



## Exeter City Council

A meeting of **EXETER CITY COUNCIL** will be held at the **GUILDHALL, HIGH STREET, EXETER** on **WEDNESDAY 15 OCTOBER 2014**, at 6.00 pm, at which you are hereby summoned to attend. The following business is proposed to be transacted:-

	Pages
1 Minutes	
To sign the minutes of the meeting held on 29 July 2014.	3 - 8
2 Official Communications	
To receive minutes of the following Committees and to determine thereon:-	
3 Planning Committee - 21 July 2014	9 - 20
4 Planning Committee - 1 September 2014	21 - 30
5 Planning Committee - 29 September 2014	31 - 42
6 Licensing Committee - 22 July 2014	43 - 48
7 Licensing Committee - 23 September 2014	49 - 52
8 Scrutiny Committee - Community - 9 September 2014	53 - 58
9 Scrutiny Committee - Economy - 11 September 2014	59 - 64
10 Scrutiny Committee - Resources - 17 October 2014	65 - 68
11 Scrutiny Committee - Resources - Special - 2 October 2014	69 - 70
12 Audit and Governance Committee - 24 September 2014	71 - 74
13 Executive - 16 September 2014	75 - 80

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14 Executive - 7 October 2014 - To follow

Notice of Motion

Pages

15 Notice of Motion by Councillor Shiel under Standing Order No. 6

While fully accepting the role of any trades union to negotiate over pay for its Members and support them through any grievance procedure, this Council utterly condemns the use of strike action.

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

Date: Tuesday 7 October 2014

Karime Hassan  
Chief Executive &  
Growth Director

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



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## THE MEETING OF EXETER CITY COUNCIL

Guildhall  
Tuesday 29 July 2014

The Right Worshipful the Lord Mayor (Cllr Prowse)  
The Deputy Lord Mayor (Cllr Newby)  
Councillors Baldwin, Bialyk, Bowkett, Branston, Brimble, Brock, Bull, Clark, Crew, Dawson, Denham, Edwards, Foggin, Fullam, George, Hannaford, Henson, Holland, Laws, Leadbetter, Lyons, Mitchell, Morris, Mottram, Owen, Pearson, Raybould, Robson, Sheldon, Shiel, Spackman, Sutton, Wardle and Williams

25 **APOLOGIES**

Apologies for absence were received from Councillors Choules, Tippins and Winterbottom.

26 **MINUTES**

The minutes of the Ordinary Meeting held on 8 April 2014 and the Annual Meeting held on 3 June 2014 were taken as read and signed as correct.

27 **OFFICIAL COMMUNICATIONS**

The Lord Mayor announced that he had received a letter of thanks from Brigadier P Hankinson 6 Rifles of the Army thanking the Council for hosting the Armed Forces Day. The Lord Mayor confirmed that he would respond accordingly.

28 **PLANNING COMMITTEE - 14 APRIL 2014**

The minutes of the Planning Committee of 14 April 2014 were presented by the Chair, Councillor Bialyk and taken as read.

**RESOLVED** that the minutes of the Planning Committee held on 14 April 2014 be received.

29 **PLANNING COMMITTEE - 12 MAY 2014**

The minutes of the Planning Committee of 12 May 2014 were presented by the Chair, Councillor Bialyk and taken as read.

**RESOLVED** that the minutes of the Planning Committee held on 12 May 2014 be received.

30 **PLANNING COMMITTEE - 16 JUNE 2014**

The minutes of the Planning Committee of 16 June 2014 were presented by the Chair, Councillor Bialyk and taken as read.

**RESOLVED** that the minutes of the Planning Committee held on 16 June 2014 be received.

31

**LICENSING COMMITTEE - 13 MAY 2014**

The minutes of the Licensing Committee of 13 May 2014 were presented by the Chair, Councillor Dawson and taken as read.

**RESOLVED** that the minutes of the Licensing Committee held on 13 May 2014 be received.

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**SCRUTINY COMMITTEE - COMMUNITY - 17 JUNE 2014**

The minutes of the Scrutiny Committee - Community of 17 June 2014 were presented by the Chair, Councillor Shiel and taken as read.

**RESOLVED** that the minutes of the Scrutiny Committee - Community held on 17 June 2014 be received.

33

**SCRUTINY COMMITTEE - ECONOMY - 26 JUNE 2014**

The minutes of the Scrutiny Committee - Economy of 26 June 2014 were presented by the Chair, Councillor Henson and taken as read.

**RESOLVED** that the minutes of the Scrutiny Committee - Economy held on 26 June 2014 be received.

34

**SCRUTINY COMMITTEE - RESOURCES - 2 JULY 2014**

The minutes of the Scrutiny Committee - Resources of 2 July 2014 were presented by the Chair, Councillor Baldwin and taken as read.

**RESOLVED** that the minutes of the Scrutiny Committee - Resources held on 2 July 2014 be received.

35

**AUDIT AND GOVERNANCE COMMITTEE - 25 JUNE 2014**

The minutes of the Audit and Governance Committee of 25 June 2014 were presented by the Chair, Councillor Sheldon and taken as read.

**RESOLVED** that the minutes of the Audit and Governance Committee held on 25 June 2014 be received.

36

**EXECUTIVE - 24 JUNE 2014**

The minutes of the Executive of 24 June 2014 were presented by the Leader, Councillor Edwards and taken as read.

In respect of Minute 57 (Flooding in Topsham – Response and Recovery) the Leader recognised and commended the council staff for their contribution and quick response to the potential flooding which ensured that disruption was minimised.

**RESOLVED** that the minutes of the Executive held on 24 June 2014 be received, and, where appropriate, adopted.

**EXECUTIVE - 15 JULY 2014**

The minutes of the Executive of 15 July 2014 were presented by the Leader, Councillor Edwards and taken as read.

**RESOLVED** that the minutes of the Executive held on 15 July 2014 be received and, where appropriate, adopted.

**QUESTIONS FROM MEMBERS OF THE COUNCIL UNDER STANDING ORDER 8**

In accordance with Standing Order No. 8, the following questions were put by Councillor Holland to the Leader in respect of the Mould Problem in some 300 Council Owned Properties.

Councillor Holland thanked Senior Housing Officers for helping him to better understand the issues with regards to the damp ingress.

Question - Given that the Labour Group said in their last manifesto that they provide 'good quality social housing' then will they agree with me that to honour this statement then remedial action needs to be taken immediately?

The Leader responded that the Portfolio Holder has already agreed with officers that emergency action should be taken on a case by case basis where there is justification to do so. A full report on this issue is anticipated to go to Executive in September.

Question - Part of the remit of Local Authorities is to 'benchmark' against other LA's to ensure best value. Will the Leader follow the initiative of adjacent East Devon District Council and implement repairs without the need to follow the complex procurement process?

The Leader responded that East Devon District Council had undertaken the work as reactive repairs and that this Council would not take that course of action. The Council needed to act lawfully and in accordance with its own financial regulations, the proper tender process and European procurement rules. Officers are looking at how East Devon are tackling the problem and if there are lessons to be learned from their approach, or grounds on which the Council can streamline the procurement process, then the Council would do this.

Question - Will the Leader now go ahead and implement these repairs rather than make tenants endure these intolerable conditions until the middle of next year?

The Leader responded that the Council needed to make a full assessment of the position before allocating budgets. Given the current weather conditions, the Council would expect the cavity wall insulation to be drying out.

Councillor Holland raised a supplementary comment that when the insulation was installed it was not fit for purpose and it should be removed.

The Leader responded that there was a procurement process to follow and where conditions really are "intolerable" the Council will take action under the emergency protocol in place. The Council will do the works as soon as it can, but unforeseen expenditure of this scale needs to be undertaken with due diligence.

In accordance with Standing Order No. 8, the following questions were put by Councillor Leadbetter to the Leader in respect of the Housing Stock.

Question - is the Leader aware of any other maintenance or other issues that are effecting tenants quiet enjoyment of their Council Owned homes?

The Leader responded that there were no major issues known of apart from reactive repairs. The Council receive approximately 15000 requests per annum to address issues arising from the housing stock. This is predominantly about repairs but can also address other pressing issues such as anti-social behaviour. If you have something specific in mind I suggest you address the matter in writing to the Portfolio Holder.

In accordance with Standing Order No. 8, the following questions were put by Councillor Leadbetter to the Leader in respect of the recent 'eviction of some 40 tenants from private flats in Bartholomew Street East.

Question - When did the Council first become aware of this issue?

The Leader responded that the Housing Needs Team first became aware of the issue when one of the residents approached for advice on 11 June. The occupants did apply to the court to delay the repossession to give them time to find alternative accommodation. This option was pursued and the Council worked with the residents, Sanctuary Supported Living and Cartridges Solicitors to ask for a delay. This was made on the grounds that the residents were not informed of the action prior to the repossession order. Unfortunately this was unsuccessful.

Some of the residents had previously instructed a Barrister to defend their position. In that action the judge determined that the residents were not tenants and therefore had no rights at all.

This was a growing problem of tenants paying their council tax and rent and then landlords not paying their mortgages. The Council had empathy for these tenants but the High Court Bailiff had the legal power to evict the occupants.

Question – How much notice did the tenants have the eviction?

The Leader responded that he would obtain and circulate that information.

In accordance with Standing Order No. 8, the following questions were put by Councillor Leadbetter to the Leader in respect of Allotments.

Question - Could the Leader comment on the consultation process and whether he thinks sufficient time was given to interested parties to respond?

The Leader responded yes – the Council had extended the consultation to nine weeks which has been enough for a considerable number of questions to have been asked and answered. The consultation period is still ongoing until 4 August 2014.

Question - Will a discount still be applied to OAP's payment rates?

The Leader responded that the Council would wait for the consultation period to conclude before it makes any decisions.

Question - A lot is made of the waiting list of some 600 persons. Can the Leader explain why there are so many empty plots and multiple lettings of plots to individuals across the City?

The Leader responded that all of this will come out of the review that is currently being undertaken. The Leader would look into how and why allotment holders could leave plots uncultivated.

Question - Can the Council confirm that it will not withdraw water from its sites?

The Leader responded again let's wait until the end of the consultation period.

(The meeting commenced at 6.00 pm and closed at 6.30 pm)

Chair

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## PLANNING COMMITTEE

Monday 21 July 2014

### Present:

Councillor Bialyk (Chair)  
Councillors Spackman, Denham, Edwards, Lyons, Mitchell, Mottram, Raybould, Sutton,  
Williams and Winterbottom

### Apologies:

Councillors Choules and Newby

### Also Present:

Assistant Director City Development, Area Planner (PJ), Forward Planning Officer (FP) and  
Democratic Services Officer (Committees) (HB)

75

### DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

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### PLANNING APPLICATION NO. 14/0899/03 - ROUGEMONT TELEPHONE EXCHANGE, QUEEN STREET, EXETER

The Principal Project Manager (Development) (PJ) presented the application for student accommodation comprising 130 studio rooms and associated works in former car park.

Members were circulated with an update sheet - attached to minutes.

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

- despite the amended plans concerns remain regarding the height of the development and the impact it will have on Marcus House, the height exceeding policy guidance. The building would be too high and appears too dominant and oppressive to the street frontage. The amended design does not address residents' concerns;
- the residential amenity of all will be affected particularly the residents on the lower floor of Marcus House;
- one unit is particularly small with only one window and access to fresh air and light will be affected;
- to compensate for loss of additional floor space at front of building an additional storey has been added so there is no overall reduction;
- detrimental impact on neighbouring residents through loss of light, outlook and dominance of the building;
- loss of privacy;
- proposal contrary to the Council's Residential Design SPD; and
- 50 letters of objection.

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

- St David's is already saturated with student accommodation. Local residents are concerned regarding the need for additional purpose built student

accommodation given the strong growth recently in this sector of the housing market and particularly in this area. The Core Strategy Policy CP5 text states that 75% of additional student numbers should be accommodated in purpose built accommodation to help reduce the impact on the private sector housing market but further purpose built student housing will impact adversely on the area;

- the City Council established the Article 4 Directive to limit conversion of HMO's to 25%. At present 23% of residents in the ward are students and this will increase further with this proposal. In addition, two hotels in Bystock Terrace and Queen Terrace are likely to convert to student accommodation;
- community imbalance due to the increased number of students; and
- too many student blocks being built in this area and the City as a whole;

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

- support points made by other Councillors attending under standing orders;
- with some 130 young people set to occupy the flats there will be an increase in problems of noise and disturbance. A similar development at Thornton Hill, where a tennis court rather than an unused car park was built over to provide student accommodation. Here the on-going problems of noise, especially during the summer when windows are left open, are yet to be resolved;
- highway safety concerns through increased pedestrians - the development will increase problems of road safety in and around the clock tower area. Although the County Council are seeking a contribution of £35,000, no details have been provided of the traffic management measures proposed for the area. The likely desire line of pedestrian flow will be across Queen Street and there have been previous concerns regarding the movement of pedestrians between Queen Street and Elm Grove Road via New North Road. The existing zebra crossing on New North Road is approximately 40 metres from the Clock Tower junction and as a result pedestrian and cyclist cross on the roundabout exit where there are no formal facilities. The traffic flow out of Elm Grove Road will also be compromised. The public safety will therefore be compromised; and
- recommend refusal of the application.

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

- planning policies are inappropriate and should not be applied with regard to this application
- significant amount of University owned land is available which should be used to provide student flats rather than in this location. If this University owned land was maximised for student development up to 16,000 flats could be provided - the equivalent of housing students of an entire University
- loss of existing open gap in the street-scene;
- loss of existing trees which are important in visual and environmental terms and loss of trees will affect the amenities of residents; and
- existing open space provides valuable sunlight to the residents and helps keep the properties warm in the winter.

Mr Freeman spoke in support of the application. He raised the following points:-

- Omni Developments Ltd. are a socially and environmentally responsible developer that has built neutral carbon developments. They volunteer time and support the National HMO Lobby and ensure their developments positively contribute to protecting existing family housing around Universities by building high quality purpose built student accommodation;

- the site is in proximity to the University, city centre location and a mix of uses surrounds the site. Consequently this is not a typical student scheme;
- high quality materials, large windows and larger social spaces are proposed;
- the original massing strategy was presented at pre-application and there was no negative feedback;
- as this is a city centre development, generic policy regarding height and massing - which is more relevant to sub-urban locations - is subject to and generally superseded by a contextual analysis;
- as the proposed scheme is more comfortable in its relationship with neighbours than Marcus House is to Constantine House and favourably comparable to Portland House and aspects of Richmond Court and Princesshay Mall it is felt that the initial site analysis and design approach is acceptable;
- when informed that residents of Marcus House were unhappy with the relationship of the proposed scheme, a negotiation process was commenced with the Planning Officer, and developed a number of design solutions, all of which were compliant with policy and supported by approved precedent in the City;
- an independent daylight consultant was appointed to assess the original scheme and advised the removal of four units to achieve almost full compliance - his appointment was extended to assess the design options;
- actively listened and looked for a lateral solution that would ensure the scheme remained deliverable while providing a dramatic reduction in scale to the rear building massing. By removing 10 units from the rear and adding 12 units to the roof, the impact of these changes has a neutral effect on deliverability. The two extra units subsidise the increase in construction cost;
- believe the solution is a very balanced result; it retains the quality and deliverability of the original scheme and as noted in the daylight analysis, provides a compliant level of daylight as defined by BREEAM guidance; and
- have taken the comments of the local residents very seriously and have significantly revised the scheme to ensure the impact of this development site is minimised as much as possible.

He responded as follows to Members queries:-

- the management plan differs from site to site and it is proposed that the reception is staffed until 6-7pm and then monitored by CCTV from a remote site. This remote site will monitor a number of different developments and security staff will be sent to sites if problems occur. This site is too small for around the clock cover hence coverage from a remote site. Discussions have been held with the Police Liaison Officer regarding security;
- the daylight and sunlight assessment was in compliance with guidance document with only a 0.2% loss of visible skyline for the development as a whole; and
- the development will be naturally ventilated and acoustic measures will be undertaken to reduce noise of traffic. The projecting framework will help deflect noise there will also be an element of self policing by the students if their neighbours are playing music too loudly for example.

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

Members sought assurances in respect of night-time security of the building and pedestrian safety in the area.

**RESOLVED** that, subject to the completion of a Section 106 Agreement under the Town and Country Planning Act 1990 securing a financial contribution towards pedestrian safety improvements and a Student Management Plan to address a desire for an onsite presence until 3.00am, delegated authority be given to the Assistant Director City Development, subject to prior consultation with the Chair of Planning Committee and Ward Councillors, to **APPROVE** the application for student accommodation comprising 130 studio rooms and associated works in former car park, subject also 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) No part of the development hereby approved shall be brought into its intended use until the disabled parking facilities have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority.  
**Reason:** To ensure that adequate facilities are available for traffic attracted to the site.
- 7) No part of the development hereby approved shall be brought into its intended use until secure cycle parking facilities have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by the Local Planning Authority prior to the commencement of the development and retained for that purpose at all times.  
**Reason:** To ensure that adequate facilities are available for traffic attracted to the site.
- 8) At the commencement of use of the development the Travel Plan shall be implemented in accordance with details to be submitted to and approved by the Local Planning Authority.  
**Reason:** To maximise the opportunities for sustainable travel to and from the site, in accordance with paragraph 36 of the National Planning Policy Framework.
- 9) No development shall take place, including earth removal, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The Statement should include details of access arrangements and timings and management of arrivals and departures of vehicles. The approved Statement shall be adhered to throughout the construction period.  
**Reason:** In the interests of highway safety and public amenity.
- 10) Construction work shall not take place outside the following times; 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.  
**Reason:** In the interest of residential amenity.
- 11) Unless otherwise agreed in writing, no development shall take place until details of provision for nesting swifts has been submitted to and approved in writing by the Local Planning Authority in consultation with the RSPB. Upon written approval of the details, the scheme shall be fully implemented as part of the development and retained thereafter.

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

- 12) Prior to the commencement of the development a scheme for protecting the proposed development from noise shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be completed in accordance with the approved details prior to first occupation.

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

- 13) 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 an investigation and risk assessment, and where necessary a remediation strategy and verification plan, detailing how this unsuspected contamination shall be dealt with. Prior to occupation of any part of the development, a verification report demonstrating compilation of the works set out in the approved remediation strategy, shall be submitted to and approved by the Local Planning Authority.

**Reason:** In the interests of the amenity of the occupants of the buildings hereby approved and to prevent groundwater pollution.

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**PLANNING APPLICATION NO. 14/0491/01 - BRICKNELLS BUNGALOW, OLD RYDON LANE, EXETER**

The Principal Project Manager (Strategic Infrastructure Planning) presented the application for 50 dwellings (including affordable housing) with associated open space and access (the proposed development includes the demolition of existing outbuildings).

Members were circulated with an update sheet - attached to minutes. The Project Manager also reported that the Masterplan should read 63 dwellings rather than 70 and that Newcourt Drive should read Riverplate Road.

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

- objecting on basis of location of the proposed access road and the safety implications the road will cause in Old Rydon Lane. Representing a number of Old Rydon Lane residents plus walkers and cyclists;
- the proposed access is too close to a blind bridge and the new steps to Newcourt Halt.
- the approved Newcourt Masterplan shows that the access to development area (f) would be beyond any existing houses, towards the Rugby Ground. allowing construction traffic initially and residents, once houses are built, to access the site to the north and south of Old Rydon Lane via a new purpose-built road system via Sandy Park roundabout onto a new road junction onto the A379. This application bypasses this plan with the result that there would be two entrances to area (f), one at Bricknells and one further down the lane for a future development.
- the County Highways Department are aware that Old Rydon Lane is not suitable for construction traffic and identified a desire to make Old Rydon Lane attractive to cyclists. Two HGV vehicles cannot pass in a lane that is a maximum of 4.8m wide. Pedestrian and cyclist safety is further compromised when HGV's try to reverse into residents drives as there are no designed passing points in the lane. There is also no footpath between Old Rydon Ley and the M5 bridge so pedestrians and cyclists are always at great risk;

- the applicants 'Transport Statement' states that Old Rydon Lane is 'lightly trafficked and only provides access to residential properties situated along it'. This is incorrect - on 17 July between 4pm and 5pm there were 178 road users of which 25 were cyclists and 16 walkers (4 pushing buggies and 5 walking dogs). The applicant's survey, which states traffic flows in the order of 100 vehicle movements during peak times is not correct;
- Old Rydon Lane is used as a 'rat run' from Topsham to Tesco's and from Newcourt to west bound M5; and
- request rejection of application on the basis of access and road safety, until the correct road infrastructure is in place as per the publicly reviewed and Council Approved Newcourt Masterplan.

Ms Roberts spoke in support of the application. She raised the following points:-

- key principles of the development accord with the Newcourt Masterplan;
- outline provides for 10% open space;
- highway consultants revised original proposals to meet concerns of Devon County Council;
- scheme is capable of further enhancement and this will be undertaken after outline permission had been obtained;
- further consideration will be given to the residential design SPD; and
- following questioning, stated that insufficient time had been accorded to demonstrating an acceptable design was deliverable.

The Project Manager asked whether there were revised highway proposals. He confirmed that an email had been addressed to the Highway Authority for comment. It was not taken as a formal submission to the Planning Authority. Informal discussions with the Highway Authority had confirmed that they did not consider the revised information would overcome all of their objections even if it had been submitted.

The recommendation was for refusal.

**RESOLVED** that planning permission for 50 dwellings (including affordable housing) with associated open space and access (the proposed development including the demolition of existing outbuildings) be **REFUSED** for the following reasons:-

- 1) Insufficient information has been provided to satisfy the Local Highway Authority that a safe and suitable access for all users can be achieved to the site and to public transport facilities in the vicinity of the site.  
**Policy:** Core Strategy CP19 (point 7); Local Plan First Review Policy T3 (a)(e)(f) and Paragraph 32 of the NPPF.
- 2) Information has not been provided to demonstrate that the proposed development could be designed to achieve the following in combination:
  - (i) private gardens that allow residents to feel at ease.
  - (ii) adequate car parking.
  - (iii) well located public open space that is subject to effective surveillance and forms part of an attractive townscape.

**Policies:**

Core Strategy Policy CP17  
Exeter Local Plan First Review Policy DG4(b), and section 7 of the Residential Design SPD  
Section 6 of the residential Design SPD

Local Plan First Review Policy DG5; and section 5 of the Residential Design SPD

- 3) The proposed development would not achieve the highest appropriate density compatible with the proposed development site and adjoining land that forms part of the Newcourt Strategic Allocation.  
**Policies:** Core Strategy CP4; and Paragraph 58 NPPF (points 1 and 3)

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

The report of the Assistant Director City Development was submitted.

**RESOLVED** that the report be noted.

79 **APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

**RESOLVED** that the report be noted.

80 **SITE INSPECTION PARTY**

**RESOLVED** that the next Site Inspection Party be held on Tuesday 19 August 2014 at 9.30 a.m. The Councillors attending will be Choules (Spackman – substitute), Edwards and Raybould.

81 **PLANNING APPLICATION NO. 13/3822/03 - EXETER GOLF AND COUNTRY CLUB, TOPSHAM, EXETER**

The Assistant Director City Development reported that although it was understood that the Club were in discussions with Persimmon no further information had been received on any progress made.

**Additional Information Circulated after Agenda Dispatched - circulated as an appendix**

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

Chair

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**PLANNING COMMITTEE**

**21 JULY 2014**

**ADDITIONAL INFORMATION**

**Correspondence received and matters arising following preparation of the Agenda**

**Item 4: Pages 5-16. Ref: 14/0899/03**  
**Rougemont Telephone Exchange, Queen Street, Exeter**

Remove refer to receipt of revised plans within the recommendation of the report – No further plans are anticipated in connection with this application. The wording remained unaltered, in error, following the most recently received revised plans which removed the usable terraced areas.

A Daylight & Sunlight Report has been received which has assessed the impact of the proposed development on Marcus House in relation to the guidelines as set out in the 2011 Building Research Establishment (BRE) Report 'Site layout planning for daylight and sunlight'. It concludes that the overall impact of the proposed development will be small and Marcus House will continue to receive good daylight and sunlight amenity after the development.

An additional 24 letters/email of objection have been received since the previous deferred Committee report was published. The comments made strongly reiterate the previous concerns and in addition raise objection to the increased height to the front of the building.

Discussions are still ongoing in respect of the level of financial contribution towards pedestrian safety improvements in the immediate vicinity.

The agent has confirmed that for Health and Safety reasons there will be no physical access to the terraced areas other than for maintenance staff for window cleaning purposes.

**Item 5: Pages 17-26. Ref: 14/0491/01**  
**Bricknells Bungalow, Old Rydon Lane, Exeter**

**Applicant's proposed condition**

In response to proposed refusal reason 4, the applicant has submitted a proposed planning condition that reads as follows:

*The design of any layout submitted as part of any subsequent reserved matters application (or applications) pursuant to this grant of planning permission, and which is submitted within two years of its grant, is to substantially accord with the principles and layout of any scheme on the adjoining land and which has the benefit of outline or full planning permission for a comprehensive development of that land. For the purposes of this condition, comprehensive development is to be defined as that which encompasses not less than 70% of Area f as defined in the approved*

*Newcourt Masterplan (November 2010).*

The applicant states that this wording would prevent the submission of a 'reserved matters' application until the expiration of two years or approval of (at least) outline planning permission on the adjoining land.

### **Response to proposed condition**

It is not considered that a condition of this sort would be sufficiently precise. 'Key principles' and 'substantially accord', for example, are undefined.

Moreover, the planning application is for precisely 50 dwellings. A condition of this sort would provide no certainty that the number of dwellings proposed could be delivered.

### **Highways and transport**

Additional information has been submitted by the applicant to the County Council as Highway Authority for their comments. No comments have been provided to Exeter City Council but the County's Highway Development Management Officer has confirmed that the submitted details will not address issues associated with safe and suitable access to public transport facilities for all users.

The County Council officer has also suggested that proposed refusal reasons 1 and 3 could be combined.

### **Response to highways and transport issues**

It is considered that the rationale for refusing planning permission on highways and transport grounds stands. If Members support the recommendation for refusal it is proposed that authority should be delegated to the Assistant Director City Development to combine proposed conditions 1 and 3 if it would be feasible to do so.

### **Statement from adjoining land owners**

The applicants for up to 450 dwellings on the remaining undeveloped land south of Old Rydon Lane and East of the railway (reference 14/1451/01) have submitted an addendum statement that sets out the benefits of a 'masterplanned' approach to the area. The statement is relevant to the application at Bricknells Bungalow and the Executive Summary reads as follows:

#### **'2. Executive Summary**

*Wider Newcourt Masterplanned Approach:*

- Effective and well-designed public access connectivity within the Masterplan for future residents to access Newcourt Station, bus services and the wider area;
- A co-ordinated approach to access which presents the opportunity to significantly improve general safety along Old Rydon Lane and Exeter Chiefs spectator safety when travelling to/from matches;
- Potential to retain existing trees of value;
- An integrated Green Infrastructure, Open Space and Biodiversity Enhancement Strategy that provides high quality open space for all future residents, in the most suitable parts of the site, taking advantage of views and topography;

- A co-ordinated Sustainable Drainage Strategy that takes advantage of topography to develop an integrated SUDs scheme;
- A co-ordinated strategy for addressing motorway noise by implementing a bund thus avoiding the need for high fencing around small gardens or other individual 'on-plot' measures;
- Delivery of 442 dwellings, in a sustainable development framework to meet Exeter's housing needs;
- Meets the requirements of Exeter's Residential Design SPD.

*Bricknells Scheme:*

- Poor multi modal connections to existing and proposed rail and bus services adversely affects the sustainability credentials of the scheme. (The isolated approach would ensure that the site would fail to link effectively with existing and proposed multimodal networks).
- Inefficient use of land, our most finite resource, adversely affects the sustainability credentials of the scheme. (The isolated approach would not maximise the amount of housing the land could take).
- Increased safety risk for users of Old Rydon Lane (including Chiefs spectators on matchdays) due to substandard access proposals at odds with the progressive "green lane" approach required by the adopted Newcourt Masterplan.
- Unacceptable amenity levels for future occupiers. (The isolated approach proposes 3m high fences in small gardens which would adversely affect the amenities of future occupiers.)
- Negative character and appearance impacts. (The isolated approach would lead to the loss of trees of value.)
- Haphazard approach to flood risk and drainage (the isolated approach means: the site is less capable of treating the predicted exceedance flows, more land take for SUDs and the potential for foul sewer requisition (all adversely affecting housing numbers).
- Inadequate, disconnected open /green space.

**Response to statement from adjoining land owners**

It is considered that many of these issues are already addressed in the main Planning Committee report. In relation to those that are not, the following comments are made:

Public and rugby spectator access:

A 'masterplanned' approach appears likely to increase safety and convenience for existing local residents and visitors to Sandy Park. However, it is not considered that the proposed development at Bricknells Bungalow would prevent proposals for a new pedestrian and cycle link from Sandy Park to Newcourt Station and other transport facilities from being achieved.

This matter is different from the issue identified in the main Committee Report, which is whether all users (residents and visitors) would have safe and suitable access to and from Newcourt's transport facilities.

Old Rydon Lane as a Green lane

It is correct that the Newcourt Masterplan identifies that, 'Old Rydon Lane will be managed to make this route attractive to cyclists'. However, the County Council have confirmed that, whilst they object to the proposed development on the basis of the information submitted with the application, the principle of a further 50 dwellings being served via Old Rydon Lane is not unacceptable.

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## PLANNING COMMITTEE

Monday 1 September 2014

### Present:

Councillor Bialyk (Chair)  
Councillors Spackman, Denham, Edwards, Raybould, Sutton, Williams and Winterbottom

### Apologies:

Councillors Choules, Lyons, Mitchell, Mottram and Newby

### Also Present:

Assistant Director City Development, Senior Area Planning Officer, Highway Development Management Officer and Democratic Services Officer (Committees) (HB)

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### MINUTES

The minutes of the meetings held on 14 April, 12 May and 16 June 2014 were taken as read and signed by the Chair as correct.

83

### DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

84

### PLANNING APPLICATION NO. 13/5128/03 - LAND SOUTH OF MET OFFICE, FITZROY ROAD, EXETER

The Assistant Director City Development presented the application for the amendment of condition 29 requiring a vehicular connection to the northern boundary of the site prior to the occupation of any retail unit (Ref. No. 11/1619/01 granted 19-06-2012).

Members were circulated with an update sheet - attached to minutes.

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

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

- concern since 2012 has been that condition 29 as originally drafted could permit access to Fitzroy Road for circa 750 homes (900 long term) without proper assessment of how the highway connection required by this condition would affect either the site to the south or the local highway network. This link would not access directly onto Fitzroy Road, but initially through the Growen site which has major delivery implications for the permitted employment and commercial development on it, with potential for gridlock at its junction with Fitzroy Road. Its ability to accommodate this level of residential traffic was not assessed as part of the Consortium's application relating to land to the north;
- strong support from the Met Office, Premier Inn and Wilton Way Residents Association, who all share a common goal to ensure that the

performance of the highway network in this location is safeguarded. However, there is a wider picture, Honiton Road is a key arterial route into the city centre and its performance must not be compromised, a position recently supported by the Chamber of Commerce;

- the highway authority have discussed the matter in the light of the highway evidence submitted by Growen Estates' highway consultants, WSP. The consensus was that the performance of the connection to Fitzroy Road is of significant concern without a second eastern access from the residential development, to Oberon Road, being in place first. There is potential for highway malfunction and junction locking which would not only have major implications for the Met Office's entrance, but also for an employment/ commercial site that is seeking to deliver occupier interest and jobs. Neither can be secured if performance of the highway network, and the access point to it, cannot be proven to function satisfactorily. Prospective developers and occupiers will simply not take the risk and the investment will not be made;
- the re-drafting of condition 29 will deliver the long term goals of the Masterplan for three main access points, whilst safeguarding the performance of the highway network in the vicinity of Fitzroy Road/Honiton Road by requiring the second eastern access to Oberon Road to be constructed first; and
- the only outstanding difference between Growen Estates and the planners relates to the trigger for the construction of the connection to Fitzroy Road through their site. The Growen position is that the trigger must be 'adoption' of the connection to Oberon Road since this is the only way to guarantee its availability in perpetuity, and therefore the long term performance of Fitzroy Road/Honiton Road. Only a trigger relating to the 'adoption' of Oberon Road will provide the confidence for prospective investors and/or occupiers to deliver development on the Growen site. If development does not come forward on the Growen' site, then neither will the connection to Fitzroy Road since its delivery is dependent on development taking place. There is every incentive for the developers of the residential land to offer the Oberon Road connection for early adoption, since they are restricted in the numbers of dwellings they can build and offer for occupation until the connection is in place.

Members referred to the proposal within the Monkerton Masterplan for an alternative local centre to serve both the residential area to the north as well as the employment/commercial area and were concerned that the former could not be provided. Mr Rocke explained that the Pilton Centre could not be delivered because of difficulties with land ownership. He re-iterated that the change in the condition had been sought to ensure that there would not be traffic problems associated with an early provision of an access to Fitzroy Road. The Highway Development Management Officer also confirmed that the condition had been changed so that the north-south link to the Hill Barton Consortium land must be provided no later than four months after the Oberon Road link, but it could be provided earlier. Members noted that access to the proposed local centre would be pedestrian only for a limited period.

**RESOLVED** that planning permission for the amendment of condition 29 requiring a vehicular connection to the northern boundary of the site prior to the occupation of any retail unit (Ref. No. 11/1619/01 granted 19-06-2012) be approved subject to the following conditions including an amended condition 20 and subject to a deed of variation to continue to apply to the original Section 106 Agreement:-

- 1) Approval of the details of the layout, scale, appearance of the building(s), and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced. The details of layout required under this condition shall provide details of a vehicular connection to the northern boundary of the application site.  
**Reason:** To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters, and to ensure that appropriate links are made to adjoining development land.
- 2) C04 - Outline - Exclude Details
- 3) C07 - Time Limit - Outline
- 4) C06 - Time Limit - Approval of Reserved Matter
- 5) No development shall take place until a scheme for the safe management of surface waters in conformity with the submitted Flood Risk Assessment has been submitted to and approved in writing by the Local Planning Authority. The development shall take place in accordance with the approved details.  
**Reason:** In the interests of the safe and sustainable drainage of the site.
- 6) 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 28 September 2011 (*dwg. no. 10705 L01\_01C*) and 4 October 2011 (*dwg. no. 31007/PHL/101A*), as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 7) C17 - Submission of Materials
- 8) C34 - Landscape Scheme - Outline
- 9) C36 - No Trees to be Felled
- 10) C37 - Replacement Planting
- 11) No materials shall be brought onto the site or any development commenced, until the developer has erected tree protective fencing around all trees, hedges 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.
- 12) C57 - Archaeological Recording
- 13) C70 - Contaminated Land

- 14) Details of all building services plant, including sound power levels and predicted sound pressure levels at a specified location outside the building envelope, to be submitted to and approved in writing by the LPA. The predicted noise levels shall be submitted prior to commencement of the development and shall be demonstrated by measurement prior to occupation of the development.  
**Reason:** In the interests of local amenity.
- 15) The applicant shall submit for approval a management plan for the development. This should describe the steps that will be taken to ensure that noise from use of the development does not have an adverse effect on local amenity. It should include, but not be limited to, the hours of use of the development (including deliveries), supervision and any noise mitigation measures that are appropriate. The approved plan shall be implemented whenever the development is in use and shall be reviewed as required on request of the LPA.  
**Reason:** In the interests of local amenity.
- 16) 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.
- 17) The floorspace of the pub/restaurant element of the hotel use hereby permitted shall not exceed 750m<sup>2</sup>. In addition to the pub/restaurant element of the hotel, the total amount of Class A floorspace shall not exceed 1600m<sup>2</sup>, and no more than 900m<sup>2</sup> shall be A1 or A3/A4/A5.  
**Reason:** In the interests of minimising vehicle journeys to and from the site and to protect the vitality and viability of existing retail centres.
- 18) No individual Class A unit size shall exceed 750m<sup>2</sup> in floorspace.  
**Reason:** In the interests of minimising vehicle journeys to and from the site and to protect the vitality and viability of existing retail centres.
- 19) The A3/A4/A5 uses hereby approved shall not include a drive-through element.  
**Reason:** In the interests of minimising vehicle journeys to and from the site and to protect the vitality and viability of existing retail centres.
- 20) Prior to commencement of the development, the location and full details of pedestrian and cycle links (i) from north to south across the site and up to the respective site boundaries, (ii) from west to east along the southern boundary of the site linking to the existing public highway, and (iii) providing full permeability within the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall include surface treatments, road crossings, dropped kerbs, lighting, street furniture and signage. The links shall be constructed in accordance with the approved details, be opened for public use in accordance with a timetable agreed in writing by the Local Planning Authority, and be maintained at all times thereafter.  
**Reason:** To ensure that the pedestrian and cycle routes are provided and maintained in accordance with Local Plan policy T3.
- 21) The car parks for public use shall at all times be managed in accordance with details previously submitted to and approved in writing by the Local Planning Authority.  
**Reason:** To ensure that customers are not prevented from visiting nearby premises on foot, to encourage them to park in one place and visit multiple neighbouring premises on foot rather than by car, in accordance with Local Plan policy T3.



- 22) Prior to occupation of the development hereby permitted, cycle parking for visitors and secure cycle parking, lockers and showers 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.

- 23) A comprehensive Travel Plan will be developed for all elements of the development hereby permitted. The acceptability of the travel plan will need to be agreed in writing by the Local Planning Authority and the Local Highway Authority (who shall consult with the Highways Agency on behalf of the Secretary of State for Transport), in advance of the development.

The Travel Plan will need to be prepared in line with prevailing policy and best practice and shall include as a minimum:

- The identification of targets for trip reduction and modal shift
- The methods to be employed to meet these targets
- The mechanisms for review and monitoring
- The mechanisms for reporting
- The penalties to be applied in the event that targets are not met
- The mechanisms for mitigation
- Implementation of the Travel Plan to an agreed timescale or timetable and its operation thereafter
- Mechanisms to secure variations to the Travel Plan following monitoring and reviews

A review of the targets shall be undertaken within 3 months of the occupation of the development and on an annual basis thereafter, at the time of submission of the Annual Travel Plan Report.

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

- 24) The building(s) 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.

- 25) Any individual building to be developed pursuant to this planning permission shall achieve a BREEAM 'very good' standard as a minimum, increasing to 'excellent' for buildings for which application for approval of reserved matters is made on or after 31<sup>st</sup> January 2013, and shall achieve 'zero carbon' for buildings commenced on or after 1<sup>st</sup> January 2019. Prior to the commencement of construction the developer shall submit to the Local Planning Authority a BREEAM design stage assessment report to be prepared by a licensed BREEAM assessor confirming the score expected to be achieved and the BREEAM rating to which this corresponds. Where the score does not meet the minimum standard the developer must provide details of what changes will be made to the development to achieve the minimum standard, and shall thereafter implement those changes. A post completion BREEAM report shall be submitted to the Local Planning Authority within 6 months of the substantial completion of the development hereby approved.

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

- 26) The Local Planning Authority shall be notified in writing of the identity of all buildings for which construction has commenced before 1<sup>st</sup> January 2013, and of the identity of all buildings 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 monitoring the application of sustainable building principles to the development.
- 27) No development shall take place until a Wildlife Plan has been produced by the applicant and approved by the Local Planning Authority.  
**Reason:** To demonstrate how the proposed development will be managed in perpetuity to enhance wildlife.
- 28) Before the commencement of development, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy Goods Vehicle (HGV) access to the site. It shall include details of measures to be employed to prevent the egress of mud, water and other detritus onto the public highway. It shall include for the provision of a dilapidation survey of the highways adjoining the site. Once approved, the Construction Environmental Management Plan shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.  
**Reason:** In the interests of minimising the impact of construction works.
- 29) The vehicular connection to the northern boundary of the application site shall be constructed in accordance with the approved details, to the adoption standards of the Highway Authority, and be available for public use, at a date no later than 4 months (or such other timescale as may be agreed by the local planning authority in writing) following the completion and availability for public use of a new full vehicular link and connection between both Hill Barton Road and Oberon Road on adjoining land to the north of the application site in accordance with Planning Permission Ref: 12/0472/01, or any planning permission by which it may be amended and/or superseded.  
**Reason:** To ensure the approved retail/leisure facilities may be conveniently accessible from the proposed development to the north, with appropriate trigger for timing of the link to protect the deliverability of the site and performance of the wider highway network in the vicinity of Fitzroy/Honiton Road.
- 30) No building 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 CO<sup>2</sup> 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 CO<sup>2</sup> saving shall thereafter be implemented on site.  
**Reason:** In the interests of achieving a sustainable development.

85                    **APPLICATION NO. 14/1753/06 - 5 ST. JOHNS VILLAS, SIVELL PLACE,  
EXETER, EX2 5ES**

The Assistant Director City Development presented the application to fell a T1 Leylandii and a T3 Laburnum.

The recommendation was in support of the application.

**RESOLVED** that no objection be raised to the felling of a Leylandii and Laburnum and a Tree Preservation Order be not made.

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

The report of the Assistant Director City Development was submitted.

**RESOLVED** that the report be noted.

87                    **APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

The Assistant Director City Development reported that an appeal had been allowed for the conversion from office space to yoga studio in respect of Berkley House, Dix's Field with costs awarded against the Council for this written representation appeal. This would be reported to the next Committee meeting.

In respect of Application No 14/0057/03 - Land to West of Pilton Lane, the Inspector had supported the Council's position with regard to the payment of £630,000 in lieu of the provision of affordable housing and dismissed the appeal by the developer. It was noted that the Assistant Director City Development had been granted delegated authority, subject to prior consultation with the Chair of the Planning Committee, to grant planning permission for retirement apartments should permission be sought for the duplicate application with the offer of a similar payment.

**RESOLVED** that the report be noted.

88                    **SITE INSPECTION PARTY**

**RESOLVED** that the next Site Inspection Party be held on Tuesday 16 September 2014 at 9.30 a.m. The Councillors attending will be Denham, Newby and Lyons.

**Additional information circulated after agenda dispatched - circulated as an  
annexe**

(The meeting commenced at 5.30 pm and closed at 6.27 pm)

Chair



**PLANNING COMMITTEE**  
**ADDITIONAL INFORMATION**  
**1 SEPTEMBER 2014**

**Correspondence received and matters arising following preparation of the Agenda**

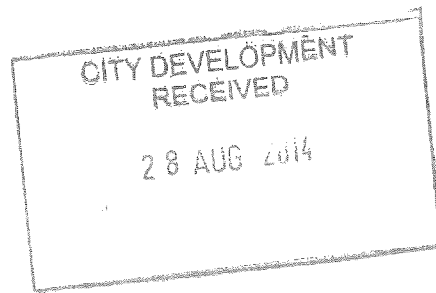
<b>Item 5</b> <b>Pages 5-16</b> <b>Ref: 13/5128/03</b> <b>Land south of Met Office</b> <b>Fitzroy Road</b> <b>Exeter</b>	An objection from Hill Barton Consortium was received on 28 August and is shown overleaf.  Condition 12 on Item 5 can now be deleted as the necessary work has been completed.
<b>Item 6</b> <b>Pages 17-18</b> <b>Ref: 14/1753/06</b> <b>5 St Johns Villas</b> <b>Sivell Place</b> <b>Exeter</b>	No further comment.

# HILL BARTON CONSORTIUM

CDF/sj

26 August 2014

Mr R Clotworthy  
Exeter City Council  
Civic Centre  
Paris Street  
Exeter, EX1 1NN



Dear Sirs

Re: Section 73 Application for Removal of Condition 29 of Outline Planning Permission Reference 11/1619/01

We write to register both our objection and concern to the proposed variation of Condition 29 attached to the above permission. We think such a variation goes against the spirit and intention of the original purpose of Condition 29. It is likely to undermine the proper planning of the Monkerton/Hillbarton Master Plan area. If approved we would ask how officers and members can reconcile why Condition 29 was attached to the original planning permission.

Originally the local centre for Hillbarton/Monkerton Master Plan area was identified on land adjoining Hillbarton Road. The Honiton Road applicants addendum to their planning statement of December 2011 argued that the local centre on their land would provide a more viable solution due to its proximity to the new residential development but also to the Sowton Industrial Estate.

We supported this due to the inclusion of Condition 29 introduced by officers to ensure that appropriate connections between the local centre and the residential land to the north were provided at an early stage.

The applicants fully supported such a condition and argued properly that "*the early provision of local shopping facilities can do much to meet local demand and curtail excessive traffic movement.*" Their planning statement concludes that the benefits provided by having such facilities in place as the residential development to the north '*comes on stream*' were an '*important planning factor.*'

This application to amend exactly what both the applicants and ourselves together with the planning officers and the Monkerton Master Plan considered was the most appropriate way to bring this development forward, is of concern as it delivers very little of the Masterplan.

The contrived alternative Condition proposed which has persuaded the County does not guarantee any connection whatsoever. Oberon Way land is in third party ownership and therefore there is no guarantee that this will happen. It also means that up to 630 dwellings will have no connection to their local centre on this site. We are sure local members will understand potential questions from residents if such a situation were to arise.

There can be no benefit other than to the applicants in jeopardising the delivery of a wider Hillbarton Master Plan area and the importance of such a connection to be delivered early. We would request that members give careful consideration to this application but would suggest there are no sensible planning merits for its approval.

Yours sincerely

C D Fayers MRICS

Director

Email: [cdf@eagle-one.co.uk](mailto:cdf@eagle-one.co.uk)

**Hillbarton Consortium Limited**

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## PLANNING COMMITTEE

Monday 29 September 2014

### Present:

Councillor Bialyk (Chair)  
Councillors Spackman, Choules, Denham, Edwards, Lyons, Newby, Raybould, Sutton,  
Williams and Winterbottom

### Apologies:

Councillor Mitchell

### Also Present:

City Development Manager, Area Planner (PJ) and Democratic Services Officer  
(Committees) (HB)

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### DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

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### PLANNING APPLICATION NO. 14/1608/03 - FORMER ST. MARGARET'S SCHOOL, 147 MAGDALEN ROAD, EXETER

The Principal Project Manager (Development) presented the application for the conversion of former school to create 41 residential units including demolition, conversion and new buildings.

Members were circulated with an update sheet - attached to minutes.

The Principal Project Manager (Development) reported that a 16 signature petition had been included in one of the letters of objection. Concerns had been expressed regarding bin storage, in addition to the objections already stated in the report. This has been subsequently addressed by the applicant's intention to re-locate the original storage area elsewhere in the site.

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

- in light of two recent traffic accidents, the residents of Baring Crescent have requested a red flashing 20mph sign and a hatched "keep clear" box near to the junction with Magdalen Road;
- concerns expressed that the 55 parking spaces will be insufficient for the proposed number of properties and, with no residents' parking permits to be provided, problems of traffic congestion and pollution on Magdalen and Heavitree roads may result; and
- the insufficient number of parking places could be alleviated by a reduction in the number of properties by reducing the height of Block 1.

Mr Potter spoke against the application. He circulated a photomontage of the prospective Heavitree Road frontage. He raised the following points:-

- the expected number of occupants of these luxury flats will be 80+, some of whom may have two or more cars for which the proposed number of parking

spaces will be insufficient. As parking permits will not be issued, the only solution is to reduce the number of units;

- the design of Block 1 is not in keeping with the adjacent detached Georgian residential properties on Heavitree Road. This block is more akin to a tower block with the four stories higher than the three stories of the Georgian properties. This was compounded by the loss of three oak trees; and
- the location of Block 2 which will result in loss of amenity to neighbouring residents given its proximity to the boundary. This issue was not expanded on due to lack of time within the allocated three minutes..

Mr John spoke in support of the application

- scheme details have been discussed at length with planning and conservation officers, the intention always being to provide high quality residential units and not to maximise the number of units;
- the County Council are satisfied with the highway and parking issues and traffic flow will be less than for when the school was operational;
- conversion costs of the listed buildings are high and mitigated against the provision of affordable homes. Have sought to retain sizable properties as greater sub division would impact on the listed building features. A £1million contribution to off-site affordable housing will be made; and
- the three trees to be removed are of poor quality and replacement planting will take place.

He responded as follows to Members queries:-

- the proposed pedestrian/cycle path would be publicly accessible and this requirement would be addressed by planning conditions;
- Block I will be part brick and part render with zinc bays on the front. The representation of this Block, tabled by the objector, is inaccurate; and
- the applicant had agreed to a viability assessment of build, risk and contingency costs with regard to acquisition and sale costs which had been agreed with the Council and recognised the importance of affordable housing provision, agreeing to contribute £1million; and
- agreement reached with officers to provide larger apartments to respect architectural features.

Members were advised that the £1million contribution had been agreed following on from a financial assessment of the scheme. It was noted that the application was CIL exempt following changes in the relevant regulations. This was on the basis that the building had been in use within the last three years. In response to the concerns regarding the loss of trees it was felt than a condition should be added to secure the provision of semi mature trees, as an alternative to general landscaping. An informative would be added to advise prospective purchasers that residents' parking permits were not available.

The recommendation was for approval.

**RESOLVED** that:-

- (1) the Assistant Director City Development be authorised, in consultation with the Chair of the Planning Committee, to **APPROVE** planning permission for the conversion of former school to create 41 residential units including demolition, conversion and new dwellings, subject to the completion of a Section 106 Agreement under the Town and Country Planning Act 1990 securing a financial contribution of £6,000 towards the cost of removing the



road markings and infrastructure within the vicinity of the site and a contribution of £1 million towards affordable housing offsite, subject also to the following conditions:-

- 1) C05 - Time Limit – Commencement
- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 1 July 2014 (dwg nos. location plan 001 rev F; floor plans 250 rev A; 260 rev D; 265 rev A; 275; 291 & 295 and elevation plans 255 rev A; 261 rev G; 266 rev A; 275; 281; 292 & 296), 22 July 2014 (dwg. nos. site plan 100 rev F; floors plans 280; 285 & 290 and elevation plan 286) and 2 September 2014 (dwg nos. 105 rev A & 106) 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) A detailed scheme for landscaping, including the planting of trees and/or shrubs, particular the use of semi mature trees on the Heavitree Road frontage, 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 material species, tree and plant sizes, numbers and planting densities and any earthwork 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 the respects and in the interests of amenity.
- 6) C70 - Contaminated Land
- 7) No development shall take place until a Construction and Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The Statement should include details of :-
  - i) access arrangements and timings and management of arrivals and departures of vehicles;
  - ii) adequate areas shall be made available within the site to accommodate operative' vehicles, construction plant and materials;
  - ii) confirmation that there shall be no burning on site during demolition, construction or site preparation works;
  - iii) unless otherwise agreed in writing, no construction or demolition works shall be carried out, or deliveries received, outside of following hour: 0800 to 1800 hours Monday to Friday, 0800 to 1300 hours on Saturday and not at on Sundays and Public Holidays;
  - iv) dust suppression measures shall be employed as required during the construction in order to prevent off-site dust nuisance.The approved CEMP shall be adhered to throughout the construction period.  
**Reason:** In the interests of highway safety and public amenity.
- 8) No development shall commence until a noise assessment to protect future residents from internal and external noise based on the standards specified in BS8233:2014 Sound Insulation and Noise Reduction for Buildings has been submitted to and approved in writing by the Local Planning Authority. The recommendations of this report shall be implemented and maintained at all times.  
**Reason:** In the interests of residential amenity.

- 9) C57 - Archaeological Recording
- 10) No part of the development hereby approved shall be brought into its intended use until the accesses, parking facilities/allocation, turning areas and access drainage have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times.  
**Reason:** To ensure that adequate facilities are available for the traffic attracted to the site.
- 11) No part of the development hereby approved shall be occupied until the pedestrian/cycle connection within the development from the northern boundary of the site with Heavitree Road to the southern boundary with Magdalen Road, as indicated on dwg 105 rev A, has been provided and maintained for this purpose at all times.  
**Reason:** To promote the use of sustainable modes, in accordance with Section 4 of the NPPF.
- 12) No part of the development hereby approved shall be brought into its intended use until secure cycle parking facilities have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by the Local Planning Authority prior to the commencement of the development and retained for that purpose at all times.  
**Reason:** To ensure that adequate cycle parking is provided, in accordance with Exeter Local Plan Policy T3.
- 13) No other part of the Willowdene block of the development shall be brought into its intended use until the parking facilities and turning area have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times.  
**Reason:** To ensure a safe and suitable access for the traffic attracted to the site

Informative : Prior to occupation, residents of the development shall be advised that they will not qualify for additional on-street parking permits.

- (2) the Assistant Director City Development be authorised, in consultation with the Chair of the Planning Committee, to **APPROVE** listed building consent for the conversion of former school to create 41 residential units including demolition, conversion and new dwellings, 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 1 July 2014 (dwg nos. location plan 001 rev F; floor plans 250 rev A; 260 rev D; 265 rev A; 275; 291 & 295 and elevation plans 255 rev A; 261 rev G; 266 rev A; 275; 281; 292 & 296), 22 July 2014 (dwg. nos. site plan 100 rev F; floors plans 280; 285 & 290 and elevation plan 286) and 2 September 2014 (dwg nos. 105 rev A & 106) as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 3) C17 - Submission of Materials

**PLANNING APPLICATION NO. 14/1605/01 - LAND OFF EXETER ROAD,  
TOPSHAM ROAD, EXETER**

The City Development Manager presented the application for the development of up to 23 dwellings, access and associated services.

Members were circulated with an update sheet - attached to minutes.

The City Development Manager reported that eight further letters of objection had been received and that he had been handed a further letter of objections prior to the meeting. Of the nine letters, seven of the authors had previously written. He clarified condition 14 which would refer to an Environmental Management Plan and proposed the addition of conditions relating to noise insulation and land contamination.

Councillor Leadbetter, having given notice under Standing Order No. 44, spoke on the item. He read out the following statement provided by the Topsham Society:-

- the Society is not opposed to the provision of new housing, especially that which is at affordable prices for people brought up in and around Topsham, but believes approval of the current application is inappropriate and premature;
- the preservation of separation between Exeter and Topsham has been a part of the City Council's Local Plan Policy and Spatial Strategy for many years and is still incorporated in the current Core Strategy;
- whilst the City Council have consulted on the possible allocation of this site in its draft DPD, this process is still in its early stages and is yet to be subject to examination at a Public Inquiry. To grant approval before this key part of the statutory process is complete, denies the public their right to consultation and proper consideration of their representations. The Society are advised that such action would be Ultra Vires and place the Council at threat of a Judicial Review. It would clearly be fundamentally wrong for the Council to place itself in this position and expose Council Tax payers to risk of considerable costs;
- there are now numerous proposals for the Gap being bought forward. This application if approved, would inevitably lead to the piecemeal erosion of this important policy. We believe that a Council acting in a considered manner would wish to assess these holistically. The Society will be undertaking a Housing Forum later this year and believes strongly that local people should have their say. Isn't this what "Localism" is supposed to be about? The Society is prepared to work with the City Council to collectively find a solution to the housing needs of Topsham that maintains the integrity of the town;
- the applicant's promise of local affordable housing for the people of Topsham is misleading and cannot be delivered. It is a bribe to enhance its online consultation; and
- the City Council are not under immediate pressure to grant approval and it has significant and defensible justification not to. The Society would urge the City Council to, at the least, defer this application until after the DPD Public Inquiry and give the community the opportunity to influence what happens to its town as part of the wider city of Exeter.

Councillor Leadbetter also stated that the proposal will result in the loss of the "Topsham Gap"/Green wedge between Exeter and Topsham.

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

- the proposal will result in the loss of the Topsham Gap;
- considerable development pressure in the area including 800 new homes on the RNSD site, the Aldi proposal including 100 parking spaces, Wessex Close and 50 new homes next to Topsham Rugby Club;
- a petition, currently with 600 signatories, was being prepared in respect of protecting the Topsham Gap from development;
- greater traffic pressure on Exeter Road and Topsham Road - two fatal accidents in recent months;
- Topsham infrastructure will be adversely affected including its shops and surgery;
- should await outcome of Home Farm, Pinhoe Inquiry;
- all development should be put on hold until the Core Strategy is reviewed in 2026.

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

- provision of any new homes in Topsham had been virtually non-existent for years and this scarcity of homes has meant that normal working families can not afford to buy or rent in Topsham. Young working families whose family have lived in Topsham for generations are being driven out by the scarcity of available homes and high prices;
- response to public consultation from 46 local families supporting additional housing showing strong support in Topsham for this development;
- the development will provide eight affordable homes, representing 35% of the development;
- development will not harm or change the character of Topsham which is in-built into the heart of the town with old buildings and small streets;
- scheme will provide high quality Zero Carbon sustainable homes with extensive tree planting and green landscaping along the frontage with Exeter Road. It will be the second only zero carbon development in the area;
- it will provide eight affordable energy efficient homes and 15 urgently required open market family homes and is a sustainable development;
- the NPPF states that this application should be considered in the context of a presumption in favour of sustainable development; and
- site identified for housing by the City Council's Development Management Policy statement. Accepted for housing in the 2013 SHLAA which states that it will not significantly harm the landscape setting of Topsham. As a result it had been included in the draft Development Delivery DPD;

A motion to defer the application was seconded, put to the vote and lost.

The application was for approval.

**RESOLVED** that the Assistant Director City Development be authorised to **APPROVE** planning permission for the development of up to 23 dwellings, access and associated services, subject to a Section 106 Agreement under the Town and Country Planning Act 1990 requiring:-

- the provision of affordable housing to an acceptable standard;
- the provision of open space with the long term management secured; and
- improvements to the pedestrian route between the boundary of the site with Retreat Drive and existing inbound bus stop on Exeter Road including the provision of tactile paving at the crossing of Retreat Drive to be secured by Agreement.

and subject also to the following conditions:

- 1) C05 - Time Limit – Commencement
- 2) C15 - Compliance with Drawings
- 3) No part of the development hereby approved shall be occupied until cycle parking facilities have been provided in accordance with details (including as to access arrangements) that shall previously have been submitted to agreed and approved in writing by the Local Planning Authority and maintained for that purpose at all times.  
**Reason:** To encourage travel by sustainable modes.
- 4) The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be 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.
- 5) 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:** In the interest of public safety.
- 6) No more than 50% of the development hereby approved shall be occupied until a pedestrian/cycle connection of at least 3.0 metres width from the development to its north east boundary with Exeter Road, as indicated on Drawing EXRD0001- SITE PLAN, has been provided and made available for public use. Such a link shall be maintained for this purpose at all times.  
**Reason:** To provide adequate facilities to promote the use of sustainable modes, in accordance with Section 4 of the NPPF.
- 7) A visibility splay shall be provided, laid out and maintained for that purpose at the site access to Exeter Road where the visibility splay provides intervisibility between any points on the X and Y axes at a height of 0.6 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distance along the nearer edge of the carriageway of the public highway (identified as Y) shall be 55 metres in both directions.  
**Reason:** To provide adequate visibility from and of emerging vehicles, in the interest of public safety.
- 8) No part of the development hereby approved shall be brought into its intended use until the access, visibility splay as specified in condition 7, on-site vehicular parking facilities and turning areas have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times  
**Reason:** To ensure that adequate facilities are available for the traffic attracted to the site.

- 9) No more than 50% of the development hereby approved shall be occupied until a pedestrian/cycle connection of at least 3.0 metres width from the development to the south west boundary of the site, as indicated on Drawing EXRD0001- SITE PLAN, has been provided and maintained for this purpose at all times.  
**Reason:** To provide adequate facilities to promote the use of sustainable modes, in accordance with Section 4 of the NPPF.
- 10) Any individual dwelling hereby approved shall achieve Code for Sustainable Homes Level 4 (including a 44% CO2 emissions rate reduction from Part L 2006) as a minimum, in accordance with the requirements of the Code for Sustainable Homes 2006, the Code for Sustainable Homes Technical Guide November 2010, the addendum thereto dated May 2014 (or such equivalent standard that maybe approved in writing by the Local Planning Authority) and Exeter Core Strategy Policy CP15.  
**Reason:** to promote best practice in sustainable development.
- 11) Prior to commencement of any dwelling the developer shall submit to the Local Planning Authority a Design Stage CSH assessment including the score expected to be achieved and which standard this relates to. Where this does not meet the minimum required standard the developer must provide details of what changes will be made to the development to achieve the minimum standard, and thereafter implement those changes. Unless otherwise agreed in writing by the Local Planning Authority, no dwelling shall be occupied until an application for a Final Code Certificate has been made seeking certification that the required Code Level has been achieved and within one year of occupation of any dwelling the developer shall submit to the Local Planning Authority a Final Code Certificate to demonstrate that a Final Code Level of 4 or 5 has been achieved as required above.  
**Reason:** to promote best practice in sustainable construction.
- 12) C57 - Archaeological Recording
- 13) Prior to the commencement of the development hereby approved a wildlife plan, indicating how the design and layout of the site and buildings will maximise wildlife opportunities and habitat within the site, shall be submitted to and be approved in writing by the Local Planning Authority.  
**Reason:** To ensure that wildlife opportunities and habitat are maximised in the development of the site in the interests of biodiversity.
- 14) No development shall take place until a Construction and Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. Notwithstanding the details and wording of the CEMP the following restrictions shall be adhered to:  
a) There shall be no burning on site during demolition, construction or site preparation works;  
b) Unless otherwise agreed in writing, no construction or demolition works shall be carried out, or deliveries received, outside of the following hours: 0800 to 1800 hours Monday to Friday, 0800 to 1300 on Saturdays, and not at all on Sundays and Public Holidays;  
c) Dust suppression measures shall be employed as required during construction in order to prevent off-site dust nuisance.  
The approved CEMP shall be adhered to throughout the construction period.  
**Reason:** to protect neighbouring residential amenity.
- 15) the developer shall prior to commencement of the development submit for approval in writing, a scheme for protecting the proposed development from noise. All works that form part of the approved scheme shall be completed before any of the permitted development is occupied

*The applicant should aim to achieve at least the standards for internal and external noise levels specified in BS8233:2014 Sound Insulation and Noise Reduction for Buildings.*

**Reason:** to protect future residential amenity

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

**Reason:** to protect future residential amenity

92      **APPLICATION NO. 14/1918/03 - 5 ST. JOHNS VILLAS, SIVELL PLACE, EXETER**

The Assistant Director City Development presented the application for the extension to the front of the dwelling including a dormer window.

**RESOLVED** that planning permission for the extension to the front of the dwelling including dormer window be **APPROVED**, subject to the following conditions:

- 1)      C05 - Time Limit – Commencement;
- 2)      The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 13th August 2014, as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings;
- 3)      C17A - Matching materials; and
- 4)      Construction/demolition work shall not take place outside the following times: 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.  
**Reason:** To protect the amenity of neighbouring residents during the construction of the extension.

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

The report of the Assistant Director City Development was submitted.

**RESOLVED** that the report be noted.

94      **APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

**RESOLVED** that the report be noted.

**SITE INSPECTION PARTY**

**RESOLVED** that the next Site Inspection Party will be held on Tuesday 14 October 2014 at 9.30 a.m. The Councillors attending will be Lyons, Williams and Winterbottom.

**Additional Information Circulated after Agenda Dispatched - circulated as an appendix**

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

Chair



**PLANNING COMMITTEE**

**ADDITIONAL INFORMATION  
29 SEPTEMBER 2014**

**Correspondence received and matters arising following preparation of the Agenda**

<p><b>Item 4</b> <b>Pages 5-14</b> <b>Refs: 14/1608/03 and 14/1607/07</b> <b>Former St Margarets School</b> <b>Magdalen Road</b> <b>Exeter</b></p>	<p>English Heritage have stated that they now accept the approach to create self contained flats rather than individual dwelling based on the further information received and do not wish to make further comment.</p> <p>1 additional email objection stating that the revised increase in parking number is still inadequate for the area</p> <p>Additional Condition 4 for listed building application 14/1607/07. 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:</p> <ul style="list-style-type: none"> <li>i) full details of any new extract vents, including size, height and position;</li> <li>ii) any new or replacement rainwater goods shall match the existing in terms of material, colour and section;</li> <li>iii) all existing windows. identified for retention, shall be restored to working order or if rotten, replaced and subsequently maintained on a like for like basis;</li> <li>iv) new door openings;</li> <li>v) all existing architectural features, whether currently visible or not, such as hidden cornices, tiled cills and original skirting boards, architraves and doors shall be retained within the development for re-use;</li> <li>vi) sub division of the main staircase between Baring House and Morford House.</li> </ul> <p><b>Reason:</b> Insufficient information has been submitted with the application and in the interests of visual amenity.</p>
<p><b>Item 5</b> <b>Pages 15-22</b> <b>Ref: 14/1605/01</b> <b>Land off Exeter Road</b> <b>Topsham Road</b> <b>Exeter</b></p>	<p><b><u>CLARIFICATION OF POLICY POSITION</u></b></p> <p>Applications for planning permission must be determined in accordance with the statutory development plan unless material considerations indicate otherwise. The statutory development plan for Exeter currently consists of the following two documents:</p> <ul style="list-style-type: none"> <li>• The Exeter Local Plan First Review (2005) – This Plan designates the land between Topsham and the Motorway as ‘Landscape Setting’. Policy LS1 states that ‘Development which would harm the landscape setting of the city will not be permitted’.</li> <li>• The Core Strategy – Policy CP16 protects ‘the strategic gap between Topsham and Exeter’.</li> </ul> <p>The presumption in favour of sustainable development, which is set out in the National Planning Policy Framework (NPPF), does not change the statutory status of the development plan as the starting point for decision making. However, the NPPF also states that</p>

	<p>'Housing applications should be considered in the context of the presumption in favour of sustainable development' and stresses the importance of maintaining a five-year supply of deliverable housing sites.</p> <p>In the case of the land off Exeter Road, Topsham there are 'other material considerations' that must be considered in reaching a decision. This particular site was put forward in Appendix A of the 'Development Management Policy Statement – Bringing Forward Housing' (Adopted by the Executive in January 2012) in order to address what was, at that time, a shortfall in our five-year supply of deliverable sites. This site was subsequently shown as accepted for housing in the Revised 2013 SHLAA on the grounds that development of this small area would not significantly harm the landscape setting of Exeter or Topsham. Accordingly the site was proposed for residential development in the draft Development Delivery DPD that was consulted on early this year.</p> <p>The officer view is that these 'other material considerations' warrant approving this development which is a departure from the statutory development plan (and has been advertised as such).</p>
<p><b>Item 6</b>  <b>Pages 23-24</b>  <b>Ref: 14/1981/03</b>  <b>5 St Johns Villas</b>  <b>Sivell Place</b>  <b>Exeter</b></p>	<p>No further update.</p>

## LICENSING COMMITTEE

22 July 2014

### Present:

Councillor Dawson (Chair)

Councillors Laws, Brimble, Clark, Crew, George, Fullam, Henson, Holland, Pearson and Shiel

### Apologies:

Councillors Choules, Newby and Tippins

### Also present:

Assistant Director Environment, Corporate Manager - Legal, Principal Licensing Officer, Environmental Health Manager, Solicitor and Democratic Services Officer (Committees) (HB)

#### 15 **Declarations of Interest**

No declarations of interest were made by Members.

#### 16 **Taxi Forum**

**RESOLVED** that Committee Members advise Democratic Services if they wish to serve on the Taxi Forum.

#### 17 **Reforming the Law of Taxi and Private Hire Services - Law Commission Report**

The Principal Licensing Officer presented the report advising Members of the outcome of the Law Commission findings in relation to modernising the taxi and private hire services. A large number of issues needed to be addressed and the major matters affecting the trade locally were set out in the report. The most significant issues in relation to Exeter taxi licensing were as follows:-

- The interchange of wording between taxis, hackney carriages and private hire is to be removed. Instead vehicles that can be flagged down will be taxis and those that must be pre-booked will be Private Hire Services (PH), the commonly used term of Private Hire Operator is to go and the term Dispatcher used to replace it.
- A common national standard for all Private Hire vehicles, drivers and dispatchers will be introduced. Secondary legislation will be put in place to set the minimum standards for all councils.
- The standards set for taxis services will also be set on a mandatory basis, but additional conditions may be added by the Licensing Authority.

- Private hire companies will not be permitted to use the word taxi or any other word resembling taxi on any vehicle, on any dispatching office or in any advertisement for the Private Hire services on offer.
- Quantity restrictions will be permitted but on a different footing to that currently in place. The old “unmet demand” test is to go as it is considered inappropriate and it is likely to be replaced with public interest test combined with a requirement to review three yearly and to consult widely on the proposal to maintain limits. Additionally, a proposal is contained in the recommendations which will allow for the premiums attached to plates in restricted authority areas to be retained except in authorities where de-limiting occurs, even if restriction is re-introduced at a later date.
- Among the most radical of proposed changes, is the introduction of a new tier of appeal. The proposal is to have a standardised appeal process for all forms of licence and, irrespective of whether the decision being challenged is a refusal of an application for a licence, a suspension or revocation. In simple terms, all initial decisions should be at officer level with the first appeal to the committee to reconsider the decisions and a second appeal to the magistrates Courts and a further right to appeal to the Crown Court after that.
- The term “plying for hire” in relation to private hire services is to be removed as it had become almost impossible to establish if a person who is in the car had pre-booked or had used modern technology to show the vehicle had been booked there and then. Instead, all bookings for private hire services must be made through a dispatcher who will be required to keep records in a prescribed form.

Because of Parliamentary timescales and the 2015 General Election, any legislation dealing with the Law Commission’s findings was not likely to come into force before October 2015.

**RESOLVED** that the content of the report and supporting documents be noted.

## 18 **Policy Tool of Restricting the Number of Taxi Licences**

The Assistant Director Environment presented the report advising Members that Exeter City Council was required to decide whether it wished to:-

- (1) Maintain the current policy of taxi restriction, and agree the commissioning of a survey report to:-
  - a. ascertain the level of any unmet demand for taxis;
  - b. determine whether any unmet demand is significant;
  - c. determine what would be an optimum quantity level to robustly meet that unmet demand over the next 3 years; and
  - d. quantify the public benefit and dis-benefit deriving from the operation of a policy of quantity restriction at that optimum level

or

- (2) Enter into consultation with the public, trade and other stakeholders to consider whether to remove the policy of taxi restriction in a managed way, and enhancing the quality controls for taxis to improve standards further and prevent any potential negative impact from de-restriction.

Exeter's current policy of restriction required a survey of unmet demand, at least every three years, the last survey having been carried out in March 2010, with an interim top-up survey in March 2011, reported to this Committee in September 2011.

Since 1987, when the Council's limit was set at 38 taxis. Nonetheless, there had been an average growth of taxi plates of around one per year, to the current figure of 66, the growth being both from the result of successful challenges by applicants to the courts and the Committee determining exceptions to its policy of restriction.

It was the view of the Assistant Director Environment that from a systems thinking approach, there was a great deal of failure demand and wasted work associated with dealing with and hearing applications for taxi plates, their refusal, and defending challenges. The May 2014 Law Commission report on 'Taxi and Private Hire Services', recommended that the justification for a policy of restriction should not rest on demonstrating no significant unmet demand but, instead, should rest on a test of public benefit.

Most local licensing authorities did not impose quantity restrictions and both the Department of Transport and Office of Fair Trading were critical of taxi restriction for not benefiting the travelling public. Experience elsewhere demonstrated that concerns relating to de-restriction could be adequately addressed with appropriately managed controls. Recent examples of de-restriction (e.g. Bristol, Cardiff, Cambridge and Sheffield) had seen only very small increases in the overall taxi and PHV combined fleet. Higher quality controls had acted as a proxy restriction elsewhere (e.g. London and Ipswich), but could act to visibly enhance the quality of the taxi fleet, for example, by introducing requirements for a distinctive colour scheme and livery, wheelchair accessibility, low emission vehicles and in-cab CCTV.

Another option was to adopt a policy of managed growth in taxi numbers, incrementally increasing numbers year by year, but this would still require an affirming survey to be commissioned and still open to challenge; therefore this option had been discounted.

Members were supportive of the second option of consulting on whether to remove the policy of restriction. A Member felt that the current practice was anti-competitive and stated that there were strong vested interests which were opposed to change. He felt that drivers without plates who relied on plate holders for jobs were at a disadvantage and referred to the loss of control by the Council on the granting of a licence which had, in the past, led to the sale on to another party. Other Members agreed that consultation was required for all options to be considered,

Responding to Members' queries, the Assistant Director advised that testing public benefit would be based on prescribed standards to be applied nationally. In addition, enhanced quality controls would be phased, to come into effect immediately for new applicants, but with an appropriate timescale to be set for existing plate holders, including the end of the life of the vehicle.

Members voted unanimously in support of the second option.

**RESOLVED** that consultation be entered into with the public, trade and other stakeholders with a view to considering whether to remove the policy of taxi restriction in a managed way, and enhancing the quality controls for taxis to improve standards further and prevent any potential negative impact from de-restriction and a report brought back to a later Licensing Committee for a decision.

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

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

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

**TOWN POLICE CLAUSES ACT 1847**

20 **Application for a Hackney Carriage Vehicle Licence (Mr SA)**

**RESOLVED** that the application for the issue of a Hackney Carriage Vehicle Licence to Mr SA be deferred pending the outcome of the public consultation on taxi policy referred to in Min. No. 18 above.

21 **Application for a Hackney Carriage Vehicle Licence (Mr AB)**

**RESOLVED** that the application for the issue of a Hackney Carriage Vehicle Licence to Mr AB be deferred pending the outcome of the public consultation on taxi policy referred to in Min. No. 18 above.

22 **Application for a Hackney Carriage Vehicle Licence (Mr DD)**

**RESOLVED** that the application for the issue of a Hackney Carriage Vehicle Licence to Mr DD be deferred pending the outcome of the public consultation on taxi policy referred to in Min. No. 18 above.

23 **Application for a Hackney Carriage Vehicle Licence (Mr DP)**

**RESOLVED** that the application for the issue of a Hackney Carriage Vehicle Licence to Mr DP be deferred pending the outcome of the public consultation on taxi policy referred to in Min. No. 18 above.

24 **Application for a Hackney Carriage Vehicle Licence (Mr SR)**

**RESOLVED** that the application for the issue of a Hackney Carriage Vehicle Licence to Mr SR be deferred pending the outcome of the public consultation on taxi policy referred to in Min. No. 18 above.

25 **Application for a Hackney Carriage Vehicle Licence (Mr MS)**

**RESOLVED** that the application for the issue of a Hackney Carriage Vehicle Licence to Mr MS be deferred pending the outcome of the public consultation on taxi policy referred to in Min. No. 18 above.

26     **Application for a Hackney Carriage Vehicle Licence (Mr NS)**

**RESOLVED** that the application for the issue of a Hackney Carriage Vehicle Licence to Mr NS be deferred pending the outcome of the public consultation on taxi policy referred to in Min. No. 18 above.

The meeting commenced at 5.30 pm and closed at 6.45 pm

Chair

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## LICENSING COMMITTEE

23 September 2014

### Present:

Councillor Catherine Dawson (Chair)

Councillors Laws, Brimble, Clark, George, Fullam, Henson, Holland, Newby, Shiel and Tippins

### Apologies:

Councillors Choules, Crew and Pearson

### Also present:

Assistant Director Environment, Corporate Manager - Legal, Environmental Health Manager, Principal Licensing Officer and Democratic Services Officer (Committees) (HB)

### 27 **Minutes**

The minutes of the meeting held on 13 May 2014 were taken as read and signed by the Chair as a correct record.

### 28 **Declarations of Interest**

No declarations of interest were made by Members.

### 29 **Consultation on the Licensing Act 2003 - Statement of Licensing Policy**

The Environmental Health and Licensing Manager presented the report explaining the background to the review of the City Council's current Statement of Licensing Policy which had come into effect in January 2011. There is a legal requirement to review the policy every five years. Exeter City Council's policy needs to be reviewed by 2016. It is therefore necessary to commence consultation work on a draft policy document.

The Policy had been drafted following meetings of four Member focus groups examining the following aspects of the broader licensing agenda:-

- Night-time economy;
- Voluntary tools;
- Standard conditions; and
- Regulatory tools.

The Assistant Director Environment stated that slight amendments would be made to a number of paragraphs including 2.4, 2.5, 2.8, 3.2 and 3.4 and advised that the revised wording would be circulated to Members prior to the document being sent out to consultation.

The Assistant Director Environment, Environmental Health and Licensing Manager and Principal Licensing Officer responded to Members queries on the draft

document, clarifying the various paragraphs and confirming that some would be re-worded before submission to public consultation.

In response to a Member's query relating to adequate public notice being given to proposals in respect of premises licences, Members were advised that there was a statutory duty on each Applicant to advertise the proposals, including publishing the application in the local newspaper, as well as posting on the premises. Members were advised not to extend notification to neighbouring premises since inadvertent failure to include every neighbour in the extended notification was likely to leave the Council open to challenge.

The Corporate Manager Legal explained that the Licensing Committee was not a consultee but, rather, it was obliged to consult on its draft Policy Statement which may subsequently be revised following the consultation process.

The Committee was required to have regard to but was not bound by comments and views which may be put forward through the consultation process.

The Chair thanked the Principal Licensing Officer for his work on the preparation of the Draft Statement and invited Members to pass any further comments to officers prior to the consultation beginning.

**RESOLVED** that:-

- (1) the Draft Statement of Licensing Policy be agreed for public consultation, to follow the suggested timetable below;
  - 12 December 2014 - Consultation period ends;
  - 3 February 2015 - Licensing Act Policy (amended as necessary) to Licensing Committee with recommendation for approval to Council;
  - 17 March 2015 - Licensing Policy to Executive; and
  - 21 April 2015 - Licensing Policy to Council for final approval;
- (2) the Assistant Director Environment be authorised to make minor amendments to the draft document prior to the commencement of the public consultation; and
- (3) the results of the public consultation be brought back to this Committee for consideration.

**30 Modification to Driving Test**

The Principal Licensing Officer presented the report outlining a proposal to modify the policy requirement for drivers who are convicted of motoring offences relating to poor driving standards. The proposal would require licensed drivers, in appropriate circumstances, to take an enhanced driving test with specialist driving trainers such as the Devon Travel Academy.

The current policy requires any driver who attained six penalty points in a year or nine penalty points over a three year period to undertake and pass a driving test. While this acts as a deterrent to drivers, it did not add significantly to public safety and did little to help drivers address poor driving habits and standards that led to the convictions in the first place. The availability of this option, as opposed to the usual pass or fail with no feed-back, had come to light when a licensed driver lost his licence and sought to get his licence back to support his family as soon as possible.

The Chair welcomed Jeremy Phillips, Devon County Council Road Safety Operations and Partnership and Programme Manager, who explained the work of the Devon Travel Academy which was developing the site of the County Council Devon Drivers Centre at Westpoint. Mr Phillips stated that the Drivers Centre was highly regarded and had been operational for some 20 years. As well as providing continued professional development and advanced training for those companies with vehicle fleets who sought the highest standards in their drivers, the Centre also provided personal driving skills improvement programmes. The latter was particularly relevant for individuals with penalty points and those who needed to re-train to avoid prosecution.

The Council would be provided with reports on those undertaking the courses and vehicle checks would also be carried out.

Members were supportive of improving the standard of drivers within the taxi trade and were advised that, if they experienced problems during taxi journeys, these should be reported to the Licensing Authority.

**RESOLVED** that:-

- (1) the Assistant Director Environment be authorised to determine whether a driver who attains six penalty points in a year or nine penalty points over three years should be required to undertake an enhanced driving test with specialist driving trainers at the Devon Travel Academy at Westpoint or any other approved Driving School; and
- (2) the statistics relating to driving standards of taxi drivers including those referred to driving schools be included in the report on delegated actions to be presented to future meetings of this Committee.

The meeting commenced at 5.30 pm and closed at 6.40 pm

Chair

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## SCRUTINY COMMITTEE - COMMUNITY

9 September 2014

### Present:

Councillor Shiel (Chair)

Councillors Newby, Branston, Brimble, Bull, Clark, Foggin, George, Holland, Morris, Raybould and Robson

### Apology:

Councillor Mitchell

### Also present:

Deputy Chief Executive, Assistant Director Environment, Assistant Director Housing, Assistant Director Public Realm, Service Manager, Service Lead Housing Customers, Service Improvement Lead (Payments), Principal Accountant and Democratic Services Officer (Committees) (HB)

### 33 **Minutes**

The minutes of the meeting held on 17 June 2014 were taken as read and signed by the Chair as correct.

### 34 **Declaration of Interests**

No declarations of disclosable pecuniary interest were made.

### 35 **Questions from the Public under Standing Order 19**

In accordance with Standing Order No. 19, questions in respect of allotments from Mark Robbins, John Lloyd and Christine Fraser were put to the Committee. Copies of the questions had been previously circulated to Members. The questions and replies from the Chair (in italics) are appended to the minutes.

All three questioners responded to the answers given.

The Chair thanked Mark Robbins, John Lloyd and Christine Fraser for attending the meeting and putting their questions.

## ITEM FOR EXECUTIVE

### 36 **Allotment Service Review**

The Assistant Director Public Realm presented the report setting out the current position with regard to the Council's provision of allotments and, in the light of consultation with service users, proposing a number of changes to the operation of the service and the rules governing current lettings. The report presented options for the devolved or shared management of the allotments sites.

Councillor Owen, the Portfolio Holder for Environment, Health and Wellbeing, spoke under Standing Order No. 44. He thanked the allotment holders for participating in the consultation process and contributing to the production of the report. He also

thanked officers for the report. On reflection, he felt that a better approach would have been to consult the allotment bodies prior to the start of the review. However, he was grateful for the full engagement of the ward councillors as the review progressed which had been very helpful. He wished to see a sustainable, long term future for the allotments in the City and welcomed the suggestion of establishing an Allotment Users' Forum.

The following responses were given to Members' queries:-

- a full audit of all allotment sites would be carried out as soon as possible and, following on from this, any necessary safety work undertaken as quickly as possible;
- as some plots have been in a poor condition for a number of years it is unlikely that all remedial work will be undertaken prior to the introduction of the new management system;
- initially, each site will be encouraged to have a site representative to liaise with City Council officers, prior to a more formal management system being considered;
- it is not proposed to introduce a deposit system;
- siblings inheriting a plot from parents is not considered appropriate but there will be engagement with allotment bodies on this issue;
- self management of allotments will still require adherence to constitutional issues such as an AGM, election of officers etc., but it is anticipated that the model to be widely adopted will be that of shared management between the Council and allotment bodies;
- the length of the hand over period of an allotment to a bereaved spouse will be examined;
- the format and remit of the proposed Allotment Users' Forum will be discussed with the allotment bodies;
- a significant rent increase had been agreed for 2013/14 for implementation from September 2014 and it is not anticipated that rent increases above inflation will be introduced in the future. The rent in Exeter reflects the market value of the land; and
- local knowledge is of great value as allotment representatives can advice on the special needs of some users and on the allotment conditions.

Councillor Bull moved and Councillor Newby seconded the creation of an Allotments Users' Forum. This was supported.

Scrutiny Committee - Community noted and supported the report and thanked all those who had been involved in the consultation process and requested Executive to:-

- 1) support the restriction of all new tenancies to those living in the City and who continued to do so;
- 2) support the restriction of all new tenancies in size to a maximum of ten rods (approx 250m<sup>2</sup>) per household;
- 3) support the bringing into line of payment arrangements for allotments rents within the range of payment options available for other council services, subject to such arrangements complying with the statutory provisions relating to allotments;
- 4) support discounts applying to current tenancies to remain for the duration of the individual tenancy and not to be transferable and that no discount be applied to new tenancies;

- 5) support changes being made to the service to reduce maintenance costs and bring the service into line with the proposed budget for 2015/16, as set out in the report;
- 6) agree to greater user participation being encouraged and to grant delegated authority to the Assistant Director Public Realm, in consultation with the Portfolio Holder for Environment, Health and Wellbeing, to enter into management agreements with duly elected Allotment Associations;
- 7) approve the changes in the Allotment Gardens Rules and Conditions as set out in the report and to grant delegated authority to the Service Manager with overall responsibility for allotments to interpret the rules in the case of a dispute;
- 8) support the issue of the Allotment Gardens Rules and Conditions from 1 October 2014 and to grant delegated authority to the Assistant Director Public Realm, in consultation with the Council's Monitoring Officer and the Portfolio Holder for Environment, Health and Wellbeing, to review annually thereafter and approve or amend the rules as necessary;
- 9) grant delegated authority to the Service Manager to permit a rent free period of up to a year where a new tenant is willing to accept an untidy plot or where a tenant is prepared to be the single representative overseeing the allotment site on behalf of the Council; and
- 10) an Allotment Users' Forum be established in liaison with the Allotment Bodies.

### **PRESENTATION TO COMMITTEE**

#### **37 Welfare Reform Update**

The Service Improvement Lead (Payments) presented the report informing Members of the impact on residents and the Council of the welfare reforms introduced since April 2013 and outlining actions taken to minimise this impact. She illustrated the operation of the new system through a presentation of three recent case studies.

She responded as follows to Members' queries:-

- the Welfare Support Fund had replaced the Social Fund previously administered by the Department of Work and Pensions. Although there had been an increase in numbers using the Food Bank, because of the operation of the Welfare Support Fund, the full impact of the changes were not known in detail. The Welfare Support Fund would end in March 2015;
- vouchers issued for use at Turntable could be re-issued if suitable items could not be immediately obtained; and
- work was currently in progress on a new corporate debt policy and new write off policy to standardise procedures across types of debt and would be reported to Members.

Scrutiny Committee - Community noted the contents of the report and noted that, in future, updates would be made through Members' briefings.

## ITEMS FOR DISCUSSION

### 38 **Housing Revenue Account - Budget monitoring to June 2014**

The report of the Assistant Director Finance was submitted on major differences by management unit to the outturn forecast for the first three months of the financial year up to 30 June 2013. During this period, the total of the variances indicated that there would be a net deficit of £757,730. This represented a decrease of £108,820 compared to the revised budgeted deficit of £866,550 for 2014/15. It was estimated that the working balance would stand at £2,205,489 at 31 March 2015.

Scrutiny Committee - Community noted the report.

### 39 **Community - Budget Monitoring to June 2014**

The report of the Assistant Director Finance was submitted advising Members of any major differences by management unit to the revised budget. The current forecast suggests that net expenditure for this Committee will decrease from the approved budget by a total of £2,560 which represents a variation of 0.03% from the approved budget. This included supplementary budgets of £10,130.

The current capital programme shows a forecast spend of £2,027,470 in 2014/15 with £77,820 deferred until 2015/16.

Scrutiny Committee - Community noted the report.

### 40 **Local Air Quality Management Air Quality Action Plan 2011-2016 and 2014 Air Quality Progress Report**

The report of the Assistant Director Environment was submitted updating Members on the Council's duties relating to local air quality management and work being conducted on a Low Emissions Strategy.

Scrutiny Committee – Community:-

- 1) noted the progress on the Air Quality Action Plan;
- 2) supported the development of a Low Emissions Strategy to fulfil air quality objectives and to reduce the health effects of poor air quality; and
- 3) supported wide stakeholder consultation in the Low Emissions Strategy commencing 1 September 2014.

### 41 **Review of the Contaminated Land Strategy**

The report of the Assistant Director Environment was submitted updating Members on the review of the Council's Contaminated Land Strategy and advising of proposed forthcoming consultation.

Scrutiny Committee - Community:

- 1) noted the draft revised Contaminated Land Strategy; and
- 2) supported consultation on the draft revised strategy.



## ITEMS FOR INFORMATION ONLY

### 42 **Re-Cycling Plan - Interim Review**

The report of the Assistant Director Environment was submitted updating Members on the Re-cycling Plan and progress towards the main actions that were identified in the Review.

Scrutiny Committee - Community:-

- 1) noted progress made to date in implementing the Recycling Plan 2011-16; and
- 2) supported the ongoing actions planned for 2014, as set out in the report.

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

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

## ITEM FOR EXECUTIVE

### 44 **Water Ingress to Council Housing Stock**

The Assistant Director Housing presented the report setting out the impact the extreme weather conditions over the 2013/14 winter had on some Council homes and advising Members what work was required to tenanted and leasehold properties to make good the damage caused. The report also identified how this work could be funded and the likely scale of resources required.

Because of the extreme wet weather conditions as well as exceptionally strong winds approximately 330 of the Council's housing properties had been affected by significant water ingress and damp issues. The damp had penetrated the external envelope of certain buildings, affecting the internal surfaces/decorations which in some cases caused significant mould growth. The remedial work was unplanned and outside the major works programme.

He responded as follows to Members queries:-

- the main works would likely commence in early Spring 2015 because of the necessary tendering procedure, the need to ensure that the walls had properly dried out and the need to avoid working during the winter months when further wet periods were likely;
- emergency works had already been carried out through the reactive repair contract. These were cases where a member of the household's health or wellbeing was compromised by the damp ingress and/or where living conditions are clearly unreasonable. These cases had been agreed by the Portfolio Holder for Housing and Customer Access. The costs had been contained within the re-active repairs budget to date; and
- necessary internal redecorations would also be undertaken as part of the project.

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

- 1) allocate total funding from HRA balances as set out in the report to carry out the required building works to remedy the damp ingress, an element of this budget to be added to the External Painting and Rendering budgets to cover the work that could be carried out in conjunction with work already planned by the Council's current contractors in 2014/15;
- 2) agree to the variation of the existing contractual arrangements with the contractors as a consequence of the above recommendation;
- 3) approve the criteria previously agreed with the Portfolio Holder for Housing and Customer Access, as set out in the report, for 'fast tracking' works or other interventions where there were medical or other exceptional circumstances; and
- 4) support the recharging of the value of the works as set out in the report to the leaseholders as a service charge to cover elements of work that were planned (and would normally be charged to the leaseholder) but were being completed ahead of programme at the same time as the damp ingress works to ensure cost efficiencies. These would only be reasonable costs and only following the appropriate consultation process.

The meeting commenced at 5.30 pm and closed at 7.04 pm

Chair

## SCRUTINY COMMITTEE - ECONOMY

11 September 2014

### Present:

Councillor Henson (Chair)

Councillors Brock, Branston, Brimble, Bull, Foggin, Holland, Lyons, Robson, Wardle and Williams

### Apologies:

Councillor Crew

### Also present:

Chief Executive & Growth Director, Assistant Director Finance, Assistant Director Economy, Events, Facilities and Markets Manager, Victoria Hatfield, Principal Project Manager (Infrastructure Management & Delivery), City Centre Manager and Democratic Services Officer (Committees) (SLS)

### In attendance:

Ian Broadfoot, Destination Marketing Management.

#### 44 **Minutes**

The minutes of the meeting held on 26 June 2014 were taken as read and signed by the Chair as correct.

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

No declarations of discloseable pecuniary interest were made.

#### 46 **Business Improvement District Presentation**

Ian Broadfoot, an Associate of Destination Management and Marketing made a presentation which informed Members of the progress of the work on the Business Improvement District or BID. The BID will cover a given area, but will plan, deliver and pay for additional improvements, services or initiatives which will benefit the trading environment and be funded through a levy and approved by a ballot. The BID will enable stakeholders to invest their money to achieve common goals determined and managed by them. The BID will enable Exeter's retailers to stay ahead of the competition and help meet the challenges of the changing face of the nation's high street and address the changes of out of town developments and the digital market.

The key benefits will provide local business a voice and offer some real influence as well as a clear mandate for action with guaranteed funds to deliver a plan devised by those who pay. It will enable long term improvements and help increase footfall, dwell time, spend and aim to increase investment.

Destination Management have commissioned a feasibility study to look at what makes a BID successful. They also reviewed the previous campaign and a number of areas of concern had been raised including a differential in the levy rate and other elements such as a limited consultation and the area covered in the Business Plan. They have asked again why Exeter needs a BID and received a lot of feedback and the message appeared to be that Exeter was flourishing but perhaps not reaching its full potential. It was important to share the benefits of the BID further than the immediate city centre and High street to work together to provide a well maintained management for a 24 hour economy.

Progress to date has included an intensive consultation process and contact with over 300 businesses using the BID champion's and one to one meetings, street meetings. They will also be working with One Voice Media and also in partnership with the Exeter City Council. The web site is [www.bid.co.uk](http://www.bid.co.uk) and they also plan to have a newsletter to also gather feedback from businesses to develop the Business Plan. Although the dates have still be finalised it is anticipated that the timeline will be a distinction of the BIS proposal document and campaign period in December to February, followed by an issue of the ballot on 15 January, the Ballot Day will be 28 February and the results announced on 3 March.

He responded to Member's comments -

- He was aware that a comment on improved Christmas lights had been particularly as Exeter City Council had made a significant contribution both in terms of funding and coordination.
- Previous consultation work on the Business Plan had thrown up the suggestion that it would be more beneficial to redefine the area and Phase 1 will include the main retail areas and the key gateways such as Fore Street, rather than the business areas of Southernhay.
- They would make every effort not to exclude the fringe areas of the city centre such as Sidwell Street, particularly as there were more changing areas of the immediate high street which would benefit but they had to draw a boundary. The BID area would develop as it became more successful.
- The current BID did not include specific work to address the night time economy, but he was aware that colleagues from Exeter City Council were looking at gaining the Purple Flag initiative which provided a bench mark of a safe and thriving evening and night time economy and the BID work may wish to build on that in the future.

Members thanked Ian for his attendance and the update.

#### 47 **Transport Initiatives and Issues -Update**

The Principal Project Manager (Infrastructure Management & Delivery) presented an annual report to update Members in relation to transport initiatives and issues affecting Exeter. The emphasis this year was on rail, with new stations opening at Newcourt and Cranbrook and more certainty in relation to the franchising process. The report also included an electric vehicle strategy, promoted by the Low Carbon Task Force to ensure a consistent approach to issues arising as electric vehicles become more widely used.

In response to questions from Members, the Principal Project Manager clarified the following –

- Services provided by Sustrans have included revision of the Exeter Walking Map and inspection and maintenance of the Green Circle signage and vegetation.
- The Council's electric vehicles have prompted positive feedback from drivers, and no particular problems with pedestrians not being aware of their presence. The Equalities Impact Assessment has highlighted that there could be issues over visually impaired people being aware of the vehicles, but there were potentially significant health benefits from the reduction in harmful emissions. An EU directive for electric vehicles to have synthetic sound would not come into effect until 2019.
- Preparation of the Electric Vehicle Strategy has prompted considerable interest from the business community.
- Electric vehicles will be added to the Council's fleet in cases where they are projected to generate savings. Exeter was leading by example with the Introduction of charging points, which has been funded by grant aid and sponsorship. He added that the current range achieved by the electric fleet was certainly more than adequate for travel around the city.
- The creation of an orbital bus route around the boundary of the city was no longer being considered. The current strategy is to divert some journeys on radial routes to serve employment areas, and this was creating some orbital links.
- The Council is currently lobbying for improvements to the A303 and A30. There may an opportunity to suggest the inclusion of solar panels along the route as part of the design stage.

Scrutiny Committee – Economy offered their continued support for the Council's involvement in the initiatives outlined in the report, and requested that Executive endorse the Electric Vehicle Strategy, as a strategy for promoting the ownership and use of electric vehicles within Exeter.

## 48 **Budget Monitoring**

The report of the Assistant Director Finance was submitted which advised Members of any major differences by management unit to the revised budget in respect of the Economy Services revenue and capital budgets. The current forecast suggests that net expenditure for this Committee will decrease for the approved budget by a total of £20,340, which represents a variation of 8.29% from the revised. This included supplementary budgets of £219,560. The current capital programme for Economy was detailed in an appendix to the report and included a forecast spend of £1,844,280 in 2014/15 with £863,340 of the programme potentially deferred until 2015/16. Potential areas of budgetary risk were also highlighted in this report and Members were assured that every effort was being made by officers to address the key areas of budgetary pressure.

A Member referred to the New Homes Bonus allocation and in the case of a deferral whether there was a time limit or if it was kept in reserve. The Assistant Director Finance stated that there was no time limit, but there often challenges relating to the acquisition of further funding or match funding. The Portfolio Holder for City Development advised that if a grant was notionally for three years but some grants could in effect be 'recycled' if they had indicated it would not be possible to draw

down on the earmarked reserves and rather allocated to a service who could spend in that financial year.

Scrutiny Committee – Economy noted the report.

#### 49 **City Centre Night-Time Economy**

The City Centre Manager provided Members with an update on the night-time economy and the approach being taken to enhance its attractiveness to all, improve the perceptions of safety and reduce incidents of drink related anti-social behaviour. Members were also asked to note the progress and achievements to date and comment on the plan of action for the coming twelve months, and also identify any additional areas on which they would wish there to be a focus in the plan.

It was noted that good progress had been made through a number of innovative projects, H2O project which offered a regular supply of free water in some pubs and clubs. Such initiatives have made a significant advance and has made significant contribution to how the city feels at night in a collaboration between the licensed pubs and clubs and the police. There was a busy programme of events and initiatives including a Help Zone in partnership with the Police, street pastors and more collaborative retailing and also working towards the Purple Flag accreditation which had to be a key priority to achieve over the next year. An update was also provided on the Best Bar None Scheme aimed at promoting responsible management and operation of licensed premises. He referred to recent review visit of the city centre late at night to see how such models could work in a combined visit with licensing officers.

A Member had submitted an earlier question requesting an update on the city centre footfall in the 6pm to 9pm period and the efforts made to improve both activity and spend. The City Centre Manager said the early evening period was a continuing challenge and the lack of a real 'buy in' from the retailers was frustrating. There has been a slight improvement in Thursday evening's footfall but that was still not in the place that they needed to be. The forthcoming Business Improvement District (BID) scheme would be relaunched shortly and that would demonstrate the business cooperation with continued investment in the projects, however there remained a real issue of how they sell and coordinate the offer was an issue.

A Member agreed that locations such as the Underground Passages did help to entice people into the city centre and but the City Centre Manager and Exeter City Council needed the support of those businesses to be able to deliver. In response to a Member comment on the apparent lack of progress and information on the Guildhall Shopping Centre refurbishment, he gave an assurance that works had commenced and internal shop stripping out had been taking place. Hoarding around the inland unit and the gallery had been made in advance of the work due to commence on the Queen Street side and Market Square end. They have been liaising with the Guildhall Shopping Centre team for the last three or four months with a regular flow of information to the City and County Councils. The Guildhall management had a clear strategy for releasing a regular flow of information. A Member referred to the timing and why had the work started when new students were becoming into the city. The City Centre Manager said that they had to start the work to ensure it would enable trading over this Christmas period and also be complete by December 2015 and it was unfortunate but it was an extremely challenging programme and they would do well to complete on time.

Scrutiny Committee – Economy noted the progress and achievements to date and comment on the plan of action for the coming twelve months and also identifies any areas on which there could be a focus on the plan.

50 **Exeter Commercial Property Register**

The Economy and Tourism Manager presented a report on the new and improved Exeter Commercial property Register and Exeter City Council's handling of investment and relocation enquiries during the previous 12 months. The report also updated Members on the progress made in improving the toolkit available to attract and respond to business relocation and inward investment enquiries. The Register covered a five mile radius and there was now a real market and relocation confidence in Exeter. However sufficient vacant units to meet the demand of development were needed.

A Member had asked some advance questions in relation to ensuring there were suffice vacancies to meet demands. Exeter had a tight boundary and there was a need to work together with neighbouring authorities. The staff member who looked after the CPR had regular discussions with colleagues in City Development to ensure that plans were in place to guide their planning permissions. A Member enquired how the business search for vacant properties was conducted and the Economy and Tourism Manager said that it was often difficult to judge the indentify of the individual or company. She also referred to the benefits of the promotional video which had reached expectation with regards to views on you tube and other mediums and they had encourage businesses to include it on their own website and within presentations and at present there were no plans to translate it into other languages apart from Italian which related to work in respect of the Rugby World Cup 2015 investment opportunity.

Scrutiny Committee Economy noted the report and commented on progress made with the Exeter Commercial Property Register and the City Council's role in dealing with investment and relocation enquiries and intention to progress with the marketing of the Commercial Property Register to sell to other local authorities.

51 **Parkwood Leisure Working Group Minutes**

The minutes of the meeting held on 22 July 2014 were noted.

It was also noted that Councillor Heather Morris had also been appointed as a member of the Parkwood Leisure Working Group.

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

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

53 **Legacy Leisure Proposal**

The Events Facilities and Markets Manager presented a report which informed Members of the opportunity to allow Parkwood Leisure to transfer the management of the City Council leisure facilities to their charitable trust model – Legacy Leisure. There have been ongoing discussions with colleagues in the Legal Department to ensure that all of the proposed arrangements would ensure that the best interests of the Council were protected. It was noted that the charitable trust status principle was now well established as an accepted operational model for leisure facilities.

Scrutiny Committee – Economy supported the following -

- (1) to allow Parkwood Leisure to move the management of the Exeter Facilities to Legacy Leisure pending further clarification in respect of the charitable trust model, and
- (2) a request to Executive to authorise the Assistant Director, Economy, in consultation with the Portfolio Holder for Economy and Culture, to confirm Council's agreement to the transfer of the management of the City Council leisure facilities to Legacy Leisure. Such confirmation to be dependent on Parkwood Leisure providing requested verification regarding the status of Legacy Leisure.

54 **Exeter & Heart of Devon Growth Board Minutes**

The minutes of the Exeter and Heart of Devon Growth Board Minutes held on 28 July 2014 were circulated for Member's information, and also referred to a number of issues that the City Council may need to consider and take forward as appropriate.

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

The meeting commenced at 5.30 pm and closed at 7.10 pm

Chair



## SCRUTINY COMMITTEE - RESOURCES

17 September 2014

### Present:

Councillor Baldwin (Chair)

Councillors Mottram, Bialyk, Brock, Bull, George, Lyons, Morris, Robson, Sheldon, Spackman and Tippins

### Apologies:

Councillors Winterbottom

### Also present:

Deputy Chief Executive, Assistant Director Environment, Assistant Director Finance, Corporate Manager Democratic and Civic Support, Corporate Manager Property, Corporate Energy Manager, and Democratic Services Officer (Committees) (SLS)

### **33 Minutes**

The minutes of the meeting held on 2 July 2014 were taken as read and signed by the Chair as correct.

### **34 Declarations of Interest**

No declarations of discloseable pecuniary interest were made.

### **35 Constitutional Changes - Strata**

The Deputy Chief Executive advised that a report to amend the City Council's constitution in relation to this matter be withdrawn from this agenda to allow internal negotiations to continue. A report on the future governance structure will be prepared by all three Councils (Exeter City Council, Teignbridge District Council and East Devon District Council) to ensure the implementation of a shared ICT service through a wholly owned company to be known as 'Strata Service Solutions Limited. Members were advised that a sum of £970,000 funding for the shared service had been received as part of a Transformation Challenge award to the City Council as the City Council had demonstrated a commitment to re-engineer the business practice to help improve services for residents as well as reduce costs.

It was noted that a report would be presented to a Special Meeting of Scrutiny Committee Resources on Thursday 2 October at 5.00pm.

### **36 Review of Income Generating Measures: Task and Finish Group**

Councillor Bialyk provided an update on the deliberations of the Income Generating Measures Task and Finish Group, which had been formed to help identify areas for investigation as a high priority. The Group had met and considered a number of suggestions which had been put forward. He wanted to ensure that Members and staff were sufficiently engaged and encouraged any further suggestions to be passed on, in the first instance to the Scrutiny Programme Officer.

It was currently envisaged that an interim report will be provided to Scrutiny Committee Resources at the next meeting in November.

### 37 **Capital Monitoring Statement**

The Assistant Director Finance presented the report, advising 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 report also sought approval to amend the annual capital programme in order to reflect the reported variations. Details of the managed approach to the Housing Revenue Account (HRA) was set out in the report as well as receipts which brought the total brought forward in excess of £2 million. He responded to a Member's comment on the possibility of Section 106 monies having to be returned if they were not used in a reasonable time frame, and stated that he could only recollect such action on one or two occasions. Following a request, he would ensure that future reports contained a glossary of terms to provide an explanation of the more technical financial terms.

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

### 38 **Overview of the Revenue Budget 2014/15**

The Assistant Director Finance presented a report which advised Members of the overall projected financial position of the General Fund Revenue Budgets and Housing Revenue Account after three months, for the 2014/15 financial year. The report also sought approval for a number of supplementary budgets totalling £89,000. The report also contained details of the three Scrutiny Committees and the Housing Revenue Account, together with a budget variance after the first financial quarter of the year. The Service Committee budgets showed a forecast underspend of £66,290 against a revised service net expenditure budget of £12,372,560. It was projected that there will be an overall net contribution to the General Fund balance of £229,285.

The Corporate Manager Democratic & Civic Support responded to a Member's comment, welcoming the reduction in postage costs, and advised that savings had been achieved by using the TNT delivery service, who sort and then deliver to Royal Mail, enabling a greater discount. There may be the possibility of achieving further savings through the use of a bar code on all letters.

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

- (1) General Fund forecast financial position for the 2014/15 financial year;
- (2) Housing Revenue Account forecast financial position for 2014/15 financial year;
- (3) additional supplementary budgets listed in Appendix C of the circulated report;
- (4) outstanding Sundry Debt position as at June 2014;
- (5) creditors' payments performance; and
- (6) Council Tax and Business Rates collection performance.

### 39 **The Review of Polling Districts and Polling Places within the Exeter Parliamentary Constituency**

Councillor Hannaford attended the meeting under Standing Order 44 to speak on this item.

The Corporate Manager Democratic & Civic Support and Returning Officer presented a report which set out the proposals for new polling district and polling places arrangements which have been recommended as a result of the Council's responsibilities under the Electoral Registration and Administration Act 2013 and Schedule A1 of the Representation of the People Act 1983.

Councillor Hannaford requested that Members support the recommendation for four polling districts in the Exwick ward. He welcomed the opportunity to identify a fourth polling station.

The Corporate Manager Democratic & Civic Support and Returning Officer responded to a comment on the effect of the closure of buildings currently occupied by youth clubs and stated that there were no compelling powers to use any such premises with the exception of schools. He was in contact with Devon County Council to discuss the future approach. A Member considered that funding suitable community facilities for use as polling stations in Cowick was a challenge, but he made the suggestion of using the Trefoil Lodge in Buddle Lane. A Member also asked for further consideration of the location of one of the two Duryard polling stations, as it could be a busy student area and whether that was suitable venue for all voters. The Corporate Manager Democratic & Civic Support and Returning Officer reassured Members that factors such as examination periods would be taken into account at future elections, but there was a shortage of suitable accommodation in that ward.

Scrutiny Committee – Resources noted the report and recommended that Council be requested to approve the following:-

- (1) adoption of proposals set out in the report for implementation from a revised register of electors to be published on 1 December 2014;
- (2) the formal publication of the final report on the Review of Parliamentary Polling Districts and Places within the Exeter Constituency on 16 October 2014, as required by the Electoral Administration Act 2006; and
- (3) the completion of a further review by 31 January 2020, as required by the Electoral Registration and Administration Act 2013.

#### 40 **Corporate Health and Safety Policy Update**

The Assistant Director Environment presented a quarterly update and advised that this formed part of the Corporate Health and Safety Management System which was designed to provide Members with an all-round briefing on corporate health and safety.

Scrutiny Committee – Resources noted the following:-

- (1) quarterly update as set out in Appendix I, and the Annual Health and Safety Report 2013 / 2014 at Appendix III; and also
- (2) requested that Executive recommend to Council, the approval of the changes to the Council's Health and Safety Policy, as set out in Appendix II to the circulated report.

#### 41 **A Renewable and Energy Efficiency Programme Update**

The Corporate Manager Property provided an update on the Renewable and Energy Efficiency Programme work that has been undertaken since the previous report to Scrutiny Committee - Resources on 19 March 2014. The Deputy Chief Executive also referred to the aspirations to become an energy neutral Council and he confirmed that we were well on the way to achieving that.

The Corporate Energy Manager attended and made a presentation on the achievements and projects to ensure Exeter was an Energy Neutral Council. She

welcomed Member s' support and involvement, as well as staff to make a real change and enable Exeter to stand out as a forward thinking Council and low carbon city. A recent review of Civic Centre Energy had resulted in a number of projects with the Civic Centre as part of the renewable and Energy Efficiency Programme including –

- a number of water saving devices which had resulted in a reduction in water consumption;
- the introduction of energy efficient hand air dryers instead of paper towels;
- a reduction in oil used by the central heating system;
- the installation of LED lighting in the Civic Centre as part of a phased effective control approach;
- solar panels installed on the roof of the Civic Centre;
- an Electrical Vehicle Charge point project – both at the Civic Centre and at sites throughout the city had been developed with vehicle electrical charge points for residents and visitors. This innovative project had been achieved, without any capital costs through a government grant and sponsorship from BMW. The service was currently free to use at this stage, but there was an option to charge to cover running costs.

A number of other aspirations included –

- a business case being developed for the replacement of the oil fired boilers;
- the continued phased introduction of LED lighting on level one of the Civic Centre;
- tenders for the installation of Car Port Solar canopies on the top floor of John Lewis, Cathedral & Quay and Mary Arches car parks has been awarded to the preferred bidder.

Members congratulated the Council's Energy Team on the excellent work they had achieved so far. The Deputy Chief Executive also wanted to thank the small team who had both done an exceptionally good job and made significant progress, and with Member support they would continue to move forward.

Scrutiny Committee - Resources noted the progress made to date and delivering the Renewable and Energy Efficiency Programme.

## 42 **Budget Monitoring**

The Assistant Director Finance presented a report which advised Members of any major differences by management unit to the revised budget for the first three months of the financial years up until June 2014. The current forecast suggested that the net expenditure for this Committee would decrease from the revised budget by a total of £35,570 after transfers from reserves and revenue contributions to capital as detailed in an Appendix 1. This represented a variation of 0.61% from the revised budget and included supplementary budgets of £83,620.

Scrutiny Committee - Resources noted the report.

The meeting commenced at 5.30 pm and closed at 6.40 pm

Chair

## SCRUTINY COMMITTEE - RESOURCES - SPECIAL

2 October 2014

### Present:

Councillor Baldwin (Chair)

Councillors Bialyk, Brock, Bull, George, Lyons, Morris, Sheldon and Winterbottom

### Apologies:

Councillor Tippins

### Also present:

Assistant Director Finance and Democratic Services Officer (Committees) (SLS)

### 43 **Declarations of Interest**

No declarations of discloseable pecuniary interest were made.

### **MATTER FOR CONSIDERATION BY EXECUTIVE**

### 44 **Arrangements for the Provision for the Joint Management of Strata**

The Assistant Director Finance presented a report which outlined a proposed structure for the governance and scrutiny of Strata, as part of the organisational arrangements for a shared ICT service through a wholly owned company with Teignbridge District Council and East Devon District Council, with a proposed commencement date of 1 November 2014.

The following structure for the governance and scrutiny of Strata would be required to be set up:-

- A Joint Executive Committee (JEC) to govern Strata, and
- A Joint Scrutiny Committee (JSC) to scrutinise Strata.

The main provisions of the governance structure were included in the terms of reference and rules of procedure for the JEC and JSC, which were included in an Appendix to the report. Each of the partner authorities had to consider the report and amend their individual constitutions.

The Assistant Director responded to Members' comments:-

- the chairmanship of the individual JEC and JSC Committees would be agreed annually.
- the decision to agree the constitution had not identified any impact on equalities and diversity as the purpose of the report had been to consider the governance arrangements.
- existing staff would be Taped across to the new Strata company and negotiations were ongoing to ensure that current and future staff retained their current benefits as part of the Devon Pension Scheme.

- Teignbridge District Council and East Devon District Council had already considered and approved the governance arrangements for Strata at their respective Executive and Cabinet meetings to ensure that the company would be up and running by 1 November.

Members were supportive of the innovative approach.

It was noted that Teignbridge District Council and East Devon District Council had also supported and Exeter City Council's Scrutiny Committee - Resources now supported the recommendations and requested that Executive and Council approve:-

- (1) the appointment of a Joint Executive Committee (JEC) together to govern Strata with effect from the 'go live' date on the 1 November 2014;
- (2) the appointment of the Leader of Exeter City Council to the JEC;
- (3) the JEC's terms of reference set out in the Appendix and summarised in paragraph 9 of the circulated report;
- (4) the adoption of the Rules of Procedure for the JEC as set out in the Appendix to the circulated report;
- (5) the composition and delegation to the Strata Management Board as set out in paragraph 13 of the circulated report.

And that Exeter City Council's Constitution be amended accordingly for the :-

- (6) appointment of a Joint Scrutiny Committee (JSC);
- (7) agreement of the JSC Terms of Reference as set out in paragraph 10- 2 of the circulated report;
- (8) nomination of a total of three members from each authority to sit on the JSC in compliance with the rules on political balance;
- (9) adoption of the Rules of Procedure for the JSC set out in the Appendix included in the circulated report.

The meeting commenced at 5.00 pm and closed at 5.25 pm

Chair

## AUDIT AND GOVERNANCE COMMITTEE

Wednesday 24 September 2014

### Present:-

Councillor Greg Sheldon (Chair)  
Councillors Baldwin, Brock, Lyons, Morris and Raybould

### Apologies:-

Councillors Bowkett, Laws and Williams

### Also Present:-

Deputy Chief Executive, Assistant Director Environment, Assistant Director Finance, Technical Accounting Manager, Audit Manager (HK), Service Improvement Lead, (Local Taxation) and Democratic Services Officer (Committees) (SLS)

55

### MINUTES

The minutes of the meeting held on 25 June 2014 were taken as read and signed by the Chair as correct.

56

### DECLARATIONS OF INTEREST

No declarations of discloseable pecuniary interest were made.

57

### COUNCIL TAX STUDENT EXEMPTION CLASSIFICATION UPDATE

The Service Improvement Lead, (Local Taxation) attended the meeting and provided an update as Members had sought further information following an Audit report, which had highlighted an issue in relation to the Council Tax student exemption claimed by occupants of some properties. He detailed the process of identifying such properties, which included contacting Exeter and Plymouth Universities to confirm the number of students occupying 'private' properties and also properties classed as Halls of Residence. He responded to a Member's comment about the possibility of a review some weeks after the start of the first term. It was also made clear to landlords that the City Council should be notified of any such changes, however they would endeavour to carry out a more robust review more regularly to ensure that such properties were still occupied by students. It was good practice to ensure that such classification and also discounts for single occupiers were correct as there was the potential for the City Council and precept authorities to lose potential income. The Assistant Director Finance also responded to a comment on the effect that the student exemption classification of Council tax had on the financial settlement made by Government.

The Deputy Chief Executive confirmed that a review would commence to have a better understanding and consider the approach to be taken. The Service Improvement Lead, (Local Taxation) advised that, in the meantime, letters would be sent to the owners of properties to check if they still housed students to verify their names with Exeter and Plymouth Universities, a check will be made of the review date with property owners and staff would be offered some additional training to re-emphasise the importance of review dates.

Members thanked the Service Improvement Lead, (Local Taxation) Kevin Hughes for the presentation.

58

### **AUDIT AND GOVERNANCE COMMITTEE UPDATE**

David Bray, the Senior Audit Manager, from the Council's external auditors, Grant Thornton presented a report on the progress made by them in carrying out their responsibility as the City Council's auditor. He provided a verbal update and confirmed that the audit of the Final Accounts had now been completed. They were able to issue an unqualified opinion and meet the deadline of 30 September. He also responded to a Member's comment, and would advise the placement ranking of Exeter in the 'Where Growth Happens' report, and also Exeter's position in relation to the rest of Devon and Cornwall.

The Audit and Governance Committee noted the report.

59

### **REPORT TO THOSE CHARGED WITH GOVERNANCE (ISA 260 ) 2013/14 - AUDIT FINDINGS FOR EXETER CITY COUNCIL**

Geraldine Daly, the Engagement Lead, Grant Thornton presented the Audit Findings report for the Council's financial statements for the year ended 31 March 2014. She referred to the Executive Summary and provided a further update on the report, which had been prepared earlier in the month when the City Council's Audit was still in progress. It was anticipated that, subject to the approval of the final management representation letter and updating the post balance sheets events review, both items on the agenda, that an unqualified opinion on the financial statement would be issued.

A Member sought clarification on the previous system of appeals in relation to National and Non Domestic Rates (NNDR) and whether the City Council were obliged to allocate a provision for that. The Assistant Director Finance referred to the first year of the business rates retention scheme and confirmed they had looked at the number of outstanding appeals to be determined and identified the additional funds to be set aside for that.

Geraldine Daly, stated that the Value for Money Conclusion was detailed in the report, and Grant Thornton were satisfied that in all significant respects of the Council, that they had put in place the appropriate arrangements to ensure economy, efficiency and effectiveness in its use of resources for the year ending 31 March 2014.

The Audit and Governance Committee noted the report.

60

### **GRANT CERTIFICATION WORK PLAN FOR EXETER CITY COUNCIL**

David Bray, provided a Grant Certification Work Plan for the City Council for 2013/14. He outlined the certification arrangements, and provided the detail of two claims and returns certified in respect of the Housing Benefit Subsidy and the Pooling of Housing Capital Receipts return. Details of this were included in an Appendix to the report

Geraldine Daly wished to express her thanks for the contribution made by the Council's finance team.

The Audit and Governance Committee noted the report.



**FINAL STATEMENT OF ACCOUNTS 2013/14**

The Assistant Director Finance presented the Technical Accounting Manager's report with the Council's final Statement of Accounts for 2013/14, which was a statutory requirement for approval and publication by 30 September 2014. An earlier draft had been circulated with the agenda and was updated at the meeting, to enable the accounts to be signed off by the Chair of the Audit and Governance Committee. The report also included the Annual Governance Statement for 2013/14.

A Member requested further information on the Local Government Pension Scheme and Members were advised that a Members' Briefing would be arranged.

Members wished their appreciation of the effort and hard work by the Assistant Director Finance and his team and Grant Thornton in the production of the Final Accounts to be noted.

**RESOLVED** that the Audit and Governance Committee approved the Final Statement of Accounts for 2013/14 for the City Council.

**MANAGEMENT REPRESENTATION LETTER TO THE EXTERNAL AUDITOR IN RESPECT OF THE 2013/14 STATEMENT OF ACCOUNTS**

The Assistant Director Finance submitted the letter to the External Auditor, Grant Thornton in respect of the 2013/14 Statement of Accounts. This was a requirement of the audit and all obligations to produce the necessary standard of accounts had been completed as required by the Code of Practice.

**RESOLVED** that the Audit and Governance Committee approve the letter and request that it be signed by the Assistant Director Finance and the Chair of the Audit and Governance Committee for forwarding to the External Auditor, Grant Thornton.

**INTERNAL AUDIT PROGRESS REPORT**

The Audit Manager (HK) presented the progress report on the areas of work carried out by the Internal Audit Team during the period April to June 2014. The report also included the overall progress made against the 2014/15 Audit Plan, including the active monitoring of audit processes and actions. Progress against the Annual Audit Plan was on target and the detail was included in an appendix to the report. All of the recommendations made by Audit were accepted by management. A full copy of the report was available to Members on request.

It was noted that an item would be placed on the agenda for the next meeting to consider the responses and also encourage further responses to the Self Assessment checklist exercise, as part of a measuring the effectiveness and performance of the Audit and Governance Committee. A copy of CIPFA's Self Assessment Checklist – 'Measuring the Effectiveness of the Audit Committee' had previously been circulated to longer standing Members of the Committee.

The Audit and Governance Committee noted the report.

**REVIEW OF CORPORATE GOVERNANCE RISK REGISTER**

The Deputy Chief Executive presented the report which advised the Committee of the Council's risk management progress, and included an updated Corporate Risk Register as part of the Council's corporate governance arrangements.

The Assistant Director Environment attended the meeting and provided an update on risks relating to land contamination associated with historical landfill sites and updated Members on the discussions with the Environment Agency. The City Council had commissioned external consultants to assess a situation with potential gas migration at one site, and report back on the potential need for mitigation work. The report was due in October and any concerns would be addressed with further investigations commencing in the New Year.

The Deputy Chief Executive responded to a Member's comment on the ongoing discussion with South West Water and an investigation on the degree of liability and advised that every effort would be made to progress this. The Assistant Director Finance also responded to a comment on the score for housing voids repair and as the work had been significant, they would review the score.

The Audit and Governance Committee noted the updated Corporate Risk Register and that fuller consideration of the Risk Register would be made at the next meeting in December.

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

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

66 **REVIEW OF CORPORATE GOVERNANCE RISK REGISTER**

The Deputy Chief Executive presented the report of the Corporate Manager Policy, Communications and Community Engagement which advised the Committee of the changes introduced to the Council's Risk Management policy and procedures. This included an appendix to the report (Appendix A).

The Audit and Governance Committee noted the details contained in Appendix A.

(The meeting commenced at 5.20 pm and closed at 6.50 pm)

Chair

## EXECUTIVE

Tuesday 16 September 2014

### Present:

Councillor

Councillors Denham, Fullam, Hannaford, Leadbetter, Owen, Pearson and Sutton

### Also present:

Chief Executive & Growth Director, Deputy Chief Executive, Assistant Director Economy, Assistant Director Housing, Assistant Director Public Realm, Corporate Manager Policy, Communications and Community Engagement, Service Lead Housing Customers, Principal Project Manager (Infrastructure Management & Delivery) and Democratic Services Manager (Committees)

82

### MINUTES

The minutes of the meetings held on 24 June and 15 July 2014 were taken as read and signed by the Chair as correct.

83

### DECLARATIONS OF INTEREST

No declarations of disclosable pecuniary interest were made.

84

### MAJOR GRANTS AND NEW HOMES BONUS MINUTES 28 JULY 2014

The minutes of the meeting of the Major Grants and New Homes Bonus Panel held on 28 July 2014 were submitted.

**RESOLVED** that the minutes of the Major Grants and New Homes Bonus Panel held on 28 July 2014 be received and, where appropriate, adopted.

85

### ALLOTMENT SERVICE REVIEW

The report of the Assistant Director Public Realm was submitted, setting out the current position with regard to the Council's provision of allotments and, in the light of consultation with service users, proposed a number of changes to the operation of the service and the rules governing lettings.

The Portfolio Holder for Environment, Health and Wellbeing thanked the allotment holders for participating in the consultation process and the officers for the report. He reported that Scrutiny Committee – Community had supported the way forward and had also agreed an additional recommendation for the formation of an Allotment Users' Forum. He welcomed comments with regards to the empty plots and the waiting list and anticipated that this was one of the issues that the Forum could help to address.

A Member stated that he did not support a cut in the allotments budget. He had concerns regarding how the Users' Forum would operate and the need for transparency.

The Portfolio Holder for Housing and Customer Access stated that local management would help with the knowledge of unused plots these can then be re-let to new users, reducing the waiting list. The Council had proposals for new allotments on council owned build sites and through the use of Section 106 monies on new, larger development.

Scrutiny Committee – Community considered the report at its meeting on 9 September 2014 and the comments of the Members were noted including the additional recommendation with regards to the formation of an Allotment Users' Forum.

**RESOLVED** that:-

- (1) all new tenancies be restricted to those living within the city and for as long as they continue to do so;
- (2) all new tenancies be restricted in size to a maximum of ten rods (approx 250 m<sup>2</sup>) per household;
- (3) payment arrangements for allotment rents are brought into line with the range of payment options available for other council services, subject to such arrangements complying with the statutory provisions relating to allotments;
- (4) discounts applied to current tenancies remain for the duration of the individual tenancy and are not transferrable, and that no discounts are applied to new tenancies;
- (5) changes are made to the service to reduce maintenance costs and bring the service into line with the projected budget for 2015/16 as set out in Section 9 of the circulated report;
- (6) a rent free period of up to a year may be authorised by the Service Manager where a new tenant is willing to accept an untidy plot or where a tenant is prepared to be the single representative overseeing the allotment site on behalf of the council; and
- (7) an Allotment Users' Forum be established in liaison with the Allotment Bodies;

**RECOMMENDED** to Council that:-

- (8) greater service user participation is encouraged and that the authority to enter into management agreements with duly elected Allotment Associations as laid out in **Appendix B** be delegated to the Assistant Director Public Realm in consultation with the Portfolio Holder for Environment, Health and Wellbeing;
- (9) changes in the Allotment Gardens Rules and Conditions set out in **Appendix C** are approved and that the Service Manager with overall responsibility for Allotments be delegated responsibility to interpret the Rules in the case of a dispute; and

- (10) allotment Gardens Rules and Conditions are issued from 1 October 2014 and thereafter reviewed annually and that authority to approve or amend the Rules is delegated to the Assistant Director Public Realm in consultation with the Council's Monitoring Officer and the Portfolio Holder for Environment, Health and Wellbeing.

(In accordance with Standing Order no.43, Councillor Fullam requested that his vote against this proposal be recorded and Councillor Leadbetter requested that his abstention from voting be recorded)

86

### **TRANSPORT INITIATIVES AND ISSUES - UPDATE**

The report of the Assistant Director City Development was submitted updating Members in relation to transport initiatives and issues affecting Exeter. The emphasis this year was on rail, with new stations opening soon and more certainty in relation to the franchising process; also electric vehicles, with a strategy being presented to Members for endorsement.

Members welcomed the installation of the electric charge points in the city and acknowledged that the ownership of electric cars was increasing.

In response to Members, the Principal Project Manager stated that it was not practical to have real time information at all bus stops although it was anticipated that information would be available via an application on smart phones in future. New proposals for a Park and Ride site at Alphington were expected to come forward in due course.

A Member stated that Devon County Council was waiting for a price for a replacement canopy for the Central Station forecourt.

Scrutiny Committee – Economy considered the report at its meeting on 11 September 2014 and the comments of the Members were noted.

**RESOLVED** that:-

- (1) the Council's involvement in the initiatives outlined in the report be supported; and
- (2) the Electric Vehicle Strategy, as a strategy for promoting the ownership and use of electric vehicles within Exeter, be endorsed.

87

### **RELEASE OF FUNDS FROM THE HOLMAN TRUST TO TOPSHAM COMMUNITY ASSOCIATION**

The report of the Assistant Director Public Realm was submitted regarding a request from Topsham Community Association for a sum of £15,000 from the Holman Trust, a Trust Fund which the Council administers, to help fund the 'Revitalise the Rec' project. Although the Council administers this Trust Fund, an application to the Charity Commission would be required in order for this sum to be released.

Members supported the application to the Charity Commission for the release of funds from the Holman Trust for a contribution of £15,000 towards the costs of this worthwhile project.

**RECOMMENDED** to Council that:-

- (1) the Charity Commission be approached to release £15,000 from the Trust to refund the Topsham Community Association; and
- (2) a Recoupment Order remains in place for the remaining sum.

88

#### **CORPORATE PLAN UPDATE 2014**

The report of the Corporate Manager (Policy, Communications and Community Engagement) was submitted, seeking Members' approval of the council's 2014 Corporate Plan update.

The Leader stated this was a one year update and that a budget consultation exercise would be undertaken over the coming months which together with the medium term financial plan, would form the future Corporate Plan.

**RECOMMENDED** that Council notes and approves the 2014 Corporate Plan update.

89

#### **REPRESENTATION AT MAGISTRATES COURTS AND 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:-

Jayne Hanson – Service Improvement Lead (Payments)

**RESOLVED** that, in accordance with section 223 of the Local Government Act 1972, the following officers be authorised to represent the Council at the County and Magistrates Courts in Council Tax and Business Rates cases :-

Jayne Hanson – Service Improvement Lead (Payments)

Sue Rolfe – Senior Recovery Officer

Kevin Hughes – Service Improvement Lead (Local Taxation)

Guy Burnley – Senior Rating Officer

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

91

#### **WATER INGRESS TO COUNCIL HOUSING STOCK**

The report of the Assistant Director Housing was submitted, setting out the impact extreme weather conditions over the 2013/14 winter had on some Council homes and advising Members what work was required to tenanted and leasehold properties to make good the damage caused. The report also identified how the work could be funded and the likely scale of resources required.

The Leader supported the proposed way forward to undertake the necessary remedial works.

The Assistant Director Housing advised of the position regarding the Housing Revenue Account and the anticipated affect the remedial work would have on the short and medium term financial plan.

Scrutiny Committee – Community considered the report at its meeting on 9 September 2014 and the comments of the Members were noted.

**RESOLVED** that:-

- (1) funding from HRA balances as set out in the report be allocated to carry out the required building works to remedy the damp ingress, an element of this budget to be added to the External Painting and Rendering budgets to cover the work that could be carried out in conjunction with work already planned by the Council's current contractors in 2014/15;
- (2) the variation of the existing contractual arrangements with the contractors as a consequence of the above recommendation be agreed;
- (3) the criteria previously agreed with the Portfolio Holder for Housing and Customer Access, as set out in the report, be approved for 'fast tracking' works or other interventions where there were medical or other exceptional circumstances; and
- (4) the recharging of the value of the works as set out in the report to the leaseholders be supported as a service charge to cover elements of work that were planned (and would normally be charged to the leaseholder) but were being completed ahead of programme at the same time as the damp ingress works to ensure cost efficiencies. These would only be reasonable costs and only following the appropriate consultation process.

92

### **LEISURE LEGACY PROPOSAL**

The report of the Assistant Director City Economy was submitted updating Members on the opportunity to allow Parkwood Leisure to transfer the management of the City Council leisure facilities to their charitable trust model – Legacy Leisure. There have been ongoing discussions with colleagues in the Legal Department to ensure that all of the proposed arrangements would ensure that the best interests of the Council were protected. It was noted that the charitable trust status principle was now well established as an accepted operational model for leisure facilities.

The Portfolio Holder for Economy and Culture thanked the officers involved in the negotiation of the terms of the transfer to Legacy Leisure.

Scrutiny Committee – Economy considered the report at its meeting on 11 September 2014 and the comments of the Members were noted.

**RESOLVED** that delegated authority be given to the Assistant Director Economy in consultation with the Portfolio Holder for Economy and Culture to confirm the Council's agreement to the transfer of the management of the City Council leisure facilities to Legacy Leisure. Such confirmation to be dependent on Parkwood Leisure providing requested verification regarding the status of Legacy Leisure.

**RESOLVED** that the minutes of the Exeter and Heart of Devon Growth Board meeting held on 28 July 2014 be noted.

(The meeting commenced at 5.30 pm and closed at 6.30 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 15 October 2014.**



# Agenda Annex

## SEATING IN THE GUILDHALL

		Deputy Lord Mayor Councillor Newby (C)	Chief Executive & Growth Director	Lord Mayor Councillor Prowse (C)	Corporate Manager Democratic/Civic Support	Corporate Manager Legal	
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Democratic Services Manager (Committees)				Deputy Chief Executive	Assistant Director Finance	
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Councillors	Councillors	Councillors		Councillors	Councillors
Tippins (L)	Robson (L)	Edwards (L)		Leadbetter (C)	Fullam (LD)
George (L)	Sheldon (L)	Sutton (L)		Baldwin (C)	Mrs Brock (LD)
Crew (L)	Spackman (L)	Hannaforde (L)		Henson (C)	Mitchell (LD)
Williams (L)	Raybould (L)	Pearson (L)	TABLE	Shiel (C)	Donovan (C)
Laws (L)	Lyons (L)	Owen (L)		Winterbottom (C)	Holland (C)
Dawson (L)	Foggin (L)	Denham (L)			Mottram (C)
Clark (L)					
Bowkett (L)					

Cllr Morris (L)	Cllr Branston (L)	Cllr Brimble (L)	Cllr Bull (L)	Cllr Wardle (L)	Cllr Bialyk (L)	Cllr Choules (L)
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L: Labour : 27  
 C: Conservative : 10  
 LD: Liberal Democrat : 3

### Portfolio Holders

Edwards: Leader  
 Sutton : Deputy Leader and City Development  
 Hannaforde : Housing and Customer Access  
 Denham: Economy and Culture  
 Owen: Environment, Health and Wellbeing  
 Pearson: Enabling Services

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