proposals are acceptable to the Parks and Open Spaces Manager and the Panel make a fresh recommendation to Executive.

(Minutes circulated)

**DECLARATIONS OF INTEREST**

The following personal interest was declared:

<b>COUNCILLOR</b>	<b>MINUTE</b>
Fullam	104 – Daughter is member of a swimming club which uses Pyramids Swimming Pool.

**CAPITAL MONITORING STATEMENT TO 30 JUNE 2012**

The report of the Assistant Director Finance was submitted, reporting on the current position in respect of the Council's revised annual capital programme and advising Members of the anticipated level of deferred expenditure into future years. He reported that the revised capital programme for the current year was £19.757 million, of which 9.97% had been spent in the first three months. He identified the requests for additional funding and the main variances, achievements and issues affecting expenditure.

In response to a query regarding the cost of kitchen replacements, the Assistant Director Housing and Contracts undertook to confirm to Executive members the average cost per home for a recent programme. Whilst acknowledging the need for the Council to ensure value for money, members emphasised the importance of investing in Council stock and continuing to work towards the Decent Homes Standard.

Scrutiny Committee – Resources considered the report at the meeting on 19 September 2012 and the support of the Committee was noted.

**RECOMMENDED** to Council to approve:-

- (1) the current position in respect of the annual Capital Programme; and
- (2) the amendments to the Council's annual Capital Programme.

(Report circulated)

**OVERVIEW OF GENERAL FUND REVENUE BUDGET 2012/13**

The report of the Assistant Director Finance was submitted, advising Members of the overall projected financial position of the General Fund Revenue Budget and Housing Revenue Account after three months, for the 2012/13 financial year. He reported that the Service Committee budgets showed a small forecast overspend of £35,430 and outlined the main variances across the Council.

Scrutiny Committee – Resources considered the report at the meeting on 19 September 2012 and the comments and support of members were noted.

**RECOMMENDED** to Council to approve:

- (1) the General Fund forecast position for the 2012/13 financial year;
- (2) the HRA forecast financial position for the 2012/13 financial year;
- (3) the outstanding Sundry Debt position as at June 2012; and
- (4) the creditors' payments performance.

(Report circulated)

98

**ANNUAL SUSTAINABLE PROCUREMENT AND COMMISSIONING REPORT**

The report of the Assistant Director Housing and Contracts was submitted on progress made against the Sustainable Procurement and Commissioning Action Plan 2011/12. The report also outlined the Sustainable Procurement and Commissioning Action Plan for 2012/13.

Scrutiny Committee – Resources considered the report at their meeting of 19 September 2012 and their comments were noted.

Executive supported the Action Plan and good practice standards and particularly welcomed the opportunity for small businesses to compete for work from the Council.

**RESOLVED** that:-

- (1) the Sustainable Procurement and Commissioning Action Plan for 2012/13 be noted ; and
- (2) the actions taken to reflect the new national requirements identified in section 4 of the report be noted.

(Report circulated)

99

**SUPPLEMENTARY PLANNING DOCUMENT ON SUSTAINABLE TRANSPORT**

The report of the Assistant Director City Development was submitted requesting Members to approve a draft Supplementary Planning Document (SPD) on Sustainable Transport for public consultation. The Projects and Business Manager reported that the document had been supported by Planning Member Working Group at its meeting on 18 September and members had enquired about the involvement of Devon County Council; he confirmed that relevant County officers had been consulted during preparation of the draft.

Scrutiny Committee – Economy considered the report at their meeting on 6 September 2012 and their comments were noted.

The Portfolio Holder Sustainable Development and Transport commended the positive impact of Supplementary Planning Documents and the clarity of the guidance.

Members welcomed the identification of the infrastructure needs of the various strategic allocations set out in site specific Masterplans. In response to a query regarding car clubs, the Projects and Business Manager reported that the Council had no financial involvement other than Section 106 contributions from developers and the car club in Exeter operated as a not-for-profit organisation. Members commented on the adverse impact of landbanking on the economy. They were pleased to note the successful applications for the development of significant numbers of additional homes approved by Planning Committee recently.

**RESOLVED** that Executive approve the draft Sustainable Transport SPD for public consultation.

(Report circulated)

100

### **ASSETS OF COMMUNITY VALUE (THE "COMMUNITY RIGHT TO BID")**

The report of the Projects and Business Manager was submitted, advising Members of the implementation of the part of the Localism Act relating to assets of community value, and seeking authority for setting up the list of assets and related processes. He reported that the implementation date for the provisions had been brought forward from 12 October to 21 September.

Executive welcomed the proposals which they felt may be particularly beneficial for residents of rural and suburban communities. Members expressed some reservations about the organisational challenges and governance issues which the development of bids might present for voluntary or community organisations. The Portfolio Holder Housing and Community Involvement stated that he would be happy to consult with ward Councillors in considering the merits of nominations for inclusion of assets on the list.

**RECOMMENDED** to Council to approve that:

- (1) authority be delegated to the Projects and Business Manager (or in his absence another officer nominated by the Assistant Director City Development):-
  - i) to maintain the list of assets of community value, and to consider and decide the technical correctness of nominations for inclusion of assets on the list;
  - ii) in consultation with the Portfolio Holder for Housing and Community Involvement, to consider and decide the merits of nominations for inclusion of assets on the list.
- (2) authority be delegated to the Corporate Manager Policy/ Communications/ Community Engagement to conduct listing reviews and compensation reviews in respect of assets of community value; and
- (3) the Scheme of Delegation in the Constitution be amended accordingly.

(Report circulated)

101

### **REPRESENTATION AT COURT**

**RESOLVED** that, in accordance with Section 223 of the Local Government Act 1972, the following officer be authorised to represent the Council at the County and Magistrates Courts:-

Anne-Marie Annal – Civil Litigator

102

### **MEMBERSHIP OF COMMITTEES**

**RECOMMENDED** to Council that changes are made to the membership of Licensing Committee and Scrutiny Committee - Economy, details to be confirmed to Council by Group Leaders.

103

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

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

104

### **PROPOSAL TO BUILD A NEW SWIMMING AND LEISURE COMPLEX ON THE BUS AND COACH STATION SITE**

Councillor Fullam declared a personal interest in the item as his daughter belonged to a swimming club which used the Pyramids swimming pool.

The report of the Strategic Director (KH) was submitted, advising Members on the recommendations arising from an assessment of need and the business case for a new swimming and leisure complex in Exeter, and seeking Members' guidance on whether to proceed with the recommendations.

The Strategic Director outlined the background to the proposal, noting the need for additional water space in the city to meet identified recreational and casual needs which were likely to increase as the population of the city grows. With reference to paragraph 2.10 he stated that, whilst it was not critical to the viability of the whole scheme, the leisure project would be a significant component in the Bus and Coach Station site redevelopment scheme. He explained the business case and resource implications of the proposal, circulating a revised table indicating the potential indicative costs of the options. He emphasised the importance of high quality frontage to the building in the context of its highly visible and strategic location.

Councillor Ruffle attended the meeting and spoke on this item under Standing Order 44. He acknowledged that the Pyramids pool was in urgent need of replacement but was concerned about the significant financial implications of the proposed leisure complex. He warned that the Council should be particularly cautious regarding assumptions about the long-term continuation of New Homes Bonus and low interest rates. He suggested that the Council should instead establish a dedicated fund on which to draw.

Councillor Leadbetter attended the meeting and spoke on this item under Standing Order 44. Whilst acknowledging the need for a new swimming pool, he shared concerns about the financial impact of the project and its prioritisation in the context of the Council's Capital Programme. He enquired about the potential for grant funding, for example from Sport England, and was assured that the Council would explore all potential funding sources.

Councillor Fullam also expressed concern about the major financial commitment and impact on the capital programme, and specifically the cumulative effect of debt repayments which could arise from unforeseen risks. He reminded Executive of the importance of the Flood Defence Scheme in the Capital Programme.

The Chair reminded members that the leisure pool had been identified as an aspiration of the Council within the Corporate Plan. Whilst understanding concerns about the significant financial commitment, he urged members to support a longer-term vision for the City. He drew attention to other major investments such as the Princesshay development which had contributed significantly to the economic success of the City. He urged members to support further investigation into the feasibility of the project.

In supporting the proposal, Councillor Mrs Henson stated that whilst acknowledging the level of the potential financial commitment, she would not wish the Council to lose the opportunity to use this important site for the benefit of the city.

Other members concurred in supporting the proposal, commenting on the urgent need to look at options to replace Pyramids pool before further major investment was required or it ceased to function altogether. They commented that this was the type of project for which New Homes Bonus was entirely suited and that the historically low interest rates presented a good opportunity to borrow at low fixed rates. They welcomed the proposal to construct to high standards of energy efficiency.

**RESOLVED** that:-

- (1) the intention to replace the existing Pyramids Swimming and Leisure Centre with a new facility on the Bus and Coach Station site identified in the Exeter Local Plan First Review as part of the wider regeneration of the area be confirmed;
- (2) the identified facility mix be confirmed as set out in paragraph 4.2.6, to include a 25m 8 lane competition pool, a 20m x 4 lane training pool together with the option of including a spa and an enhanced café;
- (3) detailed capital cost estimates for the facility as now defined be obtained;
- (4) provision be made within the medium term financial plan to fund the capital cost of the facility and that capital funding options, procurement and operational management routes most appropriate to this facility be investigated and brought back to Members for future consideration prior to formal commencement of the procurement exercise;
- (5) the Strategic Director be requested to put in place project management capacity to advance the project including arrangements for commissioning project architects; funding for initial design and project management to be funded from the New Homes Bonus major infrastructure account estimated at £150,000; and

- (6) a review be commissioned of the City Council's car parking stock in relation to meeting the needs of the redevelopment of the bus and coach station site, including the proposed swimming and leisure complex.

In accordance with Standing Order 43, Councillor Fullam requested that his name be recorded as having voted against the recommendation.

(Report circulated to Members)

(The meeting commenced at 5.30 pm and closed at 7.10 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 16 October 2012.**

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# Agenda Annex

## SEATING IN THE GUILDHALL

Lord Mayor's Chaplain			Deputy Lord Mayor Councillor Prowse (C)	Lord Mayor Councillor Newby (C)	Chief Executive	Corporate Manager Democratic/Civic Support	
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Member Services Manager	Corporate Manager Legal	Assistant Director Finance		Strategic Director	Strategic Director	
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Councillors	Councillors	Councillors		Councillors	Councillors
Tippins (L)	Bowkett (L)	Edwards (L)		Mrs Henson (C)	D J Henson (C)
Crew (L)	Robson (L)	Sutton (L)		Baldwin (C)	Donovan (C)
Branston (L)	Spackman (L)	Martin (L)		Shiel (C)	Mottram (C)
Laws (L)	Bull (L)	Sheldon (L)	TABLE	Crow (C)	Winterbottom (C)
Choules (L)	Dawson (L)	Hannaford (L)			Leadbetter (C)
Bialyk (L)	Owen (L)	Denham (L)			
Macdonald (L)	Clark (L)				
Pearson (L)					

Cllr Morris (L)	Cllr Lyons (L)	Cllr Wardle (L)	Cllr Ruffle (LD)	Cllr Mitchell (LD)	Cllr Mrs Brock (LD)	Cllr Payne (LD)	Cllr Fullam (LD)
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L: Labour : 24  
 C: Conservative : 11  
 LD: Liberal Democrat : 5

### 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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