



Exeter City Council

A meeting of **EXETER CITY COUNCIL** will be held at the **GUILDHALL, HIGH STREET, EXETER** on **TUESDAY 18 OCTOBER 2016**, 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 Ordinary and Extraordinary meetings held on 26 July 2016.	3 - 10
2 Official Communications	
To receive minutes of the following Committees and to determine thereon:-	
3 Planning Committee - 25 July 2016	11 - 30
4 Planning Committee - 5 September 2016	31 - 40
5 Planning Committee - 3 October 2016	41 - 54
6 Planning Committee - Special - 5 October 2016	55 - 62
7 Licensing Committee - 19 July 2016	63 - 64
8 Licensing Committee - 20 September 2016	65 - 66
9 People Scrutiny Committee - 1 September 2016	67 - 70
10 Place Scrutiny Committee - 8 September 2016	71 - 88
11 Corporate Services Scrutiny Committee - 29 September 2016	89 - 94
12 Audit and Governance Committee - 28 September 2016	95 - 98
13 Strata Joint Scrutiny Committee - 15 September 2016	99 - 104

Office of Corporate Manager Democratic & Civic Support

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| 14 | Strata Joint Executive Committee - 27 September 2016 | 105 - 108 |
| 15 | Executive - Special - 23 August 2016 | 109 - 110 |
| 16 | Executive - 13 September 2016 | 111 - 120 |
| 17 | Executive - 11 October 2016 | |

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

Date: Monday 10 October 2016

Karime Hassan
Chief Executive &
Growth Director

NOTE: Members are asked to sign the Attendance Register

Office of Corporate Manager Democratic & Civic Support			
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THE MEETING OF EXETER CITY COUNCIL

Guildhall
Tuesday 26 July 2016

The Right Worshipful the Lord Mayor (Cllr Thompson)
The Deputy Lord Mayor (Cllr Holland)
Councillors Ashwood, Bialyk, Brimble, Bull, Denham, Edwards, Foale, Gottschalk, Hannaford, Hannan, Harvey, Henson, Mrs Henson, Keen, Lamb, Leadbetter, Lyons, Mitchell, Morse, Musgrave, Newby, Packham, Pearson, Robson, Sheldon, Sills, Spackman, Sutton, Vizard, Wardle, Warwick and Wood

33 **MINUTES**

The minutes of the Ordinary Meeting held on 19 April 2016 and the Annual Meeting held on 17 May 2016 were moved by the Leader and seconded by Councillor Sutton, taken as read and signed as correct.

34 **APOLOGIES**

Apologies for absence were received from Councillors Baldwin, Branston, Foggin, Owen and Prowse.

35 **OFFICIAL COMMUNICATIONS**

The Lord Mayor brought to Members' attention the success of the Shrouds of the Somme which had taken place in Northernhay Gardens between 1 and 7 July. It had attracted 60,000 visitors, generated over 100 million hits on social media and raised £40,000 for Exeter Foundation and Soldiers Sailors Air Force Association (SSAFA).

36 **PLANNING COMMITTEE - 23 MAY 2016**

The minutes of the Planning Committee of 23 May 2016 were presented by the Chair, Councillor Sutton, and taken as read.

RESOLVED that the minutes of the Planning Committee held on 23 May 2016 be received.

37 **PLANNING COMMITTEE - 27 JUNE 2016**

The minutes of the Planning Committee of 27 June 2016 were presented by the Chair, Councillor Sutton, and taken as read.

In respect of Minute (44) Planning Application No.16/0483/03 – 4 Garden Close, Exeter and in response to a Member, the Chair clarified that revised plans had been submitted for this site which had removed the existing conservatory. This meant that the amenity space for the existing and new dwellings met the requirements as set out in the Residential Design Guide and there were no grounds for refusal. The Chair noted the Member's concerns regarding the notification of Ward Members of changes to planning applications and stated that this would be addressed.

RESOLVED that the minutes of the Planning Committee held on 27 June 2016 be received.

38

LICENSING COMMITTEE - 31 MAY 2016

The minutes of the Licensing Committee of 31 May 2016 were presented by the Chair, Councillor Spackman, and taken as read.

RESOLVED that the minutes of the Licensing Committee held on 31 May 2016 be received.

39

PEOPLE SCRUTINY COMMITTEE - 2 JUNE 2016

The minutes of the People Scrutiny Committee of 2 June 2016 were presented by the Chair, Councillor Wardle, and taken as read.

RESOLVED that the minutes of the People Scrutiny Committee held on 2 June 2016 be received.

40

PLACE SCRUTINY COMMITTEE - 9 JUNE 2016

The minutes of the Place Scrutiny Committee of 9 June 2016 were presented by the Chair, Councillor Brimble, and taken as read.

RESOLVED that the minutes of the Place Scrutiny Committee held on 9 June 2016 be received.

41

CORPORATE SERVICES SCRUTINY COMMITTEE - 29 JUNE 2016

The minutes of the Corporate Services Scrutiny Committee of 29 June 2016 were presented by the Chair, Councillor Sheldon, and taken as read.

RESOLVED that the minutes of the Corporate Services Scrutiny Committee held on 29 June 2016 be received.

42

AUDIT AND GOVERNANCE COMMITTEE - 22 JUNE 2016

The minutes of the Audit and Governance Committee of 22 June 2016 were presented by the Chair, Councillor Vizard, and taken as read.

RESOLVED that the minutes of the Audit and Governance Committee held on 22 June 2016 be received.

43

STRATA JOINT SCRUTINY COMMITTEE - 7 JUNE 2016

The minutes of the Strata Joint Scrutiny Committee of 7 June 2016 were presented by Councillor Musgrave and taken as read.

RESOLVED that the minutes of the Strata Joint Scrutiny Committee held on 7 June 2016 be received.

44

STRATA JOINT EXECUTIVE COMMITTEE - 21 JUNE 2016

The minutes of the Strata Joint Executive Committee of 21 June 2016 were presented by Councillor Edwards, and taken as read.

In respect of Minute (19) Strata Budget Monitoring Quarter 4; 2015/16, the Portfolio Holder for Supporting Services welcomed the refund of £230,000 which would be shared with the three Authorities. The Leader agreed that this refund showed that the partnership was working well whilst rolling out IT improvements.

RESOLVED that the minutes of the Strata Joint Executive Committee held on 21 June 2016 be received and, where appropriate, any recommendations contained therein approved.

45

EXECUTIVE - 14 JUNE 2016

The minutes of the Executive of 14 June 2016 were presented by the Leader, Councillor Edwards, and taken as read.

RESOLVED that the minutes of Executive held on 14 June 2016 be received and, where appropriate, adopted.

46

EXECUTIVE - 12 JULY 2016

The minutes of the Executive of 12 July 2016 were presented by the Leader, Councillor Edwards, and taken as read.

In respect of Minute (84) Exwick and Flowerpot Playing Fields, the Portfolio Holder for Sport, Health and Wellbeing welcomed the partnership working with the community and major stakeholders such as Exeter College to enhance the sporting assets in the City.

RESOLVED that the minutes of Executive held on 12 July 2016 be received and, where appropriate, adopted.

47

NOTICE OF MOTION BY COUNCILLOR KEEN UNDER STANDING ORDER NO.

6

Councillor Keen, seconded by Councillor Morse, moved a Notice of Motion in the following terms:-

“Exeter’s City Council members wish to reaffirm our unequivocal condemnation of any form of behaviour that is racist, xenophobic, incites hatred, discriminates against or harms members of our community. We are honoured to represent the residents of such a diverse and tolerant city, and we intend to continue to do our utmost to ensure that it is a welcoming, safe place for all.

This Council recognises that our open and welcoming community is a key reason for this city’s prosperity and its significant cultural value in the South West. We also recognise that our city is home to people from many parts of the world, of many faiths and of none, and that we all continue to come out in force standing shoulder to shoulder with every resident – we are immensely proud to see that year on year events such as Exeter Pride and Exeter Respect Festival grow from strength to strength.

However, we also recognise that as a council we must not be complacent and continue to make sure acceptance and integration is a key aspect involved in the decisions we undertake. We will continue to ensure that local partnerships and programmes that combat xenophobia and contribute to integration have our full support.

We state in the strongest and sincerest terms that if any person is a victim of crime in Exeter they need to report it to our local police force. This not only means that the appropriate actions can be undertaken but more detailed records will enable a more effective response in the future – we will not allow hate crime to gain a foothold in our city.

We reassure all people living in Exeter that we will continue to strive every day to welcome, value and protect them. Working together, this city will remain welcoming, safe and inclusive for one and all.”

In presenting the Notice of Motion, Councillor Keen highlighted that it was important to raise awareness that any form of behaviour that discriminates against or harms individuals as being unacceptable and to assure residents that the City Council condemns any such behaviour.

Councillor Morse, in seconding the motion, stated that it was concerning that there had been a rise in hate crime and that the City Council would not tolerate such conduct. It was important that Exeter remained a safe place to live and visit.

All Members fully supported this motion.

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

48 **NOTICE OF MOTION BY COUNCILLOR BALDWIN UNDER STANDING ORDER NO 6.**

Councillor Mrs Henson, seconded by Councillor Newby moved a Notice of Motion, proposed by Councillor Baldwin, in the following terms:-

“The Council calls upon the Government to make fair transitional state pension arrangements for all women born on or after 6th April 1951, who have unfairly borne the burden of the increase to the State Pension Age (SPA) with lack of appropriate notification. Hundreds of thousands of women had significant pension changes imposed on them by the Pensions Acts of 1995 and 2011 with little or no personal notification of the changes. Some women had only two years notice of a six-year increase to their state pension age.

Many women born in the 1950's are living in hardship. Retirement plans have been shattered with devastating consequences. Many of these women are already out of the labour market, caring for elderly relatives, providing childcare for grandchildren, or suffer discrimination in the workplace so struggle to find employment. Women born in this decade are suffering financially. These women have worked hard, raised families and paid their tax and national insurance with the expectation that they would be financially secure when reaching 60. It is not the pension age itself that is in dispute - it is widely accepted that women and men should retire at the same time. The issue is that the rise in the women's state pension age has been too rapid and has happened without sufficient notice being given to the women affected, leaving women with no time to make alternative arrangements.

The Council calls upon the Government to reconsider transitional arrangements for women born on or after 6th April 1951, so that women do not live in hardship due to pension changes they were not told about until it was too late to make alternative arrangements.”

In presenting the Notice of Motion, Councillor Mrs Henson highlighted that, already, many woman, born in the 1950's, were living in hardship, a lot of whom had looked after their children and elderly relatives and they were not being treated as equal.

There was a lack of notice and not enough time to plan for these changes as many of the affected women were not notified of the rise in the pension age for nearly 14 years after the law was passed in 1995. For many of these women, there was no other source of income. Councillor Mrs Henson asked Members to support the motion.

During discussion the following points were raised:-

- the changes in the pension affected many women who had given up their career to look after their children and were now caring for their grandchildren and elderly parents
- this was an inequality that was having a real impact on some women
- there was a lack of notification of this change; some women having as little as one year's notice
- these changes were unfair and disproportionate.

The Leader supported this motion and stated that the Council would send this motion to the Prime Minister and the Leader of the Opposition.

This was supported by the Members.

The Notice of Motion, with the additional recommendation that it be sent to the Prime Minister and Leader of the Opposition was put to the vote and carried unanimously.

(The meeting commenced at 6.00 pm and closed at 6.47 pm)

Chair

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THE EXTRAORDINARY MEETING OF EXETER CITY COUNCIL

Guildhall
Tuesday 26 July 2016

The Right Worshipful the Lord Mayor (Cllr Thompson)
The Deputy Lord Mayor (Cllr Holland)
Councillors Ashwood, Bialyk, Brimble, Bull, Denham, Edwards, Foale, Gottschalk,
Hannaford, Hannan, Harvey, Henson, Mrs Henson, Keen, Lamb, Leadbetter, Lyons,
Mitchell, Morse, Musgrave, Newby, Packham, Pearson, Robson, Sheldon, Sills, Spackman,
Sutton, Vizard, Wardle, Warwick and Wood

8

APOLOGIES

Apologies for absence were received from Councillors Baldwin, Branston, Foggin,
Owen and Prowse.

9

HONORARY ALDERMEN

The Leader moved the recommendation that Mr Marcel Choules and Mr Norman
Shiel be conferred the title of Honorary Alderman, in recognition of their eminent
services to Exeter City Council during the period they were Members of the Council.

Councillor Leadbetter seconded the recommendation.

RESOLVED that, in pursuance of its powers under Section 249(1) of the Local
Government Act 1972, the Council do confer on Mr Marcel Choules and Mr Norman
Shiel the title of Honorary Alderman, in recognition of their eminent services to Exeter
City Council during the period they were Members of the Council.

[Section 249 of the Local Government Act 1972 provides that the foregoing honour
may be conferred by resolution of the Council passed by not less than two thirds of the
Members voting thereon at a meeting specially convened for the purpose.]

[The foregoing resolution was passed unanimously)

(The meeting commenced at 6.47 pm and closed at 6.48 pm)

Chair

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PLANNING COMMITTEE

Monday 25 July 2016

Present:

Councillor Sutton (Chair)
Councillors Lyons, Bialyk, Denham, Edwards, Foale, Harvey, Mrs Henson, Morse, Newby and Spackman

Apologies:

Councillor Prowse

Also Present:

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

51

DECLARATIONS OF INTEREST

Members declared the following interests and left the meeting:-

COUNCILLOR	MINUTE
Councillor Spackman	54 (disclosable pecuniary interest as a Trustee of the Feoffees of St Sidwell)
Councillor Morse	57 (lives in neighbourhood)

52

PLANNING APPLICATION NO. 15/0436/01 - LAND ADJOINING THE WEST OF ENGLAND SCHOOL, TOPSHAM ROAD, EXETER

The Assistant Director City Development presented the application for outline consent for up to 123 houses and associated infrastructure, with all matters reserved except for access. He set out the planning history to the site, the implications on the natural habitat, the implications of the inability of the Devon County Council Development Management Committee to provide guidance relating to highways and how this should affect the decision process.

He reported in detail on the implications of planning law, the absence of a five year housing supply and the need to consider the presumption in favour of sustainable development which for decision making meant approving development proposals that were in accord with the development plan without delay. Further, where the development plan was out of date granting permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this National Planning Policy Framework taken as a whole or unless specific policies in the Framework indicated development would be restricted.

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

- the development will lead to an increase in traffic on Topsham Road which is already busy and therefore to an associated increase in pollution which will

- be exacerbated by additional cars idling at the traffic lights. Many of the proposed new properties are likely to have at least two cars per household;
- the pollution problem will be further exacerbated when other developments along the Topsham Road are brought forward;
- the Special School and the West of England School for Children with Little or No Sight will be affected by construction traffic and also passing cars if the development is completed.

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

- the views regarding the Cirl Bunting requires clarification by means of a formal survey by the RSPB not just a consultant engaged by the applicant using RSPB guidelines;
- need to protect the sky line to retain views of green fields; and
- failure to protect this area will set a precedent and lead to encroachment into other Valley Parks.

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

- this area is one of the most extensively developed parts of the City with new developments in the Newcourt area and with the imminent arrival of IKEA and the loss of the Topsham Gap and will not be able to accommodate this further development;
- the proposal will impinge on the Ludwell Valley Park, adversely impacting on an important resource of the City;
- the adjoining estate is unique in the City with only one access in and one out and served by one set of traffic lights;
- the two special schools will be affected, many of the pupils of both being delivered to and from the schools by taxis;
- also made presentation to the County Council's Development Management Committee and disagreed with the view that there would be no highway issues;
- previous applications have also been refused when traffic was deemed too severe;
- an area of open green land will be lost for ever;
- development will impact adversely on wildlife
- agree with previous view expressed regarding pollution.
- the acknowledged need for housing can be addressed elsewhere in the City

Ms Keatt spoke against the application. She made the following points:-

- understand need to balance the requirement to build 12,000 homes in Exeter against the need to retain green outdoor facilities;
- speaking on behalf of people who live near the field in question and others who enjoy the Park, to urge rejection of the the planning application for this site and keep it from becoming a blot on the landscape;
- Ludwell Valley Park is 80 hectares of Devonshire farmland, rolling hills and hedgerows. It is unique as its undulating hills offer significant views of the city and the sea at Exmouth. Such views are an asset to the site and, if the proposed houses are built, then these views will be affected forever;
- if the field is built on then it will leave an isolated tongue of Park land between the proposed site and Woodwater Park offices to the north, reducing the impact of the Park and altering the skyline;
- the prominence and importance of the Ludwell Valley Park is clear from the 'Riverside and Ludwell Valley Parks Master Plan 2016 – 2026' which looks

to increase the use of the Park, whilst protecting biodiversity and enhancing natural wildlife habitats;

- as the population grows it is so important to ensure that Exeter's future development will protect its wildlife and give it space to thrive. It is vital to protect Ludwell Valley Park at a time of continued growth of the City;
- places like Ludwell Valley Park improve the quality of life for people in Exeter and help to attract visitors to our City;
- Ludwell Valley Park is a wildlife haven, which is very important at a time when wildlife is under threat. A wildflower meadow is planted in the field next to the proposed site attracting many types of wildlife. One of these is the rare Cirl Bunting, they, and other protected wildlife, need to be encouraged to remain and thrive in the Park – allowing this development will not help this to happen;
- through the 'Wild City' partnership with Devon Wildlife Trust, the council is creating new habitats to encourage birds like the swift to increase in number. That seems at odds with allowing this application to go ahead as it would destroy a field that is part of Ludwell Valley Park – a field that can continue to offer a natural habitat for wildlife and that has the potential to attract more;
- if Wendover Way is opened up to allow traffic through onto Southbrook estate, the safety of cyclists and pedestrians who use the roads may be at risk. Many of those are young people travelling to and from school as the cycle/ footpath is offering them a safer route than the very busy main roads. Traffic through from the proposed new site will increase the risk of a serious accident or worse;
- poor air quality from pollution has already been identified in this area and a further increase of traffic fumes will have an adverse effect on health and wellbeing; and
- do not allow this to go ahead as there is a need to protect and preserve this field so that future generations can continue to enjoy the beauty and wildlife within Ludwell Valley Park.

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

- a Director at Jones Lang LaSalle in Exeter and represent ADP&E Farmers, the landowners and applicants. The report is a culmination of more than two years of negotiation and consultation with officers, local residents and key stakeholders;
- the principle of development is not in doubt;
- there are no technical reasons to withhold planning permission;
- the report confirms that the development proposed is a sustainable development when viewed in the context of its location and the characteristics of the site - the City's landscape policies are out of date as confirmed by the Planning Inspectorate and the High Court;
- the application must be judged in light of recent Appeal and High Court decisions that confirmed that the City does not have a five year supply of deliverable housing sites;
- crucially, this site proposes a higher number of dwellings than the allowed Exeter Road appeal meaning that its delivery is of greater importance than that site in addressing the serious housing shortfall in the City. The principle therefore cannot be in doubt because the site is sustainable and significant in addressing the identified housing supply deficit;
- there are no highways grounds to refuse the application as confirmed by Devon County Council Highway Engineers;
- there are no ecological grounds on which to refuse the application. A consultant ecologist has been surveying the site continuously since 2010 and their detailed surveys confirm that the site is not used by Cirl Buntings.

The RSPB acknowledges in a letter to the Council, that the habitat at the site is not suitable for them;

- site will deliver 43 new affordable homes at 35% of the total;
- the application will deliver greater public access within and to the adjacent Valley Park and improved green infrastructure and ecological enhancement measures within the application site; and
- the principle of development cannot be in doubt and there are no technical reasons to withhold planning permission.

He responded as follows to Members' queries:-

- both Southbrook School and the West of England School had been consulted and were supportive of the proposal;
- given that highways safety was a concern in respect of the children attending the special schools a number of risk assessments had been undertaken which had concluded that the safety of the children would not be compromised by the additional traffic associated with the development; and
- not able to predict if, at the detailed stage, additional properties to the 123 proposed would be brought forward. The 2015 Strategic Housing Land Availability Assessment had allowed for up to 220 dwellings but this had not been considered an option because of the adverse impact on the skyline.

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

RESOLVED that the application for up to 123 houses and associated infrastructure with all matters reserved except for access, be refused as the proposal was contrary to the National Planning Policy Framework 2012, Exeter City Council Core Strategy 2012 CP16, Exeter Local Plan First Review 1995-2011 Policies L1 and LS1 because:-

- (a) it would prevent the potential opportunity for informal recreation of the site in association with the Ludwell Valley Park designation; and
- (b) the proposal would harm the landscape setting of the City through development of Valley Park land.

53

**PLANNING APPLICATION NO. 15/0878/01 - PLAYING FIELD OFF WEAR
BARTON ROAD, EXETER**

The Principal Project Manager (Development) (PJ) presented the application for outline consent for up to 101 homes, a new sports pitch and changing facility, public open space including children's play areas and associated highways and drainage infrastructure with all matters reserved except for means of access.

He referred to legal advice set out in the update sheet clarifying how the application should be determined following confirmation that the Council's policies for the delivery of housing were deemed out of date as a result of the Council not having a five year housing supply as concluded by the Exeter Road Inspector. The legal view was that the application should be determined in accordance with the Development Plan unless material considerations indicate otherwise and this would depend on assessing whether the proposal was in accordance with the Development Plan as a whole and, if it was not, on the weight afforded to the relevant Development Plan policies under consideration both in themselves and relative to the other material considerations.

He also advised of minor amendments to the reason for refusal. He explained that, as the applicant had appealed against non-determination because the application had not been determined within 13 weeks, the decision on the application would be made by the Inspector at a Public Inquiry to be held on 6 December 2016. The Council is required to indicate what its decision would have been if it had determined the application.

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

- 150 letters of objection had been received setting out 31 reasons;
- this development would add to existing pressures following other developments in the Newcourt area and the Topsham Gap and the imminent arrival of IKEA;
- pressure on public open space and need to retain playing field for both young people and adults, a number of football teams struggle to find suitable playing fields as others in the City are fully booked;
- will be an adverse impact on the Countess Wear 100 Club, the only remaining youth centre in the City; and
- need to resist pressure on green spaces.

The recommendation was that the application would have been refused for the reason set out in the update sheet.

RESOLVED that the application for outline planning permission for up to 101 homes, a new sports pitch and changing facility, public open space including children's play areas and associated highways and drainage infrastructure with all matters reserved except for means of access would have been **REFUSED** as the proposal is contrary to the National Planning Policy Framework 2012 (paragraph 74), Exeter City Council Core Strategy 2012 CP10, Exeter Local Plan First Review 1995-2011 Policy L3 and L5 and Sport England's Playing Field Policy because the development would result:-

- (a) in the loss of the openness of the site detrimental to the amenity value of the area; and
- (b) in the loss of a playing pitch site identified for retention and provides the opportunity for future recreational need and these losses are not being replaced by provision of equivalent value.

54 **PLANNING APPLICATION NO. 16/0076/03 - LAND BETWEEN 39-41 TORONTO ROAD, EXETER**

Councillor Spackman declared a disclosable pecuniary interest as a Trustee of the Feoffees of St Sidwell, the applicant, and left the meeting during consideration of this item.

The Project Manager (Planning) (GM) presented the application for the demolition of 11 garages to be replaced by a two storey development of six apartments.

He clarified that the level of the green space should be approximately 1,5 to 2,5 meter higher than the road, correcting what was described in the Committee Report.

He updated Members on revised plans submitted by the applicant on 22 July, three days before the meeting, the applicant stating that the changes would address one of the reasons of refusal, that is, nationally described space standards not being met. The changes had not led to the required improvements in space standards.

The new drawings had decreased the space for the area for entrance and stairwell together making apartment 1. smaller to be able to make the other apartments larger within the same foot print for the development. As described in the Committee Report the plans did not show the outer wall thick enough to contain both the existing retaining wall as well as the proposed structural wall, shown on the submitted section. This had not been amended on the new drawings.

Before the submission of the new drawings the apartments had been below nationally describe space standards even without the necessary changes needed to include the structural wall shown in the section. Now the apartments on the ground floor with the layout in the new drawings would be approximately 2-3 m² below nationally described space standards if the plans show the full width of the outer walls.

As described in the Committee Report considerations of not building in the root zone of the protected Lime tree or incorporate highway land as private footpath, to enable the development to sit closer to the street, would have further impact on apartment sizes. His conclusion was therefore that the applicant was not showing that they could comply to the nationally described space standards even with the new drawings.

He clarified that the communal open space, as described in the Residential Design SPD, was approximately 130 m², not including areas for private sitting out space, correcting what was described in the report. The communal open space was not 150 m² as shown in the new drawings. If including the private sitting out space, three metres out from the apartments facing and levelled with the green space, only approximately 58 m² remains of the communal open space. Approximately 18 m² of these 58 m² was directly under the protected Lime tree, as shown on the drawings.

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

- the lateness of the submission puts the residents at a distinct disadvantage, as they have had no time to properly assess the plans;
- applicant has known about the minimum standards failure since 31 March, 2016, and failed to do anything;
- the measurements and living space figures don't add up - the developer appears to have created 7m² out of thin air on the ground floor;
- on the revised application, the height of the building has been slightly lowered by reducing the number of floors from three to two, however, the actual footprint has been increased from 204.5 metres to 211.7 metres;
- the design is still out of keeping with the neighbouring houses and streetscape, which is composed of Victorian terraced houses;
- the issue of scale and mass is central to the residents' objections;
- a challenging application for the planning officer and local residents which, to an extent, has been made even more difficult by the lack of clarity in the applicant's planning statement relating to lack of detail;
- there are a number of errors and omissions;
- the applicant states that the provision of good access amenities for all the tenant age groups and abilities is a fundamental convention of the design. However, there is no direct access to the amenity area from the ground floor flats. The proposed balcony to the apartment 4 is too small when measured against the Council's Residential Design Guide and, critically, it overlooks a number of adjacent properties in Toronto Road.
- one of the most contentious issues is the impact on residents' privacy;
- ecology and biodiversity reports have not been carried out;

- the site is listed by Natural England as a traditional orchard and Devon County Council lists these orchards as a key feature for conservation in its Devon Biodiversity Plan. The impact that this development will have and already has on the overall biodiversity in the adjacent gardens has been extremely controversial. A pond, built by the residents has been already filled in by the applicant. In addition, this garden contains several mature fruit trees, which have been there for at least 30 years and which do not appear on the applicant's plan;
- impact on amenity space - children are currently able to play in the area adjacent to this development and adults also use this area for street parties. If this application is granted this amenity space will be lost;
- when Toronto Road was built, there was an orchard, which the residents were able to enjoy as a communal space. Subsequently, the owners built the garages on this land and abandoned an area, which they rented out to the residents who levelled the land, built supporting walls, created a vegetable garden and lawn area;
- impact the development will have on the lime tree referred to in the Council's Belmont Conservation Document. The tree report submitted by Aspect Tree Consultancy on behalf of the local residents states that the tree is a high value specimen and is protected by virtue of its location in a Conservation area and contributes to the character of the area;
- the rear elevation of the building is a retaining structure and, as such, will require the bank to the rear wall of the proposed building to be excavated to provide appropriate retaining. This will take place within the tree roots, which is contrary to the Council's Supplementary Planning Design policy and would lead to an unacceptable level of root disturbance and impact on the drainage and health and life of the tree;
- cycle and bin store is combined contrary to the Council's sustainable transport strategy which sets out the same space cannot be counted for both
- Devon County Council state that, due to the number of families and children expected to move into this development, it is anticipated that this application will put pressure on local schools, where there is limited capacity to accommodate them;
- the loss of amenity space is contrary to the Local Plan relating to high density development within city areas;
- Article 4 Directions state the quality of the conservation area is threatened by the cumulative impact of numerous changes and that new developments will be required to preserve and/or enhance the character and appearance of the conservation area by ensuring the scale and massing reflects and respects the existing Conservation Area;
- by reason of the design, volume, massing, increased footprint and materials the development does not relate to the existing street scene and character of the area;
- critically, the loss of privacy for residents living adjacent to the development only 11 metres away, which is a distance of just half the National Minimum Requirement;
- previous and present planning officers have both recommended a refusal on the grounds of poor standard of amenity for neighbours, poor quality of amenity for future occupiers, potential impact on the health of a protected tree within a conservation area and failure to protect and enhance biodiversity on the site;
- the objections from 77 local residents were credible, detailed and comprehensive and based on Government Guidelines, Devon County Council Biodiversity Plan, Exeter City Council Core Strategy and the Belmont Conservation Management Plan; and

- all the objections are compelling and contribute in supporting the officers' recommendation that this application should be refused on the grounds of overdevelopment within this Neighbourhood Community.

Mr Jenner spoke against the application. He made the following points:-

- our Community is overwhelmingly opposed to the application;
- the application itself is incomplete, inaccurate and the proposed development is unsuitable for the site;
- application fails to meet at least ten national and local standards, policies and guidelines, and the development is too large for the land it's on;
- no consideration to the requirement that special attention is paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area;
- overlooking and loss of privacy to the surrounding properties is considerable;
- the poor spatial relationship between the Lime Tree and the development, creates problems for the new residents;
- sections of the application form relating to biodiversity are not completed and there is no biodiversity impact assessment. The applicant has removed wildlife and destroyed an existing habitat already. There is also a failure to mention the existence of trees both on the site itself, and the enormous Lime Tree that is endangered by the proposal;
- almost no consultation by the applicant with the community;
- support the recommendation and request the following additional refusal reasons:-
 - the failure to assess how the proposed development of the site affects the setting of the Conservation Area, or of the design to latch onto any architectural features in the locality and, in particular, the conservation area it borders, or to take account of the significant view identified in the Council's own conservation area appraisal;
 - the failure to provide an assessment of the impact on the site's biodiversity;
 - failure to meet additional standards that caused the previous application to be refused;
- the above refusal reasons as well as those in the report, are each sufficient on their own to refuse the application. Together, they provide compelling grounds to refuse;
- the applicant may say they have duty to the community to provide affordable housing but this community is adversely affected. Providing affordable housing is a worthy ambition, but not where it so negatively impacts on the existing community, while providing sub-standard accommodation to the intended residents. The benefit, if any, of this application, is far outweighed by the detriments of it; and
- the residents have to live with the consequences of this development if the application is granted.

Responding to a Member, he confirmed that the improvements to the garden area to rear of the garages had been undertaken by the local residents, having obtained permission from the applicant

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

RESOLVED that the application for the demolition of 11 garages to be replaced by a two storey development of six apartments be **REFUSED** as the proposal is

contrary to paragraph 56 of the National Planning Policy Framework 2012, the requirements in Technical housing standards – nationally described space standard 2015, Policies CP4 and CP17 of the Exeter Core Strategy, Policies C1, DG1 and DG4 of the Exeter Local Plan First Review 1995-2011, Residential Design SPD 2010, Sustainable Transport SPD 2013 and Trees and Development SPD 2009 because, by reason of its size and the surrounding constraints, the site is not large enough to accommodate the proposed development. As a consequence the development would result in:-

- poor standard of amenity for neighbours;
- poor quality of amenity for future occupiers;
- potential impact on the health of a protected tree within a conservation area; and
- failure to protect and enhance biodiversity on the site.

55

PLANNING APPLICATION NO 16/0662/03 - LAND AT 23-26 MARY ARCHES STREET AND BARTHOLOMEW STREET WEST, QUINTANA GATE, EXETER

The Project Manager (Planning) (KW) presented the application for the demolition of 23-27 Mary Arches Street and Quintana Gate, Bartholomew Street West, and the construction of 127 student flats and studios (sui generis use), communal facilities and associated infrastructure.

She clarified that the 127 units would consist of six cluster flats (two bedrooms each), 115 studio bedrooms, not 114 as set out in the report and that the 127 units could house between 127 and 134 students. She also advised that an extra condition would be added regarding compliance with BREEAM.

Responding to a Member, she advised of the position of three fire escapes.

Members noted that a Management Plan for the day to day operation of the Student Accommodation was required to be implemented by way of a legal agreement.

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

RESOLVED that, subject to a CIL Contribution amounting to £133,694.96 and the completion of a Section 106 Agreement under the Town and Country Planning Act 1990, to secure a management plan for the day to day operation of the student accommodation, planning permission for the demolition of 23-27 Mary Arches Street and Quintana Gate, Bartholomew Street West, and the construction of 127 student flats and studios (sui generis use), communal facilities and associated infrastructure be **APPROVED**, 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 4th July 2016 (1435_P2.01_B; 1435_P2.02_B; 1435_P2.03_D; 1435_P2.04_H) and 8th July 2016 (Dwg. No(s). 1435_P2.14_G; 1435_P2.24_F; 1435_P2.34_F; 1435_P2.51_E; 1435_P2.50_D; 1435_P2.52_D; 1435_P2.53_C; 1435_P2.54_C; 1435_D.01_A) as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 3) Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority. No

external finishing material shall be used until the Local Planning Authority has confirmed in writing that its use is acceptable. Thereafter the materials used in the construction of the development shall correspond with the approved samples in all respects.

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

- 4) No 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 and retained for that purpose at all times.

Reason: To provide for sustainable transport and ensure that adequate facilities are available for the traffic attracted to the site.

- 5) Travel Plan measures including the provision of sustainable transport welcome packs and details of the arrangements of how student pick up/drop off will be managed, shall be provided in accordance with details agreed in writing by the Local Planning Authority and Local Highway Authority in advance of occupation of the development.

Reason: To promote the use of sustainable transport modes and in the interest of highway safety, in accordance with paragraphs 32 and 36 of the NPPF.

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

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

- 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. 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;
- d) details of access arrangements and timings and management of arrivals and departures of vehicles.

The approved CEMP shall be adhered to throughout the construction period.

Reason: In the interests of the occupants of nearby buildings.

- 8) In the event of failure of any trees planted in accordance with any scheme approved by the Local Planning Authority, to become established and to

prosper for a period of five years from the date of the completion of implementation of that scheme, such trees shall be replaced with such live specimens of such species of such size and in such number as may be approved by the Local Planning Authority.

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

- 9) Prior to commencement of the development, the developer shall submit for the approval in writing by the LPA a Scheme for sound insulation and ventilation of the approved residential units. The scheme shall achieve at least the levels of acoustic performance specified in Section 4.1 of the Noise Assessment (Waterman Infrastructure and Environment Ltd May 2016) submitted with the application. The approved insulation and ventilation works shall be implemented in full prior to occupation of the development and maintained thereafter.
Reason: In the interests of the amenity of the occupants of the building(s) hereby approved.
- 10) No development related works shall take place within the site until a written scheme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include on-site work, and off-site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development.
- 11) Prior to occupation of any dwelling hereby approved details of provision for bats and nesting swifts shall be submitted to and approved in writing by the Local Planning Authority in consultation with the RSPB and DBRC. 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 preservation and enhancement of biodiversity in the locality.
- 12) The rating noise level (measured in accordance with BS4142:2014) from all mechanical building services plant shall not exceed 40 dB (07:00-23:00) and 35 dB (23:00-07:00) at any noise sensitive receptor.
Reason: In the interests of the amenity of the occupants of the building(s) hereby approved.
- 13) No part of the development hereby approved shall be brought into its intended use until the onsite loading bay on Bartholomew Street West, as indicated on Drawing Proposed Site Plan 1435_P2.04_H, has been provided in accordance with details and specifications that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority.
Reason: To provide suitable facilities for the traffic attracted to the site.
- 14) No development shall take place, including any works of demolition, until adequate areas shall have been made available within the site to accommodate operatives' vehicles, construction plant and materials and 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, measures to minimise the impact on the adjacent footpath and timings of the proposed works. The approved Statement shall be adhered to throughout the construction period.

Reason: In the interests of highway safety and public amenity.

- 15 the buildings hereby approved shall achieve a BREEAM 'excellent' standard as a minimum, and shall achieve 'zero carbon' if commenced on or after 1st January 2019. Prior to commencement of such a building the developer shall submit to the Local Planning Authority a BREEAM design stage assessment report, 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. A post completion BREEAM report shall be submitted to the Local Planning Authority within 3 months of the substantial completion of any such building hereby approved. The required BREEAM assessments shall be prepared, and any proposed design changes approved prior to commencement of the development, by a licensed BREEAM assessor.

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

56

PLANNING APPLICATION NO. 16/0559/03 - LAND TO SOUTH OF EXETER ROAD (ALDI), EXETER ROAD, TOPSHAM, EXETER

The Assistant Director City Development presented a Section 73 application to remove condition 14 (limitation on delivery hours) of planning permission ref 14/2083/03 granted on 30th June 2015. A condition of the planning permission granted for the Aldi store had been delivery hours of 7:00am to 11:00pm Mondays to Saturdays and 9:00am to 6:00pm Sundays and Bank Holidays, the applicant having submitted this application to permit 24 hour delivery. A compromise had been proposed by the applicant for delivery to be between 6:00am to 12 midnight Mondays to Saturdays and 8:00am to 8:00pm Sundays.

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

- original planning application granted in 2016 in respect of a new neighbourhood district food store, with construction having commenced and with an opening planned for Autumn 2016;
- requesting change to delivery hours to provide greater flexibility in the replenishment of the store to minimise disruption to the operation of the store and help the customer experience. It will also reduce vehicles on the road during peak times and therefore reduce congestion. There will be no change in the number of lorries delivering;
- the lorries will reverse directly into the store dock which will be sealed acoustically to provide a sound barrier and engines and refrigerator units will be switched off wherever possible;
- pallets rather than cages will be used to further reduce noise during unloading;
- an acoustic screen of 2.4 metres will prevent disturbance to residents and a noise assessment confirms that there will be no significant harm;
- have listened to concerns of neighbours and have agreed to reduce the original request for 24 hour delivery to 6:00am to 12 midnight Mondays to Fridays and 8:00am to 8:00pm Sundays and Bank Holidays;

- will agree to provision of a delivery noise management plan and to one year trial period and can operate efficiently within these amended hours.

He responded as follows to a Members' queries:-

- banksmen will be utilised to assist in unloading and vehicles will have beepers;
- delivery hours for other Aldi stores in Exeter vary;
- change in hours necessary to increase flexibility and help increase efficiency of distribution centre in Swindon;
- in respect of overall deliveries to other Aldi stores, the Operations Team are responsible for timetabling deliveries to all stores
- the delivery noise management plan can include a requirement relating to banksmen.

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

RESOLVED that, subject to the Assistant Director City Development being authorised, following prior consultation with the Chair of this Committee, a delivery noise management plan to include measures to negate potential nuisance from vehicle reversing alarms, such as the use of a banksman, a Section 73 application to remove condition 14 (limitation on delivery hours) of planning permission ref 14/2083/03 granted on 30th June 2015 be **APPROVED**, subject also to the following conditions:-

- 1) The development to which this permission relates must be begun not later than 30th June 2018.
Reason: To ensure compliance with sections 91-92 of the Town and Country Planning Act 1990.
- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 16th September 2014, 7th October 2014 and 27th March 2015 (*dwg. nos. 130447 P(1)01, 130447 P(1)02, 130447 P(1)03 Rev A, 130447 P(0)05, 130447 P(1)06, 130447 P(1)08, and 130447 P(1)09*), as modified by other conditions of this consent and Non-material Minor Amendment applications reference nos 15/0960/37 and 15/1094/37 .
Reason: In order to ensure compliance with the approved drawings.
- 3) Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority and the development shall not be started before their approval is obtained in writing and the materials used in the construction of the development shall correspond with the approved samples in all respects.
Reason: To ensure that the materials conform with the visual amenity requirements of the area.
- 4) A detailed scheme for landscaping, including the planting of trees and/or shrubs, the use of surface materials and boundary screen walls and fences shall be submitted to the Local Planning Authority and no development shall take place until the Local Planning Authority have approved a scheme; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and any earthworks required together with the timing of the implementation of the scheme. The landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.
Reason: To safeguard the rights of control by the Local Planning Authority in these

respects and in the interests of amenity.

- 5) In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to become established and to prosper for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced with such live specimens of such species of such size and in such number as may be approved by the Local Planning Authority.
Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 6) No materials shall be brought onto the site or any development commenced, until the developer has erected tree protective fencing around all trees or shrubs to be retained, in accordance with a plan that shall previously have been submitted to and approved in writing by the Local Planning Authority. This plan shall be produced in accordance with BS 5837:2005 - 'Trees in Relation to Construction'. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.
Reason: To ensure the protection of the trees during the carrying out of the development.
- 7) No part of the development hereby approved shall be brought into its intended use until footways on the south side of Exeter Road connecting the site vehicular access to the nearest bus stops to the west and east of the site, as indicated on Drawing No. 130447 P(1)03 Rev A, have been provided in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority.
Reason: To provide a safe and suitable access for pedestrian and cyclists, in accordance with Paragraph 32 of the NPPF.
- 8) No part of the development hereby approved shall be brought into its intended use until the vehicular access, including provision of a feature to provide pedestrian/cycle priority across the access, and internal footpath along the eastern boundary to the store entrance have been provided, surfaced and marked out in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority and retained for those purposes at all times.
Reason: To provide a safe and suitable access to the site, in accordance with Paragraph 32 of the NPPF.
- 9) No part of the development hereby approved shall be occupied until the onsite cycle parking facilities, car parking facilities, footways and car park layout shall be provided in accordance Drawing No. 130447 P(1)03 Rev A and retained for those purposes at all times.
Reason: To ensure that adequate facilities are available for the traffic attracted to the site.
- 10) C57 - Archaeological Recording
- 11) A detailed site Travel Plan shall be submitted to and agreed in writing by the Local Planning Authority in advance of occupation of the development and a review of travel patterns for the site shall be undertaken within 6 months of occupation of the

development and on an annual basis thereafter, unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that the development promotes all travel modes to reduce reliance on the private car, in accordance with paragraph 36 of the NPPF.

- 12) Prior to the commencement of the development a Sustainable Urban Drainage Scheme (SUDS) to deal with surface water associated with the development shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Devon County Council as the Lead Local Flood Authority). The said scheme shall include details of the on-going maintenance arrangements associated with any drainage system to be installed. The development shall be implemented strictly in accordance with the approved scheme.
Reason: To ensure the satisfactory drainage of the development.
- 13) Air conditioning plant associated with the development shall only run between the hours of 07.00 to 23.00 and noise from refrigeration and air conditioning plant shall not exceed a rating noise level (measured in accordance with BS4142:2014) of 29 dB (23.00 to 07.00) and 41 dB (07.00 to 23.00) when measured at any noise sensitive receptor.
Reason: In the interests of the residential amenity of the occupants of nearby properties.
- 14) For a period of 12 months from the opening of the store deliveries associated with the development hereby approved shall only take place between 06.00hrs - 00.00hrs Monday to Saturday, and 08.00hrs - 20.00hrs on Sundays. During this period the store operator should maintain a log of the dates and times of deliveries to the store to assist in the subsequent appraisal of the impact upon residential amenity in the locality. Thereafter, unless otherwise agreed in writing by the Local Planning Authority following the expiry of the 12 month period, deliveries associated with the development should revert to the previously approved hours under condition 14 of planning approval reference 14/2083/03, namely between 07.00hrs - 23.00hrs Monday to Saturday, and 09.00hrs - 18.00hrs on Sundays and bank holidays.
Reason: To allow the impact of extended delivery hours on residential amenity in the locality of the store to be assessed over a 12 month with a view to permanent approval of the extended delivery hours in the event that no significant adverse amenity impact is established over the trial period.
- 15) No development shall take place on site until a full investigation of the site has taken place to determine the extent of, and risk posed by, any contamination of the land and the results, together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. The building shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.
Reason: In the interests of the amenity of the occupants of the building hereby approved.
- 16) A Construction Environmental Management Plans (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development on site and adhered to during the construction period. This should include details of monitoring and mitigation measures to control the environmental impact of the development during the construction and demolition phases, including site traffic, the effects of piling, and emissions of noise and dust. The CEMPs should contain a procedure for handling and investigating complaints as well as provision for regular meetings with appropriate representatives from the Local Authorities

during the development works, in order to discuss forthcoming work and its environmental impact.

Reason: In the interest of the environment of the site and surrounding areas.

- 17) Unless it is demonstrated in writing prior to the commencement of the development, to the satisfaction of the Local Planning Authority, that it is unviable or impracticable to do so the buildings hereby approved shall achieve a BREEAM 'excellent' standard as a minimum, and shall achieve 'zero carbon' if commenced on or after 1st January 2019. Prior to commencement of such a building the developer shall submit to the Local Planning Authority a BREEAM design stage assessment report, 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. A post completion BREEAM report shall be submitted to the Local Planning Authority within 3 months of the substantial completion of any such building hereby approved. The required BREEAM assessments shall be prepared, and any proposed design changes approved prior to commencement of the development, by a licensed BREEAM assessor.
Reason: To ensure that the proposal complies with Policy CP15 of Council's Adopted Core Strategy and in the interests of delivering sustainable development.
- 18) Prior to the commencement of the development hereby approved a Wildlife Plan which demonstrates how the proposed development has been designed to enhance the ecological interest of the site, and how it will be managed in perpetuity to enhance wildlife, has been submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out and managed strictly in accordance with the approved measures and provisions of the Wildlife Plan.
Reason: In the interests of protecting and improving existing, and creating new wildlife habitats in the area.
- 19) The net retail floor space of the store hereby approved shall be limited to 1140m². No more than 20% of the net retail floor space of the store hereby approved shall be devoted to the sale and display of comparison goods.
Reason: In the interests of protecting the vitality and viability of the existing city centre, district and local centres.
- 20) Prior to the commencement of the development hereby approved a detailed scheme of mitigation in relation to the slow worm population identified as present on the site shall be submitted to, and be approved in writing by, the Local Planning Authority. Thereafter the development shall be carried out strictly in accordance with the approved scheme of mitigation.
Reason: To ensure that the impact of the development on the protected species present on the site is appropriately mitigated.
- 21) Unless otherwise agreed in writing by the Local Planning Authority the store hereby approved shall be operated in accordance with the provisions and recommendations set out in the submitted Noise Impact Assessment prepared by KR Associates (UK) Ltd dated December 2014 and subsequent version dated 12th July 2016.
Reason: In the interests of the residential amenity of the occupants of properties in the local vicinity.
- 22) Prior to the store hereby approved being brought into use a Noise/Delivery Management Plan relating to delivery operations associated with the store (including the use of vehicle reversing warning alarms) shall be submitted to and be approved in writing by the Local Planning Authority. Thereafter deliveries to the store shall be carried out in accordance with the approved delivery hours and the

provisions of the approved Noise/Delivery Management Plan.

Reason: To ensure that deliveries in the store are carried out in accordance with agreed management practices aimed at minimising the potential for adverse impacts on the residential amenities of the occupants of surrounding dwellings.

- 23) Prior to the store hereby approved being brought into use a 2.4 metre high acoustic barrier with a minimum surface density of 8Kgm-2 shall be erected along the length of the service bay to the south west of the store. Thereafter the said acoustic barrier shall be retained in situ at all times.

Reason: To mitigate the potential for noise disturbance associated with deliveries to the store in the interests of protecting the residential amenity of the occupants of surrounding properties.

57

PLANNING APPLICATION NO. 16/0656/03 - 39 BEACON HEATH, EXETER

Councillor Morse declared an interest as she lived in the neighbourhood and left the meeting during consideration of this item.

The Project Manager (Planning) (KW) presented the application for the erection of conservatory to front elevation.

Mr Beales spoke against the application. He made the following points:-

- measurements on the submitted sketch drawings are incorrect - the distance between my un-fenced boundary and the proposed extension would be less than 1m;
- would cast a shadow over my main window reducing light in my living room;
- the proposed extension, because of its size and character is out of keeping with the character of a pair of semi-detached houses and would have a detrimental effect on the character of the building;
- all other extensions and conservatories attached to properties in the immediate area are located at the rear of the buildings;
- the proposed extension is out of keeping with other porches on houses of a similar style within the immediate area;
- all porches in the immediate area project less than 1.5 m This proposal extends for almost 3 m;
- the extension cannot be described as a porch;
- extension does not cover the front door - the proposed extension has a door on the side thus creating a separate entrance into the house;
- Beacon Heath is not a street in the conventional sense of the word but a road with a continuous number of houses on one side facing the sports facilities at Arena Park .Saracens rugby pitches and Eastern Fields;
- Beacon Heath comprises of approximately 50 houses - numbers 1--25 were built in the 1930s with French Windows at the front. Some have erected porches across the front of the house. Some still have the original windows and patio doors in place;
- houses from no 25 onwards were built in the 1940s and 50s;
- some have small porches and others have canopies over their front doors;
- none have porches which extend across the front or are in close proximity to neighbouring windows;
- that from 25 to the end of the road should be treated separately from the first 25 built in the 1930s; and
- to allow such a large extension would have a detrimental visual effect on houses which are of a totally different style from those numbered 1-25.

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

- speaking on behalf of property owner;
- have spoken to five neighbours who advised of the dimensions of their extensions;
- proposal is smaller than a conservatory;
- Beacon Heath is classed as a street;
- other extensions in the street are polycarbonate lean-to's with dwarf walls;
- the objection of the neighbour are not supported by the site inspection party;
- two metre, four panel high fence to be provided so the extension will be screened;
- there will be insufficient harm on the street scene to justify refusal;
- a number of alterations to the front of properties had occurred along this road either porches or conservatories; and
- application submitted on basis of advice from planning officers.

It was noted that extensions to the rear of properties were more appropriate and that the design of the conservatory was unsuitable for the front.

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

RESOLVED that planning permission for the erection of conservatory to front elevation be **REFUSED**, as:-

- (a) the proposal is contrary to Policy DG1 (b), (g), (h) and (i) of the Exeter Local Plan First Review 1995-2011 because the proposed development would not conform to the established urban grain of Beacon Heath, its massing and materials would not relate well to the adjoining building, the proposal would not promote local distinctiveness and would not contribute positively to townscape quality; and
- (b) the proposal is contrary to Principle 2 of the Council's adopted Householder's Guide to Extension Design Supplementary Planning Document because the proposed development would project forward of the front elevation, it would not respect existing building lines and the pattern of development in the immediate area, and this would adversely affect the character and appearance of the street scene.

58 **PLANNING APPLICATION NO 16/0739/03 - 17 STOKE VALLEY ROAD, EXETER**

The Assistant Director City Development presented the application for the removal of the conservatory and replacement with a two storey rear extension.

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

RESOLVED that planning permission for the removal of a conservatory and the replacement of a two storey rear elevation 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 14th June 2016 (*Dwg. No(s). 1, 2, 3 and 4*), as modified by other conditions of this consent.

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PLANNING COMMITTEE

Monday 5 September 2016

Present:

Councillor Sutton (Chair)
Councillors Denham, Lyons, Gottschalk, Prowse and Morse

Apologies:

Councillors Bialyk, Spackman, Edwards, Foale, Harvey and Newby

Also Present:

Assistant Director City Development, Principal Project Manager (Development), Project Manager and Democratic Services Officer (Committees) (HB)

62

MINUTES

The minutes of the meetings held on 23 May and 22 June 2016 were taken as read and signed by the Chair as correct.

63

DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

64

PLANNING APPLICATION NO. 16/0405/03 - BELGRAVE ROAD, EXETER

The Principal Project Manager (Development) presented the application for demolition of existing buildings and re-development to provide student accommodation (Sui Generis), ancillary facilities, and ground floor uses in classes A1 (shops), A2 (financial and professional services), A3 (restaurants and cafes), A4 (drinking establishments), D1 (non-residential institutions) and D2 (assembly and leisure), with cycle parking provision and public realm improvements.

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

The Principal Project Manager (Development) advised that the Community Infrastructure Levy figure payable under the heading "Financial Considerations" should read £934,132.92 not £933,303.84 and set out suggested change to condition 9 in respect of the Construction and Environment Management Plan. He also reported that the reasons for conditions 7 and 8 should read "to protect controlled waters and human health.

Ms Goddard spoke against the application. She raised the following points:-

- represent the Deltic Group as General Manager of Unit 1;
- Deltic Group has operated this very successful late-night leisure venue since June 2007 opening between 10.00pm and 2.30am Mondays to Thursday's and to 3.30am on Fridays and Saturdays. It has a capacity of 850 people and the site has operated as a licensed venue since before 2000;
- the immediate local area has always had a mix of commercial businesses which generally traded during the daytime and were closed at night. Local residential properties existed beyond the immediate area and so, historically, have not been affected by the club. This situation recently changed with the approval of a large student accommodation complex on the adjoining site at Townsend

Printers in Western Way, Exeter. Noise surveys undertaken were totally inadequate for purpose and the noise attenuation measures within the new development have proved to be totally inadequate. This has generated noise complaints from the occupants of the new student accommodation;

- the principal concerns with the current planning application relates to the potential for future noise and disturbance to new residents at the application site. Unit 1 lies immediately adjacent to the application site and complaints from future residential occupiers of the application site could lead to calls for possible restrictions on the business and opening hours. Proper consideration needs to be given to this critical issue, in order to avoid creating another land-use conflict comparable to the decision on the Townsend Printers site;
- Paragraph 123 of NPPF requires planning decisions to recognise that existing businesses should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established;
- further consideration needs to be given to the proposed development of 588 residential bedrooms, as there would be a clear conflict between the nightclub and the residential units. The imposition of conditions has failed to address the noise issues raised at the Townsend Printers site and may similarly be insufficient in this case. The issue of potential noise impact is fundamental to the principle of development in this case;
- refer to the recent High Court decision on 8 September 2015 relating to proposed residential development adjoining KoKo nightclub and live music venue in Camden. High Court Judge Mr Justice Stewart criticised the local planning authority because noise impact had not been adequately assessed. The grant of planning permission for the proposed residential development was quashed and the Council was required to pay the claimant's full costs;
- the consideration of noise impact is key and the High Court ruling confirms that the concerns raised by the Deltic Group are material considerations;
- neither the Planning or Design and Access Statements that accompany the current planning application make detailed reference to the adjacent late night use and provide no details of the requisite significant attenuation works required to protect the amenities of future residential occupants;
- Deltic Group has appointed specialist acoustic consultants to review the submitted Noise Assessment Report. The Report is considered to contain a number of failings including taking a noise survey on a Tuesday night whereas music noise is generally louder with more bass content on other nights, the noise survey does not adequately take into account music break-out from the lightweight night-club roof, some of the maximum results quoted in the report appear incorrect and the calculated external levels have not been determined for all accommodation façades facing the courtyard, some of which will be exposed to music break-out and patron noise from the night-club;
- music break-out from the lightweight night-club roof does not appear to have been considered;
- recommended acoustic requirements for windows and trickle vents, and the resultant internal levels have not been determined for all accommodation façades facing the courtyard; and
- overall, the night club use has not been adequately addressed in the submitted Noise Assessment, with the risk that future occupants will be exposed to excessive noise, contravening paragraph 123 of the NPPF.

Responding to Members' queries, she advised that about 20 complaints relating to noise and disturbance had been received from the occupants of the student flats at the Printworks in spite of triple glazing and internal ventilation. Windows were often left open and the noise related to both music breakout from the club and disturbance in the streets.

Mr Yeates spoke in support of the application. He described the scheme and the pre-application and application process and engagement.

He responded as follows to Members' queries:-

- the need to address problems associated with noise had been recognised from the outset of the scheme and discussed with Council officers. Appropriate mitigation measures would be incorporated in the scheme including triple glazing and internal ventilation to protect future residents. It was also important that the development itself did not impact on neighbouring properties. The necessary mitigation measures were covered by condition;
- will continue to engage with the University given that students are being accommodated and this will include discussions on cycle related issues;
- discussions have been held with the County Council Highways Engineer regarding off site works relating to the highways including a pedestrian crossing;
- with regard to consultations with Unit 1 representatives, there had been dialogue regarding survey work and some discussion over the past week but not a one to one meeting. Will undertake to consult with Unit 1 after the meeting;
- a travel assessment and travel plan have been undertaken and discussed with highway officers including potential cycle routes to the University campus and elsewhere. Provision is being made within the site for cycles and cycle parking stands are to be provided as part of street furniture in the vicinity; and
- with regard to students bringing cars to the City, the management of dropping off and picking up students at beginning and end of terms will be included within the management of the site and the responsibility of the Management Company, the applicant working with such companies across all its student accommodation sites. The importance of robustly discouraging students from bringing cars is recognised and a key role for the management company will be to maintain good relations with neighbouring areas and to ensure on-going dialogue with local residents. A wholesale ban on students bringing cars would be difficult to enforce and police so feedback on any problems in this regard would be welcome.

The Principal Project Manager (Development) advised that highway improvements would be secured by a Section 106 Agreement under the Town and Country Planning Act 1990 including a pedestrian crossing but that this would not conflict with any other highways works considered more appropriate in relation to and part of other forthcoming developments in the area.

The Section 106 Agreement proposed would also require:-

- a district heating contribution of £86,447;
- a student management plan;
- the provision of off-site highway works; and
- a contribution towards Traffic Order costs;

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

Members recognised the issues raised in relation to noise and car parking but were of the view that these would be associated with student developments in any part of the City and, in respect of this application, would not be overwhelming to merit refusal. However, considerable concern was raised regard the scale and massing of the proposal in terms of both its impact on the immediate area and with regard to

views from other parts of the City. Although there was support for certain aspects of the design, such as the internal courtyard, it was not thought that the current proposal was acceptable given the overbearing nature of the height and size of the blocks.

RESOLVED that the application for the demolition of existing buildings and redevelopment to provide student accommodation (Sui Generis), ancillary facilities, and ground floor uses in classes A1 (shops), A2 (financial and professional services), A3 (restaurants and cafes), A4 (drinking establishments), D1 (non-residential institutions) and D2 (assembly and leisure), with cycle parking provision and public realm improvements be **DEFERRED**, for the applicant to have an opportunity to provide a revised proposal with differing and reduced scale and massing.

65

APPLICATION NO. 16/0806/03 - 22 LINCOLN ROAD, EXETER

The Assistant Director City Development presented the application for a detached dwelling.

Mrs Perrin spoke in support of the application. She raised the following points:-

- the proposed house is going to be our home. It has been designed to accommodate our growing children, who are going to be with us for sometime and will provide them both with a good sized bedroom;
- in our opinion, the house sits well on the proposed plot. It has been planned that the materials and design will be in keeping with adjoining properties. The lower elevation of the dwelling should also help it blend in with the street gradient;
- in putting in this application we have ticked all the planning requirements regarding property/room sizes, internal/external storage, private amenity space/garden and on-site parking; and
- we understand parking has been a major objection. As we are going to live here, we did not want this matter to be an issue and have therefore made provision for two off road spaces per house which we understand Devon County Council are happy with.

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

RESOLVED that planning permission for a detached dwelling 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 28 June 2016 (*dwg. no(s). 5 rev B, 6 rev C, 7 rev B and 8 rev C*), as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 3) No part of the development hereby approved shall be occupied until the two on-site car parking spaces, as indicated on Proposed Block Plan Drawing 5 rev B have been provided in accordance with the requirements of this permission and retained for those purposes at all times.
Reason: To ensure that adequate facilities are available for the traffic attracted to the site.

- 4) Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development of the types described in Classes A, B, C, D, E and G of Part 1, Classes A and C of Part 2 of Schedule 2 (which includes enlargement, improvement or other alteration, porches, sheds, greenhouses, huts, oil storage tanks, fences and walls) shall be undertaken on the premises, other than hereby permitted, or unless the prior written consent of the Local Planning Authority has been obtained.
Reason: To ensure that the character and appearance of the locality are protected and to avoid overdevelopment in the interests of local amenity.
- 5) C75 - Construction/demolition hours.

66

APPLICATION NO. 16/0949/03 - 79 HEAVITREE ROAD, EXETER

The Project Manager (Planning) (KW) presented the application for the part demolition (rear wing only), alteration and extension of existing building for use as 81 bedroom student housing accommodation (sui generis) with associated external cycle store and landscaping works.

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

The Project Manager (Planning) reported that the County Council Highways Engineer sought the provision of cycle parking (56 cycles) by condition with a travel plan also secured either by condition or as a part of the student management agreement. Further, to protect the function of Heavitree Road and the safety of users of the public highway it was essential that the construction arrangements were carefully managed. A condition was therefore recommended to ensure the above with the applicant advised to meet to agree suitable working arrangements prior to commencement.

A Member referred to the difficulty in crossing Gladstone Road between the Police Station and Waitrose and it was confirmed that the County Council would be consulted to establish if they will provide a crossing. If appropriate, this could be pursued as part of a Section 106 Agreement.

Ms Dart spoke against the application. She raised the following points:-

- speaking on behalf of father, Will Gannon, to voice his concerns about some of the proposed windows from the planned extension at the rear of 79 Heavitree Road which will overlook his private garden at the rear of 81 Heavitree Road;
- he has submitted a number of alternative suggestions to overcome this problem but have not been taken up by the developer;
- a drawing he has provided shows the existing windows at the rear of 79 Heavitree Road, superimposed on the east elevation of the proposed extension. Eight windows are being proposed at or above the level of the two windows in the existing extension; and
- the developer should be asked to come up with some alternative suggestions to at least make the situation no worse than it is at present. Otherwise ask that a decision be deferred to allow for a site meeting to be convened.

Responding to a Member's question, she confirmed that there was no garden at present, as the proposed garden area was a car park for the offices which were to be converted to residential.

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

- the applicant specialised in the provision of high quality student development and this was the first scheme undertaken in Exeter;
- although not a listed building, the site was quite prominent and it had been important to achieve critical mass to ensure that the development was visually attractive by adding to the rear of the building and ensuring circulation within the middle;
- aware of concerns of objector wishing to change 81 Heavitree Road from offices to residential, but there is no garden in situ at present and the exact nature of the objections have not been viewed;
- windows overlooking the proposed garden area are further away than windows to the rear of the development looking on to other residential properties and are “allowable and a normal distance”. The landscaping in the area near 81 Heavitree Road would be enhanced and additional protection provided for the trees;
- unfortunate that the plans for conversion to residential coincided with this student scheme; and
- wish to bring scheme forward as a matter of urgency with contractors already engaged with view to completion in time for the 2017/18 academic year.

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

RESOLVED that, subject to:-

- the completion of a Section 106 Agreement under the Town and Country Planning Act 1990 requiring a Management Plan for the day to day operation of the Student Accommodation and, if appropriate, secure a contribution towards the provision of a pedestrian crossing on Gladstone Road; and
- a requirement for CIL contributions amounting to £65,561 of New Homes Bonus payable to the Council on new homes appearing on the Valuation Office list. (on the basis the 15 studios are Band A (£767.64 each, total £11,514.60) and the 10 cluster flats Band C (£1023.52 each, total £10,235.20) the Council will receive a total of £21,749.80 if the award continues to be paid for six years); and

planning permission for proposed part demolition (rear wing only), alteration and extension of existing building for use as 81 bedroom student housing accommodation (sui generis) with associated external cycle store and landscaping works be **APPROVED**, subject also to the following conditions :-

- 1) UN7 - Unique Condition 7
- 2) C05 - Time Limit – Commencement
- 3) C15 - Compliance with Drawings
- 4) The development hereby approved shall be constructed with centralised space heating and hot water systems that have been designed and constructed to be compatible with a low temperature hot water District Heating Network in accordance with the CIBSE guidance "Heat Networks: Code of Practice for the UK". The layout of the plant room, showing provision for heat exchangers and for connection to a District Heating Network in the Highway shall be submitted to and approved in writing by the

Local Planning Authority and the approved details shall be implemented on site unless otherwise agreed in writing.

Reason: In accordance with the requirements of policy CP13 of the Exeter Core Strategy 2012 and in the interests of sustainable development.

- 5) The materials it is intended to use externally in the construction of the development shall be in accordance with details submitted to the Local Planning Authority on 1 August 2016 unless otherwise agreed in writing.
Reason: To ensure that the materials conform with the visual amenity requirements of the area.
- 6) 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 and retained for that purpose at all times.
Reason: To provide for sustainable transport and ensure that adequate facilities are available for the traffic attracted to the site.
- 7) Travel Plan measures including the provision of sustainable transport welcome packs and details of the arrangements of how student pick up/drop off will be managed, shall be provided in accordance with details agreed in writing by the Local Planning Authority and Local Highway Authority in advance of occupation of the development.
Reason: To promote the use of sustainable transport modes and in the interest of highway safety, in accordance with paragraphs 32 and 36 of the NPPF.
- 8) 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;
 - d) Details of access arrangements and timings and management of arrivals and departures of vehicles.

The approved CEMP shall be adhered to throughout the construction period.

Reason: In the interests of the occupants of nearby buildings.

- 9) In the event of failure of any trees planted in accordance with any scheme approved by the Local Planning Authority, to become established and to prosper for a period of five years from the date of the completion of implementation of that scheme, such trees shall be replaced with such live specimens of such species of such size and in such number as may be approved by the Local Planning Authority.

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

- 10) Prior to occupation of the development hereby approved details of provision for nesting birds and swifts shall be 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 preservation and enhancement of biodiversity in the locality.

- 11) C57 - Archaeological Recording.

- 12) The buildings hereby approved shall achieve a BREEAM 'good' standard as a minimum, and shall achieve 'zero carbon' if commenced on or after 1 January 2019. Prior to commencement of such a building the developer shall submit to the Local Planning Authority a BREEAM design stage assessment report, 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. A post completion BREEAM report shall be submitted to the Local Planning Authority within three months of the substantial completion of any such building hereby approved. The required BREEAM assessments shall be prepared, and any proposed design changes approved prior to commencement of the development, by a licensed BREEAM assessor.

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

- 13) Details of all building services plant, including sound power levels and predicted sound pressure levels at a specified location outside the building envelope, shall be submitted to and approved in writing by the local planning authority. 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: To protect the amenities of the future occupiers of the building.

67

APPLICATION NO. 16/0835/03 - 43 ST DAVID'S HILL, EXETER

The Assistant Director City Development presented the application for the erection of new palisade fence. He asked Members to disregard reference to a fall-back position and referred to the necessary heritage tests.

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

RESOLVED that planning permission for the erection of a new palisade fence 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 04 July 2016 (*dwg. no(s). Location Plan, Site Plan*), and the *sample fence panel received 24 August 2016*, as modified by other conditions of this consent.

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

68

LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS

The report of the Assistant Director City Development was submitted.

RESOLVED that the report be noted.

69

APPEALS REPORT

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

70

SITE INSPECTION PARTY

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

(The meeting commenced at 5.30 pm and closed at 7.13 pm)

Chair

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PLANNING COMMITTEE

Monday 3 October 2016

Present:

Councillor Sutton (Chair)
Councillors Lyons, Bialyk, Edwards, Foale, Gottschalk, Harvey, Mrs Henson, Morse, Newby, Prowse and Spackman

Apologies:

Councillor Denham

Also Present:

City Development Manager, Principal Project Manager (Development), Project Manager (Planning) (KW) and Democratic Services Officer (Committees) (HB)

71

DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

72

PLANNING APPLICATION NO. 16/0405/16 - BELGRAVE ROAD, EXETER

The Principal Project Manager (Development) (HS) presented the revised scheme for demolition of existing buildings and redevelopment to provide student accommodation (Sui Generis), ancillary facilities, and ground floor uses in classes A1 (shops), A2 (financial and professional services), A3 (restaurants and cafes), A4 (drinking establishments), D1 (non-residential institutions) and D2 (assembly and leisure), with cycle parking provision and public realm improvements.

Members were circulated with an update sheet - attached to minutes. The Principal Project Manager (Development) (HS) reported that the revisions to the scheme would also affect the Community Infrastructure Levy (CIL) and New Homes Bonus (NHB) that the City Council receives. New Homes Bonus that would be paid to Exeter City Council on the revised scheme was £211,868.86 per year currently paid for six years which would total £1,271,213.10. The Community Infrastructure Levy Payable on the revised scheme would be £947,888.36. He also advised that the suggested condition 2 would be amended to list the approved plans.

Ms Goddard spoke against the application. She raised the following points:-

- represent the Deltic Group as General Manager of Unit 1;
- Deltic Group has operated this very successful late-night leisure venue since June 2007. The venue opens between 10pm until 2.30am Mondays to Thursdays and 10pm to 3.30am on Friday and Saturdays. It has a capacity of 850 people and the site has operated as a licensed venue since before 2000. Believe Unit 1 is Exeter's biggest and best nightclub. It has a massive dancefloor, incredible visuals and a state of the art sound system;
- the immediate local area has always had a mix of commercial businesses which generally traded during the daytime and were closed at night. Local residential properties existed beyond the immediate area and so historically have not been affected by the club;

- this situation recently changed with the approval of a large student accommodation complex on the adjoining site at Townsend Printers in Western Way, Exeter. Noise surveys undertaken were totally inadequate for purpose and the noise attenuation measures within the new development have proved to be totally inadequate. This has generated noise complaints from the occupants of the new student accommodation;
- the current planning application has a potential for future noise and disturbance to new residents at the application site. Unit 1 lies immediately adjacent to the application site and complaints from future residential occupiers of the application site could lead to calls for possible restrictions on business and opening hours;
- it is essential that further consideration is given to the proposed development, as there would be a clear conflict between the nightclub and the residential units. The imposition of conditions has failed to address the noise issues raised at the Printers site and may similarly be insufficient in this case. The issue of potential noise impact is fundamental to the principle of development in this case;
- Deltic Group have appointed specialist acoustic consultants to review the recently submitted noise comments from the applicant's noise consultants. This review has identified a number of flaws in the applicant's evidence on noise;
- no additional noise measurements have been undertaken so the assessment is based on the measurements obtained on a Tuesday night at 4.5 metres above ground – which may underestimate the level of noise break-out via the roof;
- recommendations are now provided for glazing and ventilation units for all of the courtyard from gridlines 3 to 11, which is assumed refers to both the north and south sides of the courtyard;
- still no recommendations for courtyard rooms between gridlines C and D. As a minimum these should be the same as recommended for gridlines 7 to 3;
- the noise report indicates that ventilation units will be provided for background ventilation and cooling, although windows may be still be openable for rapid ventilation. Consequently, there will be noise issues when windows are opened;
- the proposed development is located at a similar distance from the Unit 1 nightclub as an accommodation block in the Printworks where complaints due to night-club music break-out have arisen and where recent tests have shown that the night-club music (especially bass beats) are clearly audible with windows open;
- overall, the night club use has not been adequately addressed in the submitted Noise Assessment, with the risk that future occupants will be exposed to excessive noise;
- in summary, it has not been demonstrated that the proposed residential units can be adequately constructed to be wholly attenuated against the nature and type of noise peaks in the vicinity late at night. Indeed, even if the proposed residential units are constructed with triple glazed windows, fixed windows to the elevations adjacent to the noise-generating uses, air conditioning and all noise-sensitive rooms are located away from the noise-generating uses, this may still be insufficient to protect the amenities of future residential occupants from peak noise incidents.

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

- the company takes very seriously its desire to provide quality student accommodation in the City;
- following deferral at the previous meeting to consider further issues relating to noise, height and massing further discussions were held with officers and it is believed that a satisfactory solution has been found within a revised scheme;
- heights have been reduced which increases light into the courtyards;

- impact of views from various distances have been reduced and the development will sit better within the Grecian Quarter;
- a full noise impact assessment has been undertaken and discussion held between the company's head of property and Unit 1's acoustic consultants. Noise levels have been fully addressed and mitigation measures identified and set out in conditions.

He responded as follows to Members' queries:-

- recognise that student parking is an emotive issue in university cities and believe that it is more a problem with houses in multiple occupation than purpose built student accommodation. Believe that effective control can be maintained through the management company who will run the blocks and effective community liaison. Moreover, parking can be controlled by effective conditions in the lease agreements whereby student give an undertaking not to bring cars and this will be included in the leases for this scheme. In the past 15 years one student has been evicted from purpose built accommodation run by the company for failing to abide by this requirement;
- views of building designs are subjective and it is believed that this is a quality design and has already been considered by the Devon Design Review Panel, who are supportive. Are of the view that the proposal will improve the overall build environment and complement the future development of the Grecian Quarter. Great care has been taken to ensure that the development complies with the Grecian Quarter SPD;
- service and acoustic engineers are confident that mitigation measures, including the ventilation strategy, will be satisfactory and that the occupants will not be disturbed by outside noise. Important to ensure that no adverse comments from students are disseminated through social media.

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

RESOLVED that, subject to a Section 106 Agreement under the Town and Country Planning Act 1990 to secure:-

- a District Heating Contribution of £86,447;
- student management plan;
- off-site highway works; and
- traffic order costs

the Assistant Director City Development be authorised to **APPROVE** the application for the demolition of existing buildings and redevelopment to provide student accommodation (Sui Generis), ancillary facilities, and ground floor uses in classes A1 (shops), A2 (financial and professional services), A3 (restaurants and cafes), A4 (drinking establishments), D1 (non-residential institutions) and D2 (assembly and leisure), with cycle parking provision and public realm improvements on the basis of the amended plans being secured by an amended condition 2, and subject also to following conditions, which may be varied or supplemented as appropriate:-

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To ensure compliance with sections 91-92 of the Town and Country Planning Act 1990.

- 2) Condition 2: The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority as listed below and as modified by other conditions of this consent.

Floor and roof plans AP099 rev 03, AP100 rev 03, AP101 rev 03, AP102 rev 03, AP103 rev 03, AP104 rev 03, AP105 rev 03, AP106 rev 03, AP107 rev 03, AP108 rev 03 received 26 September 2016.

Elevations AP112 rev 00, AP120 rev 03, AP121 rev 03, AP122 rev 03, AP123 rev 03, AP124 rev 03, AP125 rev 03, AP126 rev 03, and AP127 rev 03 received 26 September 2016.

Sections drawings AP110 rev 03, and AP111 rev 02 received 3 Oct 2016

Landscape Framework Plan 5098 L94.01 rev P9 received 12 July 2016

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

- 3) Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority. No external finishing material shall be used until the Local Planning Authority has confirmed in writing that its use is acceptable. Thereafter the materials used in the construction of the development shall correspond with the approved samples in all respects.

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

- 4) A detailed scheme for landscaping and ecological enhancement of the site, including the planting of trees and/or shrubs, the use of surface materials and opportunities for wildlife shall be submitted to the Local Planning Authority and the development shall not be brought into use until the Local Planning Authority have approved a scheme; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and any earthworks required together with the timing of the implementation of the scheme. The landscaping and ecological enhancement measures shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.

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

- 5) In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to become established and to prosper for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced with such live specimens of such species of such size and in such number as may be approved by the Local Planning Authority.

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

- 6) No development related works, with the exception of demolition works, shall take place until a written scheme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include on-site work, and off-site work such as the analysis, publication, and archiving of the

results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development.

- 7) No development approved by this planning permission (excluding demolition), shall take place 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 scheme shall include the following components:
- a) A preliminary risk assessment which has identified: All previous uses, potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.
 - b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - c) The results of the site investigation and detailed risk assessment referred to in (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect human health and controlled waters.

- 8) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To protect human health and controlled waters.

- 9) No development shall take place, including any works of demolition and any earthworks, until a Construction and Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. This shall address the following issues: Noise, dust, vibration, construction access, hours of work, dirt on the highway, protection of the public, protection from contamination, waste management and ecology. 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) Noise and dust suppression measures shall be employed as required during construction in order to prevent off-site dust nuisance.
- d) Noise and dust monitoring shall be undertaken to an agreed programme.
- e) Site hoarding shall be kept clear of graffiti and fly-posting.
- f) Details of access arrangements and timings and management of arrivals and departures of vehicles

The approved CEMP shall be adhered to throughout the construction period.

- 10) Details of the storage and management of waste for each unit and the residential accommodation shall be agreed in writing by the Local Planning Authority before that part of the development is first occupied.

Reason: In the interest of public health and amenity and to ensure footways are not obstructed.

- 11) The applicant shall submit a scheme for protecting occupiers of the development from noise. This shall be submitted to and approved by the Local Planning Authority before construction commences and shall be implemented before any part of the residential accommodation is first occupied.

Reason: In the interests of the living conditions of future occupiers.

- 12) Before any unit is brought into an A3 use, a scheme for the installation of equipment to control the emission of fumes and smell from the premises shall be submitted to, and approved in writing by, the local planning authority and the approved scheme shall be implemented. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.

Reason: In the interests of public and residential amenity.

- 13) Before any unit is brought into an A3 or A4 D1 or D2 use, a scheme for the management of noise and external spaces shall be submitted to, and approved in writing by, the local planning authority and the approved scheme shall be implemented. The use of that unit shall thereafter be carried out in accordance with an approved management scheme.

Reason: In the interests of residential amenity.

- 14) Noise from mechanical building services plant shall not exceed the limits set in Table 14 of the Kimber Acoustics Ltd Noise Assessment Report for The Land between Belgrave Road and Bampfylde Street, Exeter Issue 4 dated 24 June 2016.

Reason: In the interests of residential amenity.

- 15) The CHP engine, plant and chimney shall be constructed in accordance with the submitted details and shall be implemented in full unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of protecting air quality.

- 16) Notwithstanding condition no. 3 no work shall commence on any phase under this permission until full details of the following have been submitted to and approved in writing by the Local Planning Authority in so far as they relate to that phase and the following shall thereafter be provided in accordance with such details:

- a) Detailed layout(s) of plant rooms associated with the space heating and provision of hot water to the building.
- b) Sustainable fit-out guidance for landlord and tenant areas.
- c) Detailed design of eaves and roof edges
- d) Detailed design of windows, doors and panel cladding systems.

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

- 17) No part of the development hereby approved shall be brought into its intended use until the pedestrian crossing improvement to Bampfylde Street as indicated on Landscape Framework Plan Rev P8, or other scheme as agreed in writing by the Local Planning Authority, has been provided in accordance with details and specifications approved in writing by the Local Planning Authority.

Reason: To provide safe and suitable access for traffic generated by and attracted to the site.

- 18) No part of the development hereby approved shall be brought into its intended use until the loading bays on Belgrave Road and Bampfylde Street and Landscaping proposals outlined on the Landscape Framework Plan Rev P8, have been provided in accordance with details and specifications that shall have been approved in writing by the Local Planning Authority.

Reason: To provide safe and suitable access and adequate facilities for traffic attracted to the site.

- 19) Travel Plan measures including the provision of sustainable transport welcome packs and details of the arrangements of how student pick up/drop off will be managed, shall be provided in accordance with details agreed in writing by the Local Planning Authority and Local Highway Authority in advance of occupation of the development.

Reason: To promote the use of sustainable transport modes and in the interest of highway safety, in accordance with paragraphs 32 and 36 of the NPPF.

- 20) Prior to commencement of the development (excluding demolition), details of secure cycle parking provision for the development shall be submitted to and approved in writing by the Local Planning Authority. Development shall not be occupied until the secure cycle parking facilities have been provided in accordance with the submitted details.

Reason: To provide adequate facilities for sustainable transport.

- 21) No part of the residential accommodation shall be brought into its intended use until the secure cycle parking facilities have been provided in accordance with the submitted details and maintained for these purposes at all times.

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

- 22) The residential accommodation shall be constructed with centralised space heating and hot water systems that have been designed and constructed to be compatible with a low temperature hot water District Heating Network in accordance with the CIBSE guidance "Heat Networks: Code of Practice for the UK". The layout of the plant room, showing provision for heat exchangers and for connection to a District Heating Network in the Highway shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented on site unless otherwise agreed in writing.

Reason: In accordance with the requirements of policy CP13 of the Exeter Core Strategy 2012 and in the interests of sustainable development.

- 23) The development hereby approved shall not commence, with the exception of demolition works, until details of the proposed finished floor levels and overall ridge heights, in relation to an agreed fixed point or O.S datum have been submitted to, and been approved in writing by, the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason: In the interests of the visual amenities of the area.

- 24) Unless otherwise agreed in writing by the Local Planning Authority the A and D class units hereby approved shall achieve an overall BREEAM scoring of 60 percent or greater for shell and core only. Unless otherwise agreed in writing by the Local Planning Authority the residential units hereby approved shall achieve an overall BREEAM scoring of "excellent" (70 percent or greater). Prior to commencement of development the developer shall submit to the Local Planning Authority a BREEAM design stage assessment report, the score expected to be achieved. Where this does not meet the above requirements the developer must provide details of what changes will be made to the development to achieve that standard, and thereafter implement those changes. A post completion BREEAM report shall be submitted to the Local Planning Authority within 3 months of the substantial completion of any such building hereby approved. The required BREEAM assessments shall be prepared, and any proposed design changes approved prior to commencement of the development, by a licensed BREEAM assessor.

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

- 25) Construction of the development hereby approved shall only be carried out in accordance with the recommendations in the submitted Explosive Ordnance Desk Top Study for Stagecoach Bus depot, Belgrave Road, Exeter (Project 15200 EOD Contracts Ltd dated 11/05/2015) received 31 March 2016.

Reason: In the interests of public safety.

- 26) No part of the approved development shall be occupied until the drainage works have been completed in accordance with the approved plans.

Reason: To ensure the satisfactory drainage of the development.

73

**PLANNING APPLICATION NO. 16/0849/01 - PLAYING FIELD OFF WEAR
BARTON, EXETER**

The City Development Manager presented the application for an outline planning application for the development of up to 101 houses, a new sports pitch and changing facility, public open space including children's play areas and associated highways and drainage infrastructure at Wear Barton and re-provision of senior football pitch at Exwick Sports Hub with all matters reserved except for means of access.

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

RESOLVED that the application for the development of up to 101 houses, a new sports pitch and changing facility, public open space including children's play areas and associated highways and drainage infrastructure at Wear Barton and re-provision of senior football pitch at Exwick Sports Hub with all matters reserved except for means of access be **DEFERRED** for consideration to be given to the draft conclusions of the Exeter Playing Pitches audit and external legal advise.

74

PLANNING APPLICATION NO. 16/0963/03 - EXETER ROAD, EXETER

The Project Manager (Planning) (KW) presented the application for the erection of a B1 Office Building, access and associated infrastructure works.

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

Councillor Baldwin attended the meeting and spoke on this item under Standing Order No. 44. She made the following points:-

- this application is the final phase of a three phase history of this and two adjoining sites, all strategically important in terms of the Topsham Gap open space. In anticipating opposition, Heritage Homes circulated an information leaflet as part of its public consultation, albeit only three to four days before submitting its first planning application for the land fronting Exeter Road (Phase I) stating that it would provide affordable, eco-friendly homes, taking account of the character and local distinctiveness of the Gap;
- as well as protecting and enhancing the character of the surrounding area, Heritage Homes undertook to "provide an area of green open space between the proposed development and the motorway";
- following the granting of permission for Phase I, in which the number of homes increased from 23 to 28, Phase II, where the number of homes increased from nine to 22 was also granted permission, the density being close to the permissible maximum. At this stage, the issue of open space provision had become blurred and sidelined when a Section 106 Agreement under the Town and Country Planning Act 1990 requiring a contribution of £40,500 to improve open space generally in the Topsham area was agreed;

- for the area originally proposed as open space a change to BI use for a four storey building higher than the M5 motorway is now proposed contrary to comments given during the development of Phases I and II;
- it has a relatively small footprint and will be higher than the surrounding residential area with a roof garden some 23 metres from the motorway bridge, which in itself will not be pleasant to use;
- although the report states that the development is adjacent to a commercial boatway, Seabrook Gardens and the new Aldi store, the former is low level and totally screened and the two others sites are the other side of the bridge, the visible boundary between Exeter and Topsham;
- the offices will be visually intrusive in a sensitive landscape and will spoil the view of the Exe estuary from the motorway;
- whilst the residential use can be considered in the context of the wider need for housing in the City, this office will set a precedent for commercial development on the other side of Exeter Road adding further pressure on the Topsham Gap. The office should be located in a business park;
- whilst the report stated that the use of this land for open space was negated by the provision of open space in Phase II, that provision is limited to a small area under the protected tree and the Section 106 monies for wider open space provision in Topsham, should also be utilised on this development site;
- the building will be obstructive visually rather than iconic and will not be screened by the motorway bridge;
- over 100 objections received to this commercial office block in a sensitive and strategic landscaped area contrary to promises in circulated leaflet; and
- if not refused, request deferral for referral to the Devon Design Review Panel.

Councillor Leadbetter attended the meeting and spoke on this item under Standing Order No. 44. He made the following points:-

- support comments of Councillor Baldwin and the need to protect the Topsham Gap and agree that the scheme should be referred to the Devon Design Review Panel;
- the Topsham Gap has been under assault for a number of years and it is vital that what green space remains should be protected;
- suggest access should be on to Retreat Road not Exeter Road; and
- request deferral and referral to the Panel.

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

- over 100 local people objected to this proposal. The Topsham Society's objection, is that the proposal;
- is on land the applicant previously designated as open space and on which residents were consulted and wished to be retained as such;
- is simply too big, too heavily grained, too corporate in appearance and is wholly out of character for this edge of small town location;
- the officer report reveals a striking difference of principle between the town and the Council;
- the City Council appear to regard this as a scruffy piece of spare land which can accommodate any development proposal, with little scrutiny. The town see its highly urbanised form as fundamentally wrong for the town fringe;
- the City disregard their own landscape setting policy, overlooking when advertising the application. They stated that the proposal would have no impact on the City, but make no reference to the impact on Topsham. The North Gap appeal Inspector criticised the City Council for undermining it's key policy by approval of the South lands. The town asks, would it be competent to jeopardise this further?;

- the City Council states that the proposal is iconic. Topsham says it doesn't want/need an Icon - and in any case, it is merely a standard development";
- the City Council states that the proposal is three storey. But it is a big four storey commercial development. The City Council does not take into account that the proposal is 4 metres higher than the M5 – the previous ECC height limit on development;
- the City Council states that the building is of similar style to recently approved housing. The town see the overly commercial aesthetic with mass glazing as wholly out of keeping with existing or recently approved residential buildings;
- whilst previously approved adjacent schemes were too urban, the Society understood the Council was under pressure to achieve housing numbers. There is no similar driver to approve this application. It offers no local employment benefit and is isolated from non local need commercial uses;
- the town are stunned by the recommendation to approve and would question what level of "grossness" has to come forward before the Council takes action to stand against inappropriate development blighting the environment of Council Tax payers, in favour of developers' profit;
- the Society have suggested that the scheme be referred to the Devon Design Review Panel;
- given the clear doubts about the schemes suitability and that the application cannot be determined today in any case, this would have minimal impact on timescale and would assure the town that appropriate scrutiny had been given; and
- the Topsham Society urge the Committee to at least, defer today and refer the application to the Panel.

He responded as follows to Members queries

- the Devon Design Review Panel is a voluntary group of architect and the built environment specialists advising local authorities on contentious schemes;
- the consultation before the submission of the first scheme was fairly misleading and glib and undertaken just to show that there had been consultation;
- population of Topsham is 4,700; and
- would accept views of the Panel.

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

- the application is vitally important to Heritage as a local company and to its employees. It will allow the business to grow within the City and to accommodate additional new employees and new jobs to cater for the future growth of the company. Heritage Homes is not a big PLC and so the only affordable alternative to this is for Heritage to move to a less expensive building away from Exeter, with a significant loss of jobs to the City;
- both the NPPF and Policy E5 of the Exeter Local Plan recognize the compatibility of business use such as offices within a residential area. In fact Southernhay now has numerous examples of offices mixed with residential dwellings;
- the proposed office building will be a good neighbour to the adjoining residential dwellings; It will cause no disturbance and no additional traffic to Retreat Drive;
- this is a scrappy piece of land, which is ill suited to any other use. It has been the subject of fly tipping and is wholly unsuited to use for open space as nobody would wish their children to play there or sit exposed to the noise from both Exeter Road and the M5 Motorway with the backdrop of a huge motorway embankment which this proposal will hide;
- the building has been designed by a fully qualified RIBA Architect of many years' experience;

- it has been deliberately designed to have an interesting visual appearance with the extensive use of glass to lighten the appearance and mass of the building, which is specifically supported by the City Council's own approved policy for office buildings. It has been designed to match the contemporary architecture of the development opposite and it will use high quality matching materials, which will stand the test of time; and
- this is a good efficient use of a piece of poor quality land within the City next to other existing commercial uses, namely the Retreat Boatyard and a new Aldi supermarket. It will result in the area being well maintained and well managed with a high quality building and landscaping whilst, at the same time, generates jobs.

He responded as follows to Members queries:-

- the office development will be a similar height to residential developments nearby;
- as open space provision within Phase II exceeds the 10% requirement there is no longer a need to utilise this small area of land for open space. Furthermore, it is a mess, subject to fly-tipping and has no trees. It does little to add to the landscaping of the area and has no effect on the land on the other side of the road;
- the site will be landscaped with trees and shrubs to soften the impact of the building;
- it was sensible to provide open space under the tree in Phase II, the design of this Phase also being acceptable to the residents of Wessex Close. With a financial offer of £40,500 there was no longer a need for this area to be landscaped for open space use. It is now a surplus area which no other party would have an interest in to take on and improve;
- office use would be an acceptable neighbour to the residential properties, assist in their sale because of its quality design and will be a quiet area at night time;
- views of designs are subjective, This proposal was designed by a qualified RIBA architect, the glass element will help reduce the heaviness of the building and it will sit well with adjacent residential developments. There is no other use for this site;
- only the three storeys and parapet lip, but not the fourth floor, are visible from Retreat Road and the building is not visible from the motorway;
- additional staff will be employed; and
- have been straightforward in the application process for all three sites and use of this area of land for open space became redundant after permission was granted for Phase II with its area of open space.

The City Development Manager noted that the Council may need to bear the cost of the referral to the Design Review Panel.

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

RESOLVED that planning permission for the erection of a B1 Office Building, access and associated infrastructure be deferred for the proposal to be considered by the Devon Design Review Panel.

LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS

The report of the Assistant Director City Development was submitted.

RESOLVED that the report be noted.

76

APPEALS REPORT

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

77

SITE INSPECTION PARTY

RESOLVED that the next Site Inspection Party will be held on Tuesday 18 October 2016 at 9.30 a.m. The Councillors attending will be Harvey, Lyons and Prowse.

Additional Information Circulated after Agenda Dispatched - circulated as an appendix

(The meeting commenced at 5.30 pm and closed at 7.17 pm)

Chair

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PLANNING COMMITTEE

Wednesday 5 October 2016

Present:

Councillor Sutton (Chair)
Councillors Bialyk, Denham, Edwards, Foale, Gottschalk, Harvey, Mrs Henson, Morse, Newby and Spackman

Apologies:

Councillors Lyons and Prowse

Also Present:

City Development Manager, Principal Project Manager (Development), Highway Development Management Officer and Democratic Services Officer (Committees) (HB)

78

DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

79

PLANNING APPLICATION NO. - 16/0890/02 - EXETER BUS AND COACH STATION RE-DEVELOPMENT AREA, PARIS STREET, EXETER

The Principal Project Manager (Development) (HS) presented the application for reserved matters of the layout, scale, appearance of the buildings, the means of access thereto and the landscaping relating to the new Bus Station (Parcel B) and Street C: Pedestrian Access (Parcel Y).

The application was for the reserved matters of Access, Appearance, Landscaping, Layout and Scale, outline planning permission having been granted by the Council on 20 January 2016. Further applications for reserved matters in respect of P (Paris Street) and C (Commercial uses) would be considered separately and these were anticipated to be received shortly.

Application for approval of reserved matters in respect of Parcel L (ref. 16/0891/02) was the subject of another report (Min. No. 80 below refers).

Members were circulated with an update sheet - attached to minutes – setting out an amendment to condition 1.

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

- speaking on behalf of the Exeter and District Bus Users Group;
- no comments to make on appearance and landscaping and believe that the Design Team have come up with a building that looks in keeping with the general surroundings and provides a welcoming enclosed concourse for waiting passengers;
- turning to the layout and scale of the site, it is not believed that there has been enough thought given to the difficulties arising from the approach for vehicles off a steep incline and the placing of terminal facilities on site.

- The absence of a second floor for bus company staff has created a much reduced area available for public amenities. The bus apron has several layover bays on the Cheeke Street side into which buses can reverse. Ask that no bollards are placed where buses can hit them but, instead, a raised kerb is inset far enough for the longest rear overhang of a bus to pass over before its rear wheels hit the kerb;
- access to the site raises a number of issues. There are reservations about the steep approach that buses have to take when entering the site from Cheeke Street, then the added difficulty of buses using Bays 1 and 2 in particular, having to make an awkward manoeuvre to line up with the departure gate. Daylight tests with cones on level ground attempt to provide an assurance that this will work okay but the situation will be very different on a dark winter's day when raining. This is after drivers have ascended a slope which it is hoped will have all-weather grip to prevent loss of traction before they are confronted by buses on bays 2 or 3 trying to reverse directly into their path! The proposed layout offers only the length of the steep incline for buses to queue, with others tailing back onto Cheeke Street. This will cause congestion back onto Paris Street roundabout, and delay other city bus services ascending Cheeke Street;
- pedestrian access and egress from Cheeke Street to and from Street C on the plan is by way of 23 steps and a zig-zag slope for wheel chairs. Where this meets the pavement of Cheeke Street there ought to be placed safety railings to prevent people stepping or rolling into the road;
- seating on the passenger concourse is a welcome addition but having seats protruding across the path of the concourse will act as an impediment and restrict the flow of pedestrians using this desire line as their only way from Sidwell Street to the new leisure complex. The width of the concourse is barely that of the present one and transverse seating will obstruct free movement of people whether or not they are using a bus;
- the published timeline indicates that contractors will still be working on other areas of the site, right across towards upper Paris Street, after the new bus station is completed. How will people access the new station before contractors have finished what they are doing?;
- plans indicate the position of two bus stops between the vehicular entrance and exit to the station. It will be difficult for a bus driver to have sufficient visibility and space to exit the bus station and make a right turn down to the roundabout. This could result in buses actually queuing to get out of the station;
- in regard to sustainability, the Group has reservations about the reduced size and unless there is scope for early expansion of the site to accommodate more bays and facilities, it is felt the project will be dubbed an expensive white elephant from the start; and
- as further reserved matters are up for review it is hoped that these will include good connecting facilities to long distance coaches, bus information, the positioning and design of displays both in the bus station and at the two-year temporary stops in Sidwell Street, plus a review of tour coach facilities.

Responding to a Member, he accepted that full consultation had been undertaken by the City Council with all views assessed after approval at outline stage in January. He felt, however, that some areas remained a concern.

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

- following outline Planning Permission the design of the bus station addresses the comments received during the consultation exercises and includes public toilets, an enclosed waiting area with seating, a covered boarding area, a public enquiry office, an accessible drop off point and cycle

parking. The number of departure bays and layover bays meet the requirements that have been previously agreed by Devon County Council and Stagecoach.

- **Access** - pedestrian access to the bus station is consistent with the Outline Planning Permission and is from Bampfylde Street to the north and Street C Pedestrian Access to the south. The enclosed concourse provides pedestrian circulation through the site;
- an accessible pick up and drop off point and cycle parking is located adjacent to Bampfylde Street with further cycle parking at the end of Street C Pedestrian Access on Cheeke Street. Vehicle access to the bus station apron is from Cheeke Street and vehicle manoeuvres have been assessed using digital vehicle tracking software together with a full size mock-up on site to design the bays, entrance and exit;
- **Appearance** - the appearance of the Bus Station takes account of the St Sidwell's Point Leisure Centre and Princesshay Leisure in respect of façade treatment and materials. Curtain walling has been used to enclose the concourse to allow views of the buses and to provide a light and airy feel to the pedestrian circulation route. The form of the building provides a constant building height to the visible elevations with the building height and bus station area in accordance with the Outline Planning Permission parameters;
- **Landscape** - the terraced landscape of retaining walls and planting creates a crucial first impression as part of the gateway to the City. It incorporates a series of planted terraces to soften the appearance of the level change between pavement and buildings when being viewed from ground level and on the road approach. The planting design integrates a mix of plants and shrubs to provide year round interest, seasonal colour and to support biodiversity;
- **Layout** - the bus station comprises of the bus apron, the enclosed concourse and the main building that provides facilities for the public and bus station operator;
- the enclosed concourse contains 70 seats with 10 wheelchair spaces that are positioned adjacent to the bus boarding points and against the main concourse wall;
- the public enquiry office is positioned close to the Street C Pedestrian Access entrance. The operational staff accommodation is located in the central part of the building. The public toilets are located adjacent to Bampfylde Street entrance and provide female, male and accessible toilets with the quantity consistent with Code of practice for the provision of public toilets; and
- the bus station is seen as an important part of the City's public transport infrastructure and the status of this area as part of the City Centre requires a high standard of architectural quality. The design provides a new and enhanced Bus Station that is in keeping with the requirements of the City's vision, policies and the approved Outline Permission to provide a significant point of arrival to the City Centre.

He responded as follows to Members' queries:-

- further consultation would take place with relevant parties to address remaining issues including facilities generally within the bus station including those for cyclists and the disabled and continuing discussions with the City Council on open space matters and the Devon Wildlife Trust on landscaping;
- signage, information delivery and visual display issues would be picked up with the appointed operator;
- there was potential for additional cycle stands and further cycle provision in general in the final scheme;

- safety railings can be provided to enhance safety, as requested;
- bus use of the bays had been assessed through manual vehicle tests and digital vehicle tracking software with different approaches into the site considered and changes made to initial plans and would be progressed through the commissioning process with the chosen operator through white line provision etc.;
- distinctive seating within the concourse at the entrances to the bays to assist queuing would be provided following research visits to bus stations including Bath, Leicester and Bedford;
- access between the bus station and the Leisure Centre site would be carefully planned and monitored during the construction stage; and
- the contract with the operator would define service output including toilets and the City Council had granted the Leisure Complex and Bus Station Programme Board delegated powers regarding such operational matters.

The Highway Development Management Officer confirmed that the overall scheme including the layout of the bays was to the satisfaction of the County Council and that Stagecoach had been consulted on the design, including bay layout and access and egress to and from the site. Together with the Leisure Centre, it complemented the wider City Centre re-developments including Park and Ride bus provision in Paris Street with inherent flexibility to cater for peak periods.

Access for buses via Cheeke Street would be one way and right turn egress would not be problematic given the proposed reduction of north bound bus use of Cheeke Street as a whole. A condition would cover real time service information provision for passengers in line with the evolving Exeter City Futures project.

The Principal Project Manager Development responded to a number of issues raised above including conditions relating to surfacing materials to provide vehicle grip, safety railings and ramp design.

He explained that the change in levels across the site between Sidwell Street and Paris Street roundabout, together with the Bus Station layout had restricted the potential to achieve a cycle route through the site without conflict with pedestrians. The proposals to pedestrianise upper Paris Street and the link onward to Sidwell Street were considered to be an acceptable alternative east-west route for cycles. Given that the proposals did not make provision for a cycle route through the site, and the potential for conflict with pedestrians at the entrance to the Bus Station in particular, a peripheral cycle parking strategy for visitors, as set out in the outline consent, was considered acceptable and it was not considered that the ramped access to Cheeke Street should be designed to encourage mounted cycle use. Increasing the width of the ramp in this area would significantly reduce the space available for landscaping.

Members welcomed the detailed plans for the new bus station which would be a great asset to the City and surrounding areas, the Portfolio Holder for Sport and Health and Wellbeing stating that a full consultation exercise had been carried out by the City Council since outline permission had been granted in January including the existing operator, the County Council and a number of interested parties. He emphasised that opportunities remained for public participation through the Leisure Complex and Bus Station Programme Board, which was a public meeting. Reference was also made to the significant changes and improvements to the scheme introduced following the January meeting in response to issues raised during the consultation period. It was stated that further consideration of issues relating to cycle provision would be beneficial including the number of cycle stands and the overall safety of both cyclists and pedestrians within the site, including access arrangements for the former onto the site.

This could be achieved through bringing a report on a wider cycle strategy to the Planning Member Working Group. This was agreed.

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

RESOLVED that, subject to prior consultation with the Chair of this Committee, the Assistant Director City Development be authorised to **APPROVE** the reserved matters of the layout, scale, appearance of the buildings, the means of access thereto and the landscaping relating to the new Bus Station (Parcel B) and Street C: Pedestrian Access (Parcel Y) be approved subject to the following conditions:-

- 1) Unless otherwise agreed the appearance, layout and scale of development hereby approved shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 29 September 2016 (*dwg. nos. (08)001, 002, 003, 004, 005, 006, 007, 008 and 009*), as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 2) Unless otherwise agreed in writing the landscaping and external accesses (including planting, retaining walls, steps and ramp) hereby approved shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 22 September 2016 (*dwg. nos. 4288_BS_101, 103, 401, and dwg nos. 4288_EBS_402, 404, and 405*), as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 3) Unless otherwise agreed in writing the development hereby approved shall not be carried out otherwise than in substantial accordance with the submitted Design and Access Statement revision A received by the Local Planning Authority on 23 September 2016, as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 4) Notwithstanding condition no. 1, no work shall commence on site under this permission until full details of the following have been submitted to and approved in writing by the Local Planning Authority and the following shall thereafter be provided in accordance with such details:
 1. Detailed design of the projecting roof edges.
 2. Detailed design of the glazing systems used in external wall elevations.**Reason:** Insufficient information has been submitted with the application and in the interests of visual amenity.
- 5) No part of the Bus Station development hereby approved shall be brought into its intended use until a strategy for providing real time passenger travel information has been approved in writing with the Local Planning Authority and implemented in accordance with this strategy.
Reason: To maximise the opportunities to promote and enhance use of sustainable modes, in accordance with Section 4 of the NPPF.

PLANNING APPLICATION NO. 16/0891/02 - ST SIDWELL'S POINT LEISURE CENTRE - LEISURE DEVELOPMENT, PARIS STREET, EXETER

The Principal Project Manager (Development) (HS) presented the application for reserved matter details of the layout, scale, appearance of the buildings, the means of access thereto and the landscaping relating to St Sidwell's Point Leisure Centre (Parcel L).

The application was for the reserved matters of Access, Appearance, Landscaping, Layout and Scale, outline planning permission having been granted by the Council on 20 January 2016. Further applications for reserved matters in respect of P (Paris Street) and C (Commercial uses) would be considered separately and these were anticipated to be received shortly.

He confirmed that the landscaping provision in the front of the Leisure Centre would include wildflower planting to enhance the biodiversity of the site and complement the Exeter Wild City initiative.

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

- the Leisure Centre has a gross internal floor area of 6,100m² which is within the outline approval requirement for leisure centre use. The mass steps up from Paris Street moving north as identified in the approved parameters plans and the pitched roofs don't exceed the levels at each step identified in the outline approval. It is two stories tall to Paris Street maximum datum height 53.6m and three stories to the new pedestrian street maximum datum height 62.3m; both within the approved parameters;
- the leisure centre is designed to passive house energy standards that are far higher than best practice and the BREEAM energy requirements identified in CP15; minimising energy loss whilst maximising solar gain are identified in DG2, both are central to the passive house approach. The leisure centre is designed to facilitate connection to a future district heating system when it becomes available as identified in CP13;
- the leisure centre is at a strategic city gateway and therefore accorded particular significance in the bus station supplementary planning guidance, plus in CP17, which sets out the quality of design expected. In response to the specific location, the design steps up from the Paris Street roundabout in a similar way to the wider streetscape reducing the immediate bulk against the footpath whereas the distant views from the top of Heavitree Road show the whole building, in line with the strategic nature of the gateway site;
- the design helps repair the existing urban fabric on this important approach into the city with particular emphasis on the gateway quality of the site and studies are included in the application showing the positive urban impact of the development from the surrounding streets. The use of a number of different materials and a strong articulated building form ensures that these views retain interest and that there is a hierarchy of scale through the use of materials of differing modules and texture. This palate picks up on the Princesshay west development closest to the cathedral;
- large areas of glazing provide highly active façades to Heavitree Road and Paris Street, plus to the new retail development and bus station. These glazed areas act as shop windows for the activities inside encouraging participation and integration with the wider community; in line with the objectives of CP17 to encourage social interaction and ensure a positive experience for users and the general public;
- the use of high quality materials, standard of design and environmental credentials highlight how the scheme will be the jewel in Exeter's crown; and

- the proposed leisure centre sets a high standard of design and quality as should be expected at this important approach into the city, to reflect the civic nature of the new facility and ensure that the new centre becomes the focus for fitness for Exeter district.

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

Commenting on the quality of the range of services within the Centre, the adoption of high environmental performance standards for the building including Passivhaus Standard and Building Biology IBN best practice guidance in healthy design, Members welcomed the detailed plans for the Leisure Centre, which, it was felt, offered an iconic building which would greatly enhance both the Leisure offer and built environment of the City Centre. Members also remarked that its location in the centre was an accessible, practical solution to replacing the now, unfit for purpose Pyramids pool and was of benefit to those living within the area without private transport as well as those elsewhere in and outside Exeter because of its proximity to transport hubs.

RESOLVED that, subject to prior consultation with the Chair of this Committee, the Assistant Director City Development be authorised to **APPROVE** the reserved matters details of the layout, scale, appearance of the buildings, the means of access thereto and the landscaping relating to St Sidwell's Point Leisure Centre (Parcel L) subject to the following conditions:-

- 1) Unless otherwise agreed the appearance, layout and scale of development hereby approved shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 22 September 2016 (*dwg. nos. (08)005, 006, 009 rev A, 010 rev A, 011 rev A, 012 rev A, 013 rev A, 014 rev A, 015, 020 rev A, 021 rev A, 022 rev A, 023 rev A, 030, 031 and 040*), as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 2) Unless otherwise agreed in writing the landscaping and external accesses (including planting, retaining walls, steps and ramp) hereby approved shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 22 September 2016 (*dwg. nos. 4288_SSP_100, 101, 102, 401, 402, 403, 404, 405 and 406*), as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 3) Unless otherwise agreed in writing the development hereby approved shall not be carried out otherwise than in substantial accordance with the submitted Design and Access Statement revision A received by the Local Planning Authority on 22 September 2016, as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 4) Service vehicle and delivery vehicle access to the site shall only be carried on in accordance with a Delivery Vehicle Management Plan which shall have been submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of highway safety.

Additional Information Circulated after Agenda Dispatched - circulated as an appendix

(The meeting commenced at 5.30 pm and closed at 7.10 pm)

Chair

LICENSING COMMITTEE

19 July 2016

Present:

Councillor Roger D Spackman (Chair)

Councillors Sheldon, Branston, Brimble, Foale, Hannan, Holland, Mitchell and Pearson

Apologies:

Councillors Keen, Owen and Sills

Also present:

Litigation Solicitor, Environmental Health and Licensing Manager, Solicitor, Acting Principal Licensing Officer and Democratic Services Officer (Committees) (HB)

18 **Minutes**

The minutes of the meeting held on 31 May 2016 were taken as read and signed by the Chair as a correct record.

19 **Declarations of Interest**

No declarations of interest were made by Members.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

20 **Amendments to Taxi Policy (Practices and Procedures for the Control of Hackney Carriage and Private Hire Vehicles, Drivers and Operators)**

The Environmental Health and Licensing Manager presented the report seeking to introduce amendments to the current policy relating to the Practices and Procedures for the control of Hackney Carriage and Private Hire Vehicles, Drivers and Operators.

RESOLVED that, subject to the following amendment:-

the replacement of the wording in K2 on page 54 with the wording set out in P11 on page 67,

the updated compilation of Practices and Procedures for the control of Hackney Carriage and Private Hire Vehicles, Drivers and Operators be approved.

The meeting commenced at 5.30 pm and closed at 5.57 pm

Chair

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LICENSING COMMITTEE

20 September 2016

Present:

Councillor Roger D Spackman (Chair)

Councillors Sheldon, Brimble, Hannan, Henson, Holland, Keen, Mitchell, Owen, Sills and Foale

Apologies:

Councillors Branston, Newby and Pearson

Also present:

Environmental Health and Licensing Manager, Litigation Solicitor and Democratic Services Officer (Committees) (HB)

21 **Minutes**

The minutes of the meeting held on 19 July 2016 were taken as read and signed by the Chair as a correct record.

22 **Declarations of Interest**

No declarations of interest were made by Members.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

23 **Amendments to the Policy relating to Practices and Procedures for the Control of Hackney Carriage and Private Hire Vehicles, Drivers and Operators**

The Environmental Health and Licensing Manager presented the report of the Assistant Director Environment seeking to introduce amendments to the current policy relating Practices and Procedures for the control of Hackney Carriage and Private Hire Vehicles, Drivers and Operators.

An informal inquiry had been received concerning a licence for a Pedicab (cycle rickshaw). This would be the first vehicle of this type licenced in Exeter, and as such Devon County Highways had been consulted regarding the use of bus lanes, cycle paths etc. and their responses had been incorporated into the policy.

RESOLVED that the following additions to Appendix O of Practices and Procedures for the control of Hackney Carriage and Private Hire Vehicles, Drivers and Operators be approved:-

- O19 All licensed private hire vehicles will display approved bus lane stickers at all times, which must be placed on the rear of the vehicle and on both sides of the vehicle towards the rear. (*Pedicabs are treated as private hire vehicles for the purposes of the policy*).
- O20 As Pedicabs are not classed as a motor vehicle they are entitled to use cycle lanes (where wide enough to safely accommodate the Pedicab)

24 **General Update on Licensing issues**

The Environmental Health and Licensing Manager gave a presentation updating Members on the following:-

Best Bar None Exeter City Council
Taxi Driver Training
Exeter Helpzone
Taxi Marshall Scheme
Illegal Street Trading Prosecution
Street Trading Policy

RESOLVED that:-

- (1) the report be noted; and
- (2) a working group comprising Councillors Brimble, Hannan, Mitchell, Owen and Sheldon and with the Portfolio Holder for Economy and Culture also invited meet to review the Council's Street Trading Policy.

The meeting commenced at 5.30 pm and closed at 6.25 pm

Chair

PEOPLE SCRUTINY COMMITTEE

Thursday 1 September 2016

Present:-

Wardle (Chair)
Councillors Foale, Branston, Foggin, Hannan, Holland and Vizard

Also Present

Chief Executive & Growth Director, Assistant Director City Development, Assistant Director Housing, System Lead - Finance, Principal Accountant Corporate, Service Improvement Lead (Customer Support) and Democratic Services Officer (Committees) (HB)

In attendance:

Councillor Emma Morse	-	Portfolio Holder for Customer Access
Councillor Keith Owen	-	Portfolio Holder for the Housing Revenue Account
Councillor Paul Bull	-	Portfolio Holder for Communities and Neighbourhoods

13

APOLOGIES

Apologies were received from Councillors Packham and Robson.

14

MINUTES

The minutes of the meeting of People Scrutiny Committee held on 2 June 2016 were taken as read and signed by the Chair as correct.

15

DECLARATION OF INTERESTS

No declarations of disclosable pecuniary interest were made.

ITEMS FOR DISCUSSION

16

STUDENT ACCOMMODATION ISSUES

The Assistant Director City Development presented the report summarising and updating information provided to the Planning Member Working Group on 21 June 2016. The data included changes in the total number of students at the University of Exeter, in the present and future projected stock of purpose built student accommodation (PBSA) and in the number of Council Tax exemptions due to homes being entirely occupied by full time students.

The report showed how accommodation issues were affecting supply and demand in the housing market and communities in parts of the City. The report also sought to assess the existing and future effectiveness of the current planning policy approach to student accommodation. The report included a list of PBSA schemes that either had planning permission or had been subject to pre-application discussions. The University had significant potential to bring forward PBSA on its own land, notably the Streatham Campus.

Members referred to the growing problem of students bringing cars to the City, as it was estimated that some 10%-15% did so. One Member referred to the repeated concerns of residents in the Pennsylvania area in particular. He highlighted the specific problem of cars parked along roads which had resulted in Stagecoach

withdrawing a direct service between the Pennsylvania area and St Peter's School in Broadfields, students of St Peter's School now required to change buses in the City Centre to continue their journey to school. He called on the University to implement a policy of preventing students bringing cars to the City. He referred to the issue of residents' parking in relation to student cars and another Member called for a joint City Council and County Council review of residents' parking in general.

The Assistant Director responded that the University had updated its 2010 Sustainable Transport Policy in 2016, a draft of which had been considered by the Planning Member Working Group. A survey of students indicated that 9.3% brought cars at the beginning of term but that it was unclear whether these remained in the City. Although management plans were a requirement for new PBSA's they did not cover transport plans. The management plan itself usually required operators to advise students of the City's transport modes as opposed to car use but the discouragement of the latter could be more vigorously pursued and this should be raised further with the University and the operators.

Members commented on the public perception that, from an accommodation perspective, the City seemed, in some areas and on some issues, to be overwhelmed by the student presence. Reference was made to students directly replacing non student tenants in private accommodation and to concerns that available land was increasingly dedicated to PBSA's rather than new housing for the wider market. The latter, however, were also often occupied by students. The positive impact the University had on the City was acknowledged but, given that a significant proportion lived in private rented accommodation, it was felt that more dialogue was necessary to achieve a balanced approach to accommodation provision.

Members noted the dilemma that, when students lived in PBSA's, they were less integrated into the wider community but have less direct adverse impacts than more students occupying shared houses. Students preferred to congregate in areas where other students live. If the imbalance in communities from high proportions of shared houses was to be addressed then there would be a need to change the traditional student undergraduate culture where PBSA's were occupied in the first year with living out in subsequent years.

In terms of the growth in Council Tax exemptions for students, the Assistant Director advised, that ultimately, the Government intention by 2019/20 was to eliminate all revenue grant to Councils. It was also unlikely to remove the exemptions.

A Member referred to the impact on primary schools of increasing number of children who did not have English as their first language or were unable to speak English at all, many of whom were the children of post graduate students at the University. In some cases, this had led to the engagement of interpreters at a cost to the schools. Given that the University benefited financially from overseas students he suggested that a form of financial recompense by the University could be appropriate and suggested dialogue on the issue of additional funding with the University and the County Council. In terms of the social impact, another Member remarked that, in his experience, the addition of different nationalities to a school roll was positive and a cause for celebration.

The Assistant Director commented that about a quarter of University of Exeter students came from overseas. The issue raised had not surfaced at the regular meetings with education authority representatives but could be discussed at the next meeting and raised with the University itself, if considered appropriate.

People Scrutiny Committee noted the report, in particular:-

- student numbers in Exeter were likely to continue to increase;
- the imbalance in communities, that were popular student areas, caused by shared student houses was only likely to reduce if new PBSA was brought forward in excess of the total increase in student numbers;
- even where new market private housing was provided in popular student areas (such as Central Station Yard) it tended to be occupied by a high proportion of students;
- the potential advantages of emerging proposals for significant amounts of additional PBSA at Streatham Campus; and
- students' accommodation preferences tended to be close to the University, City Centre and other students which meant that a more dispersed pattern of student accommodation was unlikely to be achievable.

and that the issues raised would be relayed to the University through appropriate channels.

17 **HOUSING REVENUE ACCOUNT - BUDGET MONITORING TO JUNE 2016**

The Assistant Director Housing advised Members of any major differences, by management unit between the approved budget and the outturn forecast for the first three months of the financial year up to 30 June 2016 in respect of the Housing Revenue Account (HRA) and the Council's new build schemes. An outturn update in respect of the HRA Capital Programme was also incorporated in the report in order to help provide a comprehensive financial update in respect of the Housing Revenue Account.

During this period, the total budget variances indicated that there would be a net deficit of £168,313 in 2016/17. This represented a minor increase of £26,188 compared to the revised budgeted deficit of £142,125 for 2016/17.

The total amount of HRA capital expenditure for 2016/17 showed a total forecast spend of £14,504,544 compared to the £16,929,819 approved programme, a decrease of £2,425,275.

People Scrutiny Committee noted the report.

18 **PEOPLE - BUDGET MONITORING TO JUNE 2016**

The Principal Accountant advised Members of any material differences, by management unit between the approved budget the outturn forecast for the first three months of the financial year up to 30 June 2016 in respect of People Services. An outturn update in respect of the People Capital Programme was also incorporated in the report in order to help provide a comprehensive financial update in respect of the People Services budget.

The current forecast suggested that net expenditure would increase from the approved budget by a total of £19,000 after transfers from reserves and revenue contributions to capital. This represented a variation of 0.56% from the revised budget and included supplementary budgets of £130,000.

The 2016/17 Capital Programme, including commitments brought forward from 2015/16, was £1,434,540, as set out in the report.

People Scrutiny Committee noted the report.

ITEM FOR CONSIDERATION BY EXECUTIVE

19

REVIEW OF EXTENDED OPENING IN THE CUSTOMER SERVICE CENTRE

The System Lead - Finance advised Members of a review of extended opening on Mondays and Thursdays in the Customer Service Centre and Call Centre.

Data had been collected on footfall and telephones shows that demand between 5pm and 6pm was very small in relation to the minimum number of staff required to keep the Centre open for this extended time. It was considered that resources should be used more efficiently to protect and increase the Council's income by Customer Service Officers undertaking case working, pursuing debt owed to the Council, processing council tax changes and reviewing discounts and exemptions.

People Scrutiny Committee noted the report and requested Executive to consider the efficiency of the service and to amend opening hours to 9.00am to 5.00pm Monday to Friday from 31 October 2016.

(The meeting commenced at 5.30 pm and closed at 6.02 pm)

Chair

PLACE SCRUTINY COMMITTEE

8 September 2016

Present:

Councillor Brimble (Chair)

Councillors Lyons, Foggin, Henson, Keen, Prowse, Robson, Wardle and Wood

Apologies:

Councillor Mitchell

Also present:

Assistant Director Public Realm, Assistant Director Environment, Assistant Director Finance, Principal Accountant (MH), Economy and Enterprise Manager, Economy Partnerships and Project Manager, City Arts and Events Manager and Democratic Services Officer (Committees) (SLS)

In attendance:

Councillor Rachel Sutton	- Portfolio Holder for City Development
Councillor Rosie Denham	- Portfolio Holder for Economy and Culture
Councillor Paul Bull	- Portfolio Holder for Communities and Neighbourhood

22 **Minutes**

The minutes of the meeting held on 9 June 2016 were taken as read and signed by the Chair as correct.

23 **Declaration of Interests**

No declarations of disclosable interest were made.

24 **Questions from the Public under Standing Order 19**

Three members of the public, Mr Walton of Exeter Cycling Campaign, Ms Wetenhall of Ludwell Life Steering Group and Ms Moor of the Exeter Community Forum, each submitted public questions. A copy of the questions and the responses from Councillor Sutton, Portfolio Holder City Development and Councillor Bull, Portfolio Holder Communities and Neighbourhoods were appended to the minutes.

25 **Questions from Members of the Council under Standing Order 20**

In accordance with Standing Order No 20, a question was put by Councillor Prowse in relation to the business case for the Valley Parks transfer and the important role that the green spaces play in the life of Exeter's citizens. A copy of the question had been previously circulated to Members, and this, together with the reply from Councillor Sutton, Portfolio Holder City Development were appended to the minutes.

MATTERS FOR EXECUTIVE

26 Transfer of Exeter's Valley Parks to Devon Wildlife Trust

The Assistant Director Public Realm presented a report which sought Member's consideration of whether to transfer the City Council's Valley Parks to Devon Wildlife Trust (DWT). The transfer of the valley parks was a transformation plan objective, as the Council's operating costs and risks would be reduced, supported by a financially sustainable plan. There was also the opportunity for greater enhancement of the Valley Parks, which included land owned or leased by the City Council at Riverside, Ludwell, Mincinglake, Belvedere and Duryard, Barley Valley and Withycombe Way to encourage even greater use. This approach would support the delivery of the Exe Valley Parks masterplan and the City Council's responsibility to provide Sustainable Alternative Natural Greenspace (SANGs) to address the demands that development places on protected habits.

Harry Barton, Chief Executive of DWT, attended the meeting and made a presentation to Members on the vision of the DWT to enhance the valley parks. He referred to the reach and experience of the Trust and provided examples of their established track record. A study had been made of all of the valley park sites and consideration of the potential to further improve the developed wildlife and fauna. He recognised the importance of a supportive community and welcomed the opportunity for engagement with, and to be held account by, such vital local groups. He also outlined a summary of potential benefits and financial projections for the next five years, including details of the longer term financial sustainability. The development plans could include a Visitor Centre to draw people and develop accessibility, which would help enhance the value for the local community. He responded to a Member's comment on the charitable status and governance arrangements of the DWT.

A Member welcomed the work already taking place in the Valley Parks and particularly in Ludwell Valley Park and, despite the sensitivity of the sites, that adequate car parking to ensure accessibility would be provided. She also hoped that young people and children would be encouraged to use the space and asked if any work with schools had taken place. Peter Burgess, Director of Development, Policy and Research was also in attendance from the DWT and stated that, whilst parking could provide great challenges, he recognised the need for its inclusion along with improvement to walking and cycling routes to increase accessibility. Paul Martin, an education officer with the DWT, had visited schools in the city in an effort to connect pupils with the valley parks. He also responded to a Member's question on the way in which they would promote the benefit of the sites with harder to reach groups.

The Assistant Director Public Realm responded to a number of questions from Members on future development of the valley parks and confirmed that the City Council would retain the freehold of the land.

Place Scrutiny Committee supported and recommended approval by Executive of the following:-

- (1) final business case for the transfer of the City Council's Valley Parks to Devon Wildlife Trust in accordance with the Council's Organisational Change Policy;
- (2) transfer by lease of land owned and leased by the City Council In Exeter's Valley Parks, namely Riverside, Ludwell, Mincinglake, Belvedere and Duryard, Barley Valley and Withycombe Way, to Devon Wildlife Trust (DWT) for a period of 30 years, with the detailed terms to be agreed by the Corporate Manager Property in Consultation with the Leader and Portfolio Holder Support Services;

- (3) Disposal of land be advertised in accordance with the provisions of S.123 of the Local Government Act 1972;
- (4) principle of the grant of a development agreement and group lease for a period of 99 years on any land identified between the Council and the Devon Wildlife Trust as suitable for a Visitor Centre;
- (5) provision of a financial contribution of £425,000 to the Devon Wildlife Trust on transfer; and
- (6) the principle of the Council making an additional £100,000 Contribution in 2022, in the exceptional circumstance where additional investment is required that cannot be found within the Trust's existing resources be approved and that an agreement between the Council and the Trust setting out the specific conditions for the additional payment be delegated to the Assistant Director of Public Realm, in consultation with the Portfolio Holder for Place and the Leader of Council.

Councillor Prowse requested that his name be recorded as having abstained from the vote.

27 **Delivering the Parking Strategy: Tariffs, Designations and Permits**

The Assistant Director Public Realm presented a report on parking tariffs, designations and permit changes to be introduced in January 2017. She provided the background which included a new strategic approach to off-street parking which was adopted in March 2016, following a detailed parking review by consultants, and a number of Spotlight Reviews during 2014/15. The report outlined the approach to deliver the optimum impact on each of the four City Council's strategic objectives outlined in the 'New Strategy for Parking 2016 – 2026' including economic growth; maximising capacity, reducing congestion and maintaining income. It was noted that the City Council had not made wholesale changes to parking tariffs since January 2012. The Parking Strategy had highlighted that the current tariff structure encouraged high turnover in Premium and short stay car parks. However, stays beyond three hours were discouraged by the sharp increase in price.

The report set out a proposed tariff structure, which should provide a more gradual rise in price with a clearer 'per hour' rationale. A table setting out the projected impact of the linear tariff was attached to the report. Members had previously expressed a wish to ensure that tariffs would be at a level, so as not to encourage car use over other more forms of sustainable transport. It was considered that the linear approach should help to achieve this. Any evidence of a significant adverse change in car parking habits and footfall in the city centre would be monitored. It was hoped that a culture change by making all Premier car parks equally attractive would deter unnecessary movements cross city, thus reducing levels of congestion.

As well as the revised parking tariffs, the report set out the review of season tickets and permits, car parking designation and zonal strategy in relation to gateway routes and key attractions. Proposed changes to the evening parking offer and the extension of the day time linear tariff into the evening would provide more clarity, and additional staff would be needed to support an extension of the opening hours of the Guildhall and John Lewis car parks. A separate business case was due to be presented to Executive to address the additional staffing implications.

A Member commented on the difference between the residents' annual season ticket against the quarterly commuter season tickets, as he was aware that some residents were using that option where parking was not included and he hoped that some parity could be considered. The Assistant Director Public Realm noted the Member's comment on the purchase of commuter season tickets by residents and reassured the Member that she would see if this anomaly could be overcome before the Parking Places Order was confirmed. A Member also suggested that the level of charge for the commuter season ticket was justified and comparable to the public sector season ticket used by commuters travelling in from more rural areas outside of Exeter.

Councillor Denham, as Portfolio Holder Economy and Culture, referred to the work with Exeter City Futures to gather data and create transport modelling for commuter movements as well as other car journeys. That would also offer the opportunity to inform the pricing element in a sophisticated way and build up a picture of car movements. She hoped that this would come to this Scrutiny Committee in the future.

Place Scrutiny Committee supported and recommended approval by Executive of the following:-

- (1) the adoption of a linear approach to parking tariffs in order to simplify the pricing structure and encourage increased visitor dwell time, as set out in the table below:-

Premier Car Parks (Guildhall, Mary Arches, John Lewis)		
Stay	Current Tariff	Proposed Tariff
1 hour	£1.80	£2.00
2 hours	£2.60	£3.00
3 hours	£3.50	£4.00
4 hours	£6.50	£5.00
5 hours	£8.80	£6.00
6 hours	£11.80	£7.00
7 hours	£11.80	£8.00
All day	£11.80	£12.00
Short Stay Car Parks (Bampfylde Street, Bartholomew Terrace, Harlequins, King William Street, Magdalen Road, Magdalen Street, Matthews Hall, Princesshay 2, Princesshay 3, Smythen Street)		
Stay	Current Tariff	Proposed Tariff
1 hour	£1.20	£1.00
2 hours	£2.20	£2.00
3 hours	£3.30	£3.00
4 hours	£5.70	£4.00
5 hours	£7.70	£5.00
6 hours	£10.80	£6.00
7 hours	£10.80	£7.00
All day	£10.80	£10.00

Long Stay Car Parks (Belmont Road, Bystock Terrace, Cathedral & Quay, Haven Road 1, Howell Road, Richmond Road, Parr Street, Topsham Quay)		
Stay	Current Tariff	Proposed Tariff
1 hour	£0.80	£1.00
2 hours	£1.20	£2.00
3 hours	£1.80	£3.00
4 hours	£3.20	£4.00
5 hours	£5.00	£5.00
All day	£6.20	£6.00
Local Car Parks (Gordons Place, Haven Road 2 & 3, Holman Way, Okehampton Street, Tappers Close)		
Stay	Current Tariff	Proposed Tariff
1 hour	£0.60	£0.50
2 hours	£0.80	£1.00
3 hours	£1.00	£1.50
4 hours	£1.20	£2.00
All day	£1.80	£2.50
Coach Parking at Haven Road 3 (per day)	£5.00	£5.00
Quarterly Commuter Season Ticket	£260.00	£300.00
Residents Annual Season Ticket	£125.00	£125.00
Bartholomew Terrace Business Permit	£205.00	£205.00
Cathedral & Quay Business Bays	£565.00	£565.00

- (2) the extension of the new linear tariff to midnight at Mary Arches, Guildhall and John Lewis car parks, replacing the current £2.00 evening parking charge at Mary Arches Street after 6pm, subject to approval of the business case to extend staffed evening parking facilities at these sites;
- (3) the operation of Mary Arches Street and Guildhall car parks until midnight and John Lewis until 9pm, monitoring demand at John Lewis to ensure closing time remains proportionate to demand;
- (4) the re-designation of Topsham Quay as a long stay car park;
- (5) the re-designation of Haven Road car park to offer both long stay and local rate parking options;
- (6) to facilitate, and better advertise, long stay parking (up to 3 days) at Tappers Close car park to encourage rail use at adjacent station;
- (7) to maintain, but not extend, existing resident and business annual season ticket schemes to support city centre living and smaller businesses;
- (8) to increase the cost of an annual season ticket from £260.00 to £300.00 per quarter to help encourage commuter use of public transport;

- (9) to continue to offer free parking support to Blue Badge holders in all Pay & Display car parks and to consult with appropriate groups to better understand why certain disabled parking areas are underused; and
- (10) with the exception of Mary Arches Street, Guildhall and John Lewis, the current charging hours of 8am to 6pm in all Exeter car parks and 9am to 5pm in all Topsham car parks be maintained.

Councillor Keen requested that his name be recorded as having abstained from the vote.

28 **Clean Streets Strategy**

The Assistant Director Public Realm presented a report which sought the adoption of the new Clean Streets Strategy, as a new strategic approach to the street cleaning service provided by the City Council, with a focus on resourcing against demand, behaviour change, improving productivity and community engagement. She set out the principles of the new strategic approach to:-

- invest more resource into reactive and high impact activities;
- organise the service based on need rather than frequency;
- target staff resources at the times of highest demand;
- mechanise to improve productivity and standards;
- change public behaviour to reduce demand, particularly in hotspot areas;
- engage and empower communities; and
- measure and publish information on performance.

The Assistant Director Public Realm also referred to the Action Plan and the initial focus to ensure there was a baseline standard for the measurement of performance, establishment of a business case with the aim of increasing productivity through mechanisation and a shift of resources into reactive and deep clean activities. She advised that such an investment of the service would be the subject of a further report at the appropriate time. She also responded to a Member's question, confirming that although agency staff was still used, it was not to the same degree, but a consistency in the service was required due to the nature of the role and need to cover for sickness absence.

A Member commented on the growing incidents of graffiti in the city, and of the professional way in which the cleansing teams tackled the removal. He felt the weight of the law should be brought to bear on the perpetrators and he wondered if Place Scrutiny Committee could offer any support, in view of the apparent lack of police action. He appreciated the costs associated with graffiti removal and he wished to pay tribute to the efforts of the graffiti team. The Assistant Director Public Realm referred to the good work by the Assistant Director Environment and his teams in trying to bring forward prosecutions. She felt that the improved enforcement, referred to in the Strategy, could have some beneficial effect and welcomed any opportunity to strengthen the police approach. The Chair requested contact be made with Alison Hernandez, the Police and Crime Commissioner, to discuss the likely effects of a more rigorous enforcement regime by both the City Council and the Police.

Place Scrutiny Committee recommended approval by Executive of the adoption of the Clean Streets Strategy 2016, and that work should commence towards the delivery of the actions set out in the Strategy's Action Plan.

29 Annual Arts and Events Review

The Arts and Events Manager reviewed the performance of the Arts and Events portfolio for 2015/17 and set out a proposed programme for 2017/18. She referred to the success of the new Arts Projects Grants funding scheme which had provided the opportunity to open up arts to the wider community.

There were two updates to the report namely that an application for £38,000 from the National Lottery via Arts Council England for the Unexpected Festival 2016 had been successful. The Festival would also include a celebration of the 450th anniversary of the Exeter Ship Canal, on 4 November. This would be a significant, free outdoor event on the Quay, involving performance, music and pyrotechnics display with local artists, college and school students working with a Scottish based performance company, Oceanallover. She also confirmed that a Creative Industry event, would be hosted by Radio One on 1 November, which was testament to the operational success of the Big Weekend event. A Member commented on the authority's underestimation of the final cost for the event and the reporting of the additional expenditure. The Assistant Director Finance stated that the sum was reported in the Budget Monitoring report for this Scrutiny Committee.

Councillor Brimble also congratulated the team for all of the work done and achievements made for the city in the last few years.

Place Scrutiny Committee noted the review of the performance of the Arts and Events portfolio for 2016/17, and recommended approval by Executive of the following proposals to deliver a new festival of performance in 2017 working in partnership with Exeter Bikeshed Theatre, Exeter Phoenix and Exeter Northcott pending successful application to Arts Council England's Ambitions for Excellence fund by BikeShed Theatre, and

- (1) pending the successful application to Arts Council England and confirmation of Council budgets, the use of the £50,000 arts budget in 2017 as match funding for the delivery of a new festival of performance;
- (2) in the event that external funding support for a new festival was not forthcoming, the continuation of the Unexpected Festival in 2017; and
- (3) the budgets for project grants and other project support as outlined in paragraph 4.1, of the report pending confirmation of Council budgets for 2017/18 be noted.

ITEMS FOR DISCUSSION

30 Budget Monitoring (1st Quarter)

The Assistant Director Finance introduced a new member of staff, Marie Holt, Principal Accountant, as her work included Place Scrutiny Committee. She presented a report which advised Members of any major differences, by management unit, between the approved budget and the outturn for the financial year up to 30 June 2016 in respect of Place Scrutiny Committee. The current forecast had suggested that the net expenditure for the Committee would increase from the revised budget by a total of £81,450 after transfers from reserves and revenue contributions to capital, representing a variation of 0.87% from the revised budget. This included supplementary budgets already agreed by Council. The report included an outturn update in respect of the Place Capital Programme,

significant variations by management and any material differences to the revised budget in respect of the Place Scrutiny Committee revenue and capital budgets.

The Assistant Director Finance responded to a Member's question in relation to Heavitree Environmental improvements and confirmed that the allocation of the remaining sum from a Section 106 agreement had yet to be agreed. He also responded to a comment relating to a sum of £50,000 in respect of the Arts and Events budget. The Principal Accountant also responded to a Member who sought detail of the car boot income at Matford and confirmed that she would reply directly to the Member.

Place Scrutiny Committee noted the report.

31 **Local Air Quality Management**

The Assistant Director Environment updated Members on the Council's duties and activities relating to local air quality management, and part of that duty was to monitor local air quality, and formulate an Air Quality Action Plan (AQAP) as placed upon the Council by Part IV of the Environment Act 1985. He also referred to the submission of an Annual Status report to the Department for Environment, Food and Rural Affairs (Defra) which detailed the Council's actions and progress in achieving reductions. He would forward the detail to Members of the Scrutiny Committee. One of the other main duties was for the City Council to produce an Air Quality Action Plan to identify measures that would work towards resolving the exceedances of the air quality objectives within the Air Quality Management Area. A Steering Group, set up to cover the Greater Exeter District and partner organisations had been set up to help produce the new Action Plan from 2016, met in June.

The Assistant Director Environment responded to a Member's enquiry on the involvement of local residents in relation to the work on community engagement, and he would ask the Senior Environmental Technical Officer, who was leading on this to update the Member.

A Member questioned why the emission data for the Energy from Waste Plant was not included in the report and further, that such emission data should be published by the plant operator for citizens to view. The Assistant Director Environment explained that the EfW Plant had no significant contribution to make in terms of air pollution when compared to traffic generated emissions, the plant having sophisticated emission control measures in place and were ahead of the field in terms of their continuous sampling of emissions through an AMESA system. In response to the question of the publication of emission data, it was agreed that the Chair of Scrutiny Place would write to the Plant operator and Devon County Council to seek the publication of emission monitoring data, including that from the AMESA system.

He also responded to a Member's comment on recent reports in the national press of the growing impact on human health caused by rising air and traffic pollution levels. In response to a comment about the suitability of current air monitoring equipment, he confirmed that if the PM10 measure was exceeded, that Defra would most likely require us to have more modern measuring equipment. A Member enquired if there was a variety of locations for measuring pollution; the Assistant Director Environment confirmed that a number of the traffic hotspots were targeted as well as the main arterial routes.

Councillor Denham, Portfolio Holder Economy and Culture referred to future analysis within the Exeter City Futures initiative which, would inform future behaviour and

planning. The Assistant Director Environment referred to the multi-lateral action proposed by Exeter City Futures to look at ways to encourage smarter ways of travel.

The Portfolio Holder for Communities and Neighbourhoods wished to thank the Assistant Director Environment and his team for the informative report.

Place Scrutiny Committee supported the following:-

- (1) most recent measurements of air quality data and actions to reduce traffic emissions;
- (2) development of an updated Air Quality Action Plan covering the Greater Exeter area to fulfil air quality objectives, to reduce health effects of poor air quality and to inform the development control process;
- (3) wider community engagement in air quality matters; and
- (4) acknowledged that alteration or expansion of the current monitoring network might be required in future, particularly to include measurements of PM_{2.5} or a proxy substance.

32 **Annual Update of the Exeter and Heart of Devon Employment and Skills Board**

The Partnership and Projects Manager updated Members on the activities and progress of the Exeter and the Heart of Devon Employment and Skills Board (ESB) in promoting the value of skills development, supporting business growth and getting local people into work. The report explored some of the skill issues affecting the local economy, the ESB's priorities and plans, and provided examples of where the Board had made a difference over the last 12 months.

She confirmed that the purpose of the Board was to develop a local world class workforce where every individual matters, through an employer-led group with facilitators, funders and training providers. She outlined the work of the Exeter Skills Board over the last 12 months including:-

- the work of the Rugby/Business Empowering Employment Programme (REEP to BEEP) and development of the transition from education to employment, with 87% of participants managing to make a positive transition;
- Innovation Exeter close working with Science Technology Engineering Mathematics themes (STEM) to develop a centre of excellence;
- National Apprenticeship Week and the emphasis on another route for young people;
- Local employment in respect of Skills in Construction and because of the uncertainty of Hinckley Point, the development of a client based approach;
- piloting a digital apprenticeship, learning with more than one employer;
- Untapped Talent which promotes the business benefits and creation of real jobs that benefit both those with learning disabilities and also the employer; and
- a world-class work experience for pupils and programme validated through a national certification programme

The Partnership and Projects Manager also responded to Members' comments confirming that she was based in the Civic Centre, within the Economic Development team in Exeter. She also referred to the issue raised of an aging labouring workforce, and ways of improving the image of labouring to young people, as well as more

occupation guidance for schools. She also commented on the possible loss of benefits for those individuals in a work placement, and the work with representatives of the Department of Work and Pensions to understand the complexities of benefits and the value of work.

Members congratulated the Partnership and Projects Manager for all of her work and the difference that was being made.

Place Scrutiny Committee supported the following:-

- (1) progress made and priorities set by the Employment and Skills Board (ESB) in prioritising, planning and implementing interventions designed to better skill a more productive workforce in support of a sustainable and thriving economy; and
- (2) Exeter City Council's financial contribution of £15,000 to extend the post of ESB Partnerships and Projects Manager's role for a further 12 months.

33 Exeter Business Improvement District Progress Report

The Economy and Enterprise Manager updated Members on the first year of trading for the Exeter Business Improvement District (BID). In March 2015, businesses within a defined area of the city centre, and with a rateable value in excess of £7,500, voted to introduce a BID for five years. The Exeter BID was funded by a 1% levy on the rateable value of business, which would generate £2.25 million over the five year period of the BID.

The Chair invited Councillor Denham, as Portfolio Holder Economy and Culture, to respond to a Member's question on the two vacancies for the North/South Street and Cathedral Green areas of the Exeter BID Board membership. She advised that there may be a future discussion on amalgamating the representation for that area.

Place Scrutiny Committee noted the report.

34 Tourism Facilities - Performance Review

The report of the Events, Facilities and Markets Manager was presented to Members, and included an update on the performance of the tourism facilities - Exeter Visitor Information & Tickets (EVIT), Underground Passages, and Custom House Visitor Centre & Red Coat Guided Tours.

A Member referred to an increase in the establishment of the economic development staffing and the overall desire to increase tourism by a significant degree. He also referred to past comments on identifying those visitors who arrived in the city by coach. He was concerned about the arrangements for coach parking both in South Street and Haven Banks and reiterated his request for a baseline figure of tourists arriving by coach, seeking brief information such as the purpose of visit, length of stay and spend. The Economy and Enterprise Manager confirmed that when this had been last raised, she had considered the most appropriate way to capture the data. She acknowledged that it was more difficult to target the group market and track the duration of their stay, but confirmed that she had discussed holding an exercise to gather such information using students studying tourism from Exeter College.

The Economy and Enterprise Manager advised that she would supply information on the number of coaches using Exeter Bus Station for parking and the recent passenger numbers through Exeter Airport.

Place Scrutiny Committee noted the report.

ITEMS FOR INFORMATION

35 South East Devon Joint Habitat Regulations Executive Committee Minutes

The minutes of the South East Devon Joint Habitat Regulations Executive Committee held on Wednesday 29 June 2016 were noted by Members.

36 Legacy Leisure Working Group Minutes

The minutes of Legacy Leisure Working Group held on Tuesday 14 June 2016 were noted by Members.

A request for more information would be made from the Leisure Facilities Manager seeking more information on the National Age Group championship.

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

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

38 Transfer of Exeter's Valley Parks to Devon Wildlife Trust - Implications for Staff

The Assistant Director Public Realm presented a report, referring to the earlier report (Minute 26) considered by Members on the transfer of the valley parks to the Devon Wildlife Trust and detailed the implications for staff who currently manage the Valley Parks.

Place Scrutiny Committee supported the report and noted the recommendations to be considered by Executive on 13 September 2016.

39 Exeter and Heart of Devon Growth Board Minutes

The minutes of the Exeter and Heart of Devon Growth Board held on 28 June 2016 were circulated for Members' information, and referred to a number of issues that the City Council may need to consider and take forward as appropriate.

Place Scrutiny Committee noted the content of the Exeter and Heart of Devon Growth Board minutes.

The meeting commenced at 5.30 pm and closed at 8.25 pm

Chair

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**MEMBER QUESTION TO PORTFOLIO HOLDER for Place Scrutiny Committee – 8
September 2016**

From Councillor Prowse (Business Case for Valley Parks Transfer)

At the Executive meeting of the 12 July 2016, a Business case for Valley Parks Transfer appeared on the agenda. This City's green spaces play a very important role in the well-being and health of Exeter Citizens.

- a) **What views does the Portfolio have regarding the continued accessibility for people, particularly on bicycles, scooters and wheelchairs through the parks?**

- b) **If it is the case that the Devon Wildlife Trust does take on the role of the transfer does the Portfolio Holder agree that an annual report is commendable to this committee?**

Response by Councillor Rachel Sutton, Portfolio Holder for City Development on behalf of Councillor Philip Bialyk Portfolio Holder Sport and Health and Well Being

(a) Councillor Rachel Sutton as Portfolio Holder for City Development responded to the question as Councillor Philp Bialyk was unable to attend the meeting as he had already agreed to attend another Council engagement. She referred to the reply giving to a public question and was very supportive of preserving accessibility to park for as many residents and visitors as possible. Again she reiterated that the Council valued its public green spaces for the enjoyment of all citizens, ensuring that these green spaces remained safe and accessible for a wide variety of users of all ages was of paramount importance, and something that the Council would safeguard. The importance of green spaces as venues to visit and enjoy for leisure, exercise and social activities was fully recognised, as was their importance in providing transport links for cycling.

The Portfolio Holder for Sport and Health and Wellbeing, Councillor Bialyk, had prioritised the following actions for 2016:-

- *Improve cycle routes and provide more cycle parking*
- *Continue working with partners to make Exeter the most active city in the South West by 2018*

Details of how this would be delivered and measured were being developed across the city, including Exeter's greenspaces, by the City Council and its partners. Councillor Bialyk would report on the progress and programming of these linked priorities for 2016/17, which would be published.

- (2) Councillor Sutton also stated that she was not minded to recommend that the Council required an annual report from the Devon Wildlife Trust on the basis that it would require a level of reporting and committee attendance that had not featured in our negotiations to date.*

She referred Councillor Prowse to the answer given to the public question from Ms Wetenhall's question which also sought to address the issues which may arise from the loss of public control or 'democratic deficit' in the spirit of the new Community Strategy by engaging users and stakeholders on a regular basis, so that contacts can

be established. There was a precedent for this approach in the transfer of Exwick Flowerpot Playing Fields to Exeter College.

It was important to take the opportunity to get this right, as there had been a great deal of interest and she was certain that members of the public would continue to remain engaged through the Community Forum process as well as the Devon Wildlife Trust.

PUBLIC QUESTIONS RECEIVED for Place Scrutiny Committee – 8 September 2016

Question for Place Scrutiny Committee From Mike Walton - Exeter Cycling Campaign

"Given the importance of Exeter's open spaces to the health and wellbeing of our citizens and the imperative of getting more people to cycle across the city as a means of addressing our challenges of pollution, congestion & unhealthy lifestyles,

- 1. will the Council guarantee that in their plans for the future of Exeter's green spaces they will ensure continued and improving access for people, particularly people on bicycles, scooters and wheelchairs**
- 2. and will mandate an annual, public, report to the Council on how greater access for people using bicycles is being delivered"**

Response by Councillor Rachel Sutton, Portfolio Holder for City Development on behalf of Councillor Philip Bialyk Portfolio Holder Sport and Health and Well Being

Councillor Rachel Sutton as Portfolio Holder for City Development responded to the question as Councillor Philp Bialyk was unable to attend the meeting as he had already agreed to attend another Council engagement. She confirmed that the Council valued its public green spaces for the enjoyment of all citizens, ensuring that these green spaces remained safe and accessible for a wide variety of users of all ages was of paramount importance, and something that the Council would safeguard.

The importance of green spaces as venues to visit and enjoy for leisure, exercise and social activities was fully recognised, as is their importance in providing transport links for cycling. The Portfolio Holder for Sport and Health and Wellbeing, Councillor Bialyk, had prioritised the following actions for 2016:-

- Improve cycle routes and provide more cycle parking*
- Continue working with partners to make Exeter the most active city in the South West by 2018*

Details of how this would be delivered and measured were being developed across the city, including Exeter's greenspaces, by the City Council and its partners. Councillor Bialyk would be reporting on the progress and programming of these linked priorities for 2016/17, which would be published. The Exeter Cycle Campaign would also be kept informed.

A Member reminded the Scrutiny Committee about the excellent contribution already made by the established Exeter cycling route.

Question for Place Scrutiny Committee From Lynn Wetenhall, for Ludwell Life Steering Group

The proposed transfer of the Valley Parks to DWT, whilst having many attractions which Ludwell Life is supportive of, also inevitably means a loss of public control and a 'democratic deficit', through the handing over of a large and significant public asset to a charity, away from a democratically accountable local authority. Exeter City

Council has approved a Community Strategy which underlines "the importance of the views and actions of communities, when making policy and delivering actions".

We therefore ask:

"Will the council ensure that as part of the negotiated deal and conditions that DWT is obliged to provide a transparent, accessible and standing means by which members of the public and interest groups can input their views and have a dialogue and influence, about valley park issues on a regular basis? This would be over and above the general talk of 'engagement' in the report before you, and would be a specific, named process with appropriate structures, (eg User Group, Forum of interest groups etc) that would give groups like ours, and the many other interested stakeholder groups and members of the public who care passionately about the valley parks, reassurance that the publically accountable aspect of the current management regime would not be entirely lost.

We believe that any such process and associated structures, as well as going some way to reduce the loss of public accountability and control (via voting, council policy etc), and complying with the spirit of the Community Strategy, could only be of benefit to DWT, given both the considerable changes to the parks which will have to be explained and managed, and the huge amount of experience, expertise and good will that stakeholders have in relation to the valley parks.

We hope that the committee will agree that such a requirement makes sense and will recommend to the Executive Committee."

Response Response by Councillor Rachel Sutton, Portfolio Holder for City Development on behalf of Councillor Rob Hannaford, Portfolio Holder Place

Councillor Rachel Sutton as Portfolio Holder for City Development responded to the question as Councillor Rob Hannaford was unable to attend the meeting as he had already agreed to attend another Council engagement. She welcomed the support of Ludwell Life and the proposals to transfer Exeter's Valley Parks to the Devon Wildlife Trust, as well as their enthusiasm and passion and hoped that their contribution would continue long into the future to help keep the city's open spaces special.

She acknowledged that leasehold transfer was a fairly blunt instrument with which to mitigate the loss of public accountability. The City Council would do its best to ensure that as part of the negotiated deal and conditions that the Devon Wildlife Trust provided a conduit by which the community, including organisations and groups such as Ludwell Life could input their views and have a regular dialogue about valley park issues. She was certain that local councillors would keep a close eye and also regularly review as part of their ward.

A Member commented on the work of the Devon Wild life Trust in helping to preserve the wildlife and fauna in the Ludwell valley Park.

A Member commented on the process for making this proposal known to the public.

Ms Wetenhall responded to the reply and understood there would be accountability through the local Members of the City Council, but still made a plea to ensure there was the opportunity for dialogue with members of the public and interest groups.

Question for Place Scrutiny Committee

Diana Moore

Chair, Exeter Community Forum

Experience from councils across the UK, supported by work and evidence from the Treasury, LGA and community sector, has shown the role of transfer of ownership of land or buildings from a statutory body to a community organisation at 'less than best consideration' can achieve a public benefit for social, environmental and economic benefit. One of the key lessons learned from this work is that a "strategic approach within the local authority provides for transparency, ensures consistency, and enhances the authority's asset management Capability". Section 7 of the report to this committee suggests that Exeter City Council's approach to asset transfer would be enhanced by such a clear approach to policy on asset transfer. The Council signed up to the principles of community development in the Community Development Strategy in April this year, this strategy also highlights that 'it would be useful to increase clarity' on this matter of asset transfer.

Would the Committee recommend to the Executive to work as a matter of priority to progress the action point in that agreed strategy to "work with community and voluntary organisations to agree and implement a single policy and process for transferring land, buildings and other assets to community ownership or management or both and access to appropriate support and training to officers and organisations going through the process"?

Response by Councillor Paul Bull, Portfolio Holder Communities and Neighbourhoods

*Councillor Paul Bull, as Portfolio Holder for Communities and Neighbourhoods, responded to the question. He referred to a widely attended public engagement event at the Corn Exchange in February 2014, asking community groups and other stakeholder to help us review how we looked at using our Parks and Open Spaces. As a result, Devon Wildlife Trust came forward with an *in principle* expression of interest on taking on the Valley Parks, and this approach was considered in a report that went through the Committee cycle, including Executive in 2014, where the principle of asset transfer to community organisations was endorsed.*

The Council recognised that successful, sustainable asset transfer was dependent upon timing and opportunity, with the pace driven by the community, not the Council. At that time it was anticipated that the transfers referred to in the report, including that to Devon Wildlife Trust, could take place relatively swiftly, without the need to develop policies and procedures. However, since then the Community Development Strategy has been developed which highlighted the need for clarity on asset transfer.

Councillor Bull stated that he would be very pleased to recommend to Executive that a policy on transferring land, buildings and other assets to community ownership or management be developed. The timing of this piece of work would need to be considered amongst other priorities for the council but he would meet will meet with the relevant Officers to discuss a realistic timescale to develop it.

Ms Moore thanked Councillor Bull for the reply and referred to their work as part of the Exeter Community Forum Steering Group. The action plan in the community strategy recommend training and support for both community organisations and officers to support both thorough the asset transfer process and she advised that the Exeter Community Forum would look forward to working with the Council to develop this work.

A Member commented on the process for making this issue known to the public.

CORPORATE SERVICES SCRUTINY COMMITTEE

Thursday 29 September 2016

Present:

Councillor Sheldon (Chair)
Councillors Warwick, Baldwin, Hannan, Harvey, Holland and Musgrave

Apologies:

Councillors Lamb, Robson and Edwards

Also present:

Deputy Chief Executive, Assistant Director Finance, Museums Manager, HR Transactional Services Manager, Corporate Energy Manager and Democratic Services Manager (Committees)

Councillor Pearson – Portfolio Holder for Support Services

11 **MINUTES**

The minutes of the meeting held on the 29 June 2016 were taken as read and signed by the Chair as correct.

12 **DECLARATIONS OF INTERESTS**

No declarations of disclosable interest were made.

13 **AN ENERGY NEUTRAL COUNCIL - A RENEWABLES AND ENERGY EFFICIENCY PROGRAMME UPDATE**

The Corporate Energy Manager presented the report which provided an update on the second year of the Renewables and Energy Efficiency Programme, feasibility work for a new programme of projects to commence in 2017/18 and the outcome of recently completed greenhouse gas emission data across all the Council's operations in 2015/16.

The Corporate Energy Manager updated Members on the following:-

- the Livestock Centre Solar PV – benefits included the sale of discounted renewable energy to leaseholders providing the Council with an additional income;
- Leisure Centres – Solar PV remains a feasible opportunity for our existing centres;
- Battery Storage – this would allow the Council to take full advantage of solar energy generated;
- LED Replacement Lighting in Car Parks– this work will be actioned once a full condition survey of car parks is complete;
- Energy Monitoring – SMART control – improved and new methods of energy and data monitoring.

Members received a presentation illustrating a drop in CO2 emissions by 29% since 2009, and reduction in energy consumption following the installation of LED and Solar PV at the Civic Centre and Mary Archers Car Park. There was further

investigation required into the possibility of Solar PV at the Leisure Centres and the evaluation of opportunities and systems available to provide an improved method to reduce consumption and minimise costs. Whilst the installation of renewables was effective, there was still work to be undertaken with regards to the Council's management and monitoring of its buildings, so to reduce energy usage for the Council to achieve Energy Neutrality.

In response to a Member's question, the Corporate Energy Manager clarified that the use of battery operated equipment and tools was not in the current programme at present, the focus was on council buildings. The Council was ahead of other authorities in Devon and had recently won the Local Government Chronicle Environment award for the Renewables and Energy Efficiency Programme, demonstrating national recognition.

The Chair commented, that with only a team of two staff in Energy Management, they had still managed to achieve considerable savings for the Council.

In response to Members' questions, the Deputy Chief Executive stated that if the Energy Team be given more resources then greater efficiency savings could be made.

Members discussed the savings made to date and acknowledged that it would be cost effective for the Council to increase staff numbers within the Energy Management team.

Corporate Services Scrutiny Committee noted the report.

14

CREATION OF A FULL TIME UNION REPRESENTATIVE POST

The Deputy Chief Executive presented the report which set out the logic for the creation of full time union official post within the City Council.

In response to Members' questions, the Deputy Chief Executive clarified that there were two trade unions in the Council - Unite and Unison. Unite was supportive of a Unison Member hold this position and the budget would sit with the Deputy Chief Executive.

Corporate Services Scrutiny Committee noted the report and requested Executive note and Council notes, and approve:-

- (1) that each year, the employee elected into the role of Branch Secretary (within Unison) be seconded into a full time "union official" post to be created for the period of their office, normally 12 months;
- (2) during this secondment, their pay and conditions will match their substantive role;
- (3) a budget to cover the cost of each annual secondment, for this financial year a budget of £36,500 was required;
- (4) that this newly created post sit within the Deputy Chiefs Executive's budget; and
- (5) the Role Description to be applied to this seconded post as attached as Appendix 1 for information be noted.

15

NEW INCOME GENERATING INITIATIVES AT RAMM: TEMPORARY EXHIBITION ADMISSION CHARGES

The Museum Manager & Cultural Lead presented the report of review of actions undertaken as a result of the report 'Income Generating Initiatives at RAMM' which was presented to Economy Scrutiny Committee and Executive in November 2015.

Members were advised that the trial proposed was an exploratory exercise around charging for certain temporary exhibitions at RAMM. The first exhibition 'International Garden Photographer of the Year' showed a loss of £30. The results of trialling an admission charge in one exhibition provided limited evidence to consider when looking at the effectiveness of this strategy. Therefore the recommendation was to extend the admission charge to a forthcoming exhibition 'Hiroshige's Japan Stations on the Tokaido Road. Also to explore 'giving what you think' donations in the exhibition 'Queen Victoria in Paris'. This would help to build a body of knowledge to draw upon.

In response to a Member's question, the Museum Manager & Cultural Lead clarified that events for children and young people were held in school holidays and schools regularly visited the museum.

Corporate Services Scrutiny Committee noted the:-

- (1) continuation to test different strategies for income generation relating to temporary exhibitions;
- (2) extension of the admission charge to a forthcoming exhibition, 'Hiroshige's Japan: Stations on the Tokaido Road,' an exhibition touring from the Ashmolean Museum, Oxford; and
- (3) exploration of 'give what you think' donations in the exhibition 'Queen Victoria in Pairs' touring from the Royal Collection.

16

BUDGET MONITORING TO 30 JUNE 2016

The Assistant Director Finance presented the report advising Members of any material differences to the revised budget in respect of Corporate Committee.

Corporate Services Scrutiny Committee in order to be satisfied that prudent steps were being taken to address the key areas of budgetary pressure highlighted noted the report.

17

ANNUAL WORKFORCE PROFILE REPORT 2015/16

The Transactional Services Manager presented the report of a comprehensive profile of the Council's workforce as at 31 March 2016. The profile had been benchmarked where appropriate against the Labour Market Statistics for Exeter as captured by the 2011 Census. The reports also advised of the Human Resource performance data in respect of people resources and sickness absence during 2015/16 and information in respect of approach to Learning & Development activity for 2015/16.

Corporate Services Scrutiny Committee noted the report.

CAPITAL MONITORING STATEMENT TO 30 JUNE 2016

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

The Assistant Director Finance advised Members that, during the first three months of the year, the Council spent £2.167 million on the programme, which equated to 6.8% of the revised programme. This compared with £1.534 million (6.6%) being spent in the first three months of 2015/16. He advised of the expenditure variances including the Northbrook Flood alleviation scheme; e-tendering and RAMM Development. Members were assured, that while the Bus Station Complex appeared in the schemes to be deferred to 2017/18, the project would be delivered within the agreed timescales. The achievements during the first quarter of 2016/17 were the replacement of Car Park Ticket machines and repair to Turf Lock Gates.

There were two additions to the Capital Programme to be recommended to Council:-

- Railway Arches at Riverside, Cowick Street for £50,000 - this had been made under Section 21 of Financial Regulations regarding the urgency of the decision; and
- Farmers' Market Electricity Supply of an additional £10,000 to the original approved £20,000.

Corporate Services Scrutiny Committee noted the revision in respect of the annual Capital Programme to reflect the reported variations detailed in paragraphs 8.4 and 8.5 of the report, and the additions to the Capital Programme detailed in paragraph 8.7 of the report and recommended its approval by Council.

OVERVIEW OF THE GENERAL FUND BUDGET 2016/17

The Assistant Director Finance presented the report to advise Members of the overall projected financial position of the Housing Revenue Account (HRA) and General Fund Revenue Budgets for the 2016/17 financial year after three months and sought approval for a number of supplementary budgets. The General Fund had an underspend of £232,000 and the HRA an overspend of £26,188.

The Assistant Director Finance advised Members of the position with regards to the Net Interest and Repayment of debt variations. The additional supplementary budgets being requested from Council were £27,900 to support the production of a staff survey and the subsequent actions arising from the responses and £350,000 to enable a detailed feasibility study into the benefits of setting up Housing Development Company.

The Chair welcomed the reduction in the trend of the outstanding debt.

The Assistant Director Finance commented that Housing Benefit made up two thirds of the outstanding sundry debt and, owing to the circumstances of the debtors, this took much longer to recover. This debt had increased as a result of real time information and it was anticipated that there would be a slow downward trend in this area of debt.

Corporate Services Scrutiny Committee noted the report and requested Executive note and Council approves the following (where applicable):-

- (1) General Fund forecast financial position for the 2016/17 financial year;
- (2) The HRA forecast financial position for 2016/17 financial year;
- (3) The additional supplementary budgets listed in Appendix C;
- (4) The outstanding Sundry Debt position as at June 2016; and
- (5) The creditors' payments performance;

20

FUNDING FOR PINHOE COMMUNITY LIBRARY

The Assistant Director Finance presented the report to seek approval for an expenditure budget of £100,000, to enable the funding set aside for the new Community Hub in Pinhoe to be allocated. The Council now needed to approve an expenditure budget to enable the funding to be used.

Corporate Services Scrutiny Committee noted the report and requested Executive note and Council approves an expenditure budget of £100,000 as Exeter's contribution to the new Community Hub planned for Pinhoe.

(The meeting commenced at 5.30 pm and closed at 6.20 pm)

Chair

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AUDIT AND GOVERNANCE COMMITTEE

Wednesday 28 September 2016

Present:-

Councillor Natalie Vizard (Chair)
Councillors Baldwin, Gottschalk, Mrs Henson, Sheldon, Packham and Warwick

Also Present

Deputy Chief Executive, Assistant Director Finance, Technical Accounting Manager, Audit Manager (HP) and Democratic Services Manager (Committees)

Darren Gilbert – Director KPMG
Tara Westcott – Senior Manager KPMG

Councillor Pearson – Portfolio Holder for Support Services

20

APOLOGIES

Apologies were received from Councillors Harvey, Lamb and Wood.

21

MINUTES

The minutes of the meeting held on the 22 June 2016 were taken and signed by the Chair as correct.

22

DECLARATIONS OF INTEREST

No declarations of disclosable pecuniary interest were made.

23

AUDIT AND GOVERNANCE COMMITTEE TECHNICAL UPDATE AND PROGRESS REPORT (EXTERNAL AUDITORS)

Darren Gilbert, Director, and Tara Westcott, Senior Manager, Public Sector Audit, KPMG, the Council's external auditors, presented the Technical Update and Progress report which provided Members with an updated position of the progress made by them to deliver their responsibilities as the City Council's auditors.

He advised Members that they had received excellent support from officers and been able to maintain the anticipated progress in relation to their work.

Members were made aware of the Publication 'Reimagine – Local Government' that KPMG had published highlighting the 'English Devolution: Chancellor aims for faster and more radical change' and 'what is the future of cities?' publications. Members were updated on the new arrangements from 2018/19 to appoint auditors; the NAO Report on Capital Expenditure and Resourcing; Public Sector Audit Appointments Ltd (PSAA); Value for Money (VFM) Tool and the update to the 2015/16 Code of Practice.

The Assistant Director Finance commented that the Council would need to consider the PSAA option under the audit contracts new arrangements from 2018/19, an area that the Devon Authorities Section 151 Officers Group would be discussing to explore the possibility for a joint, wider tender for audit procurement. He advised

Members that the Council had submitted their response to the Business Rates (BR) Consultation. Currently the Council retained 50% of BR, the proposals being consulted on included 100% retention of BR by Local Government. The Council had concerns regarding the growth retention proposals as the city would start to run out of land to develop and therefore this proposal could have a negative impact on the Council's overall finances.

In response to the Chair, the Assistant Director Finance clarified that it was anticipated that the BR scheme would be announced in the late autumn, going through Parliament in February 2017. The scheme would then be piloted although the pilot was anticipated to be in a Combined Authorities area with an Elected Mayor.

The Audit and Governance Committee noted the report.

24 **REPORT TO THOSE CHARGED WITH GOVERNANCE (ISA 260) 2015/16 -
AUDIT FINDINGS FOR EXETER CITY COUNCIL (EXTERNAL AUDITOR)**

Darren Gilbert, Director, Tara Westcott, Senior Manager, Public Sector Audit, KPMG, the Council's external auditors presented the Governance ISA 260 2015/16 findings. KPMG advised that they would be issuing an unqualified audit opinion in the Council's financial statement by 30 September 2016. Members were advised of the Value For Money (VFM) conclusion and the following VFM risks:-

- Impact of the performance of Strata Service Solutions on the Authority;
- Non-compliance with the procurement process; and
- New development of the leisure and bus station centre.

KMPG reported that they would be issuing a qualified VFM conclusion as a result of a weakness in the procurement process.

Darren Gilbert clarified that the Council's Internal Auditors had already identified issues relating to procurement arrangements and the Council had recognised procurement as a risk within the Annual Governance Statement. The Council was responding to this risk and an action plan was in place to respond to the issues identified.

The Council had accepted the recommendation to ensure that the progress in delivering the procurement action plan is closely monitored and that sufficient resource is available to implement the required improvements to the Council's procurement arrangements.

The Assistant Director Finance stated that the issues with the procurement process had been already reported to Members by Internal Audit. The Council now had a procurement consultant who had drawn up an assessment of the current process including looking at all spend on contracts over £50,000 in 2015/16 and weaknesses had been identified. A report would go to Executive on 11 October 2016 to put together a team to deliver the support required to implement the procurement action plan and update the Contract and Procurement Procedure Rules and Financial Regulations.

The Audit and Governance Committee noted the report on Audit Findings for Exeter City Council (External Auditor).

FINAL STATEMENT OF ACCOUNTS 2015/16

The Technical Accounting Manager presented the report with the Council's final Statement of Accounts 2015/16 for approval and adoption. Members were advised of the main changes to the Accounts including the narrative report which now had a wider content and a backward and forward look at the Council's finances.

The Assistant Director Finance thanked the Technical Accounting Manager and her team for their work on the production of the Final Accounts.

RESOLVED that the Audit and Governance Committee approve the Final Statement of Accounts for 2015/16 for the City Council.

MANAGEMENT REPRESENTATION LETTER TO THE EXTERNAL AUDITOR IN RESPECT OF THE 2015/16 STATEMENT OF ACCOUNTS (EXTERNAL AUDITORS)

The Assistant Director Finance submitted the letter to the current External Auditor, KPMG in respect of the 2015/16 Statement of Accounts. It was an audit requirement to produce the letter.

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 current External Auditor, KPMG.

INTERNAL AUDIT PROGRESS REPORT

The Audit Manager (HP) presented the report on internal audit work carried out during the period 1 April to 30 June 2016, to advise Members on overall progress against the Audit Plan and to report any emerging issues requiring consideration. Members were advised that progress was on target and there were no concerns or issues.

The Audit and Governance Committee noted the Internal Audit Report.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT - 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 item 10 on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1, Schedule 12A of the Act.

REVIEW OF CORPORATE GOVERNANCE RISK REGISTER

The Assistant Director Finance presented the report of the Corporate Manager Policy, Communications and Community Engagement, which advised Members of the Council's risk management progress and the updated Corporate Risk Register.

In response to Members' questions, the Assistant Director Finance clarified the position with regards to a risk on the register and advised that a mitigation end date and cost of risk/mitigation had been added to register.

The Audit and Governance Committee noted the Corporate Risk Register.

(The meeting commenced at 5.30 pm and closed at 6.25 pm)

Chair

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STRATA JOINT SCRUTINY COMMITTEE

Thursday 15 September 2016

Present:-

Councillor Dent (Chair)
Councillors Dewhirst, Howe, Jung, Lyons, Musgrave, Prowse and Jung

Also Present

Chief Operating Officer, Assistant Director Finance Teignbridge Strata Director, Manager Compliance and Security, Manager Programme and Resources, Manager Business Systems, Service Desk Team Leader and Democratic Services Officer (Committees) (HB)

29 **APOLOGIES**

Apologies were received from Councillors, Haines, Leadbetter and Sheldon (Substitute Councillor Musgrave)

30 **MINUTES**

The minutes of the meeting held on 7 June 2016 were taken as read and signed by the Chair as correct.

31 **DECLARATIONS OF INTEREST**

No declarations of pecuniary interest were made.

32 **QUESTIONS FROM THE PUBLIC UNDER PROCEDURAL RULES**

None.

33 **QUESTION FROM MEMBERS OF THE COUNCILS UNDER PROCEDURE RULES**

None.

34 **ACCESS TO BOARD MINUTES**

Following requests made at a previous Scrutiny meeting, the Board had given consideration to making minutes of its meetings available to Scrutiny Committee Members. Whilst understanding the need for Scrutiny Members to have sufficient information to undertake their representative role on behalf of the public, the Board had felt that it was important for confidentiality to be maintained. The level of information in Board minutes was operational and related to the day to day management of the company and, as such, was not appropriate for general release. This view had been endorsed by Strata Joint Executive Committee.

One Member of this Scrutiny Committee had asked for a copy of the Board minutes through a Freedom of Information request and these had been provided for him, appropriately redacted. He stated that the amount of redaction was minimal and that the minutes themselves were very brief and that, as such, he could not see how much, if any, of the commercial element of the Board's debate would be revealed within the minutes. Circulation of these minutes, he suggested, would provide Scrutiny Members with a sufficient idea of matters under consideration by the Board without revealing confidential commercial and staffing issues.

It was reported that the Board fully understood Members desire to fulfil their scrutiny role and the Teignbridge Strata Director undertook to circulate the redacted minutes provided to the one Councillor to the other Members of the Committee.

The Board would give further consideration to this issue and whether the circulation of redacted minutes would be the appropriate way forward.

35 **STRATA GLOBAL DESKTOP - PROGRESS REPORT INCLUDING CHANGES TO GLOBAL DESKTOP PLAN**

The Chief Operating Officer updated Members on progress with the roll-out of the Global Desktop (GD). Following initial problems with two or three software glitches at Exeter, roll-out there had been delayed until April of this year but more major difficulties had been experienced at Sidmouth relating to the link between Exeter and Sidmouth which comprised three stretches with different providers. As a result the management teams had changed the priority of migration. It was now anticipated that completion would occur by April 2017. The change of plan for the roll out of the GD meant that Teignbridge would migrate to the GD by the end of year with East Devon following. 600 staff had been transferred to GD with the total number to be 1,800.

Responding to Members, he advised that there were no concern regarding the East Devon roll out process to the new offices at Honiton and Exmouth. Regarding contractual arrangements with the suppliers, he advised that the priority was to ensure that VMWare were focused on resolution of Strata issues. Any compensation issues would be discussed with them once the systems were working.

Strata Joint Scrutiny Committee noted the report.

36 **CAPACITY AND CONVERGENCE PLAN**

The Chief Operating Officer presented the Capacity and Convergence Plan.

Amongst the 40 projects, the following were aimed at achieving business software convergence:-

- **The Uniform system from IDOX** - including the delivery of Planning, Building Control and Land Charges in Exeter;
- **HR, Payroll, Time and Attendance, Door Access** - all three councils possess a common suite of software to manage the HR, and payroll services along with a common door access system;
- **Exacom** - a software application for managing the Community Infrastructure Levy (CIL), being introduced across the three authorities;
- **Corporate Websites** - successfully introduced with all three websites built in a common way;
- **Car Parks software** - project just about to start with presentations arranged with suppliers;
- **GovDelivery** - GovDelivery, a communication tool allowing customers to sign up to newsletters for different services introduced earlier this year in Exeter, now being taken up by East Devon;
- **Bacs** - work well underway on the BACS software convergence project; and
- **Numerous Desktop applications** following rolling out the Global Desktop.

In response to Members' queries, the Chief Operating Officer and Directors advised that although there had not been a radical increase in the speed of the various applications the number of incidents had halved since the introduction of Global Desktop and that, with staff reduction anticipated by the end of year four, planning for necessary resources would begin well before the end of year three. A key element of the Business Case and Delivery team was the split between project and other work and project work was split between high and low intensity. It was noted that, at this stage, the Board was not in a position to provide additional resources. As convergence continued the Business Plan would be updated.

The Manager Programmes and Resources advised that assessment of timing and delivery of project planning was based on staff resources.

37

GLOBAL DESKTOP - PRESENTATION

The Service Desk Team Leader presented the main features of the new Global Desktop focusing on the Outlook and Skype facilities, demonstrating the latter through contacting a colleague elsewhere in the building.

Strata Joint Scrutiny Committee noted the report.

38

STRATA BUDGET MONITORING QUARTER 1 : 2016/17

The Director responsible for Finance presented the final audited Statement of Accounts for 2015/16 for Strata Service Solutions as well as the financial progress of Strata during the first three months of 2016/17, including a projected outturn assessment against the savings set out in the Business Plan.

The original business case for Strata had set out a savings profile over the initial 10 year period of the company, with savings of £254,000 budgeted for 2016/17. The projected saving at the beginning of 2016/17 as a result of additional costs from the transfer of staff to new Strata terms and conditions had been £26,964. It was now anticipated that the savings would be £97,000.

Strata Joint Scrutiny Committee noted the report including the Final Statement of Accounts for 2015/16.

39

HUMAN RESOURCES PROGRESS REPORT 19 AUGUST 2016

The Strata HR Lead for Human Resources presented the Human Resources update report setting out continued progress on key HR work during the restructure period.

The Board had approved additional restructure costs of £108,000 plus up to £31,000 redundancy costs. Flexibility between sites had been important and 72% of those offered Strata conditions had accepted, apart from the document processing team based at East Devon.

Notwithstanding delivery requirements, a focus on people issues were important including staff engagement, communication and training. The results of the staff engagement survey had been published and were available on the Strata internet. It had been recommended that the Strata management team draw up an action plan on feedback received from the survey which would help the attainment of Investors in People.

The following responses were given to Members' queries:-

- three apprentices had been recruited, one for each site, with one having been taken on permanently. An IT recruitment firm was engaged with view to the recruitment of further apprentices wherever possible;
- project delivery pressures on Strata management as well as those on Council managers were recognised and were monitored through the appropriate indicators. If necessary, timing of project delivery would be subject to negotiation with the three Councils;
- training was of particular importance with various training opportunities on offer through the Learning Development Partnership including on line training, one to one courses and training led course - for example a forthcoming data base course would be attended by half of one of the Strata teams who would subsequently train other team members; and
- staff turnover was monitored in terms of Business Plan commitments to ensure the availability of staff resources and to achieve savings as far as possible.

Strata Joint Scrutiny Committee noted the progress of the Human Resources report.

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

RESOLVED that, under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the consideration of the following item on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 1, 2, 3 and 4 of Part I, Schedule 12A of the Act.

41 **INTERNAL AUDIT REPORT ON STRATA'S SYSTEMS**

The Director responsible for Finance presented the Strata Internal Audit Report 2015/16 produced by the Devon Audit Partnership following its successful tender bid for a three year contract.

The Audit opinion was that the systems and controls generally mitigated the risk identified but a few weaknesses had been identified and/or mitigating controls had not been fully applied. There were no significant matters arising from the audit and the recommendations made served to strengthen what were mainly reliable procedures.

“Good standard” levels of assurance had been given for each of the following areas covered during the audit:-

- ICT Strategy;
- Change Management;
- Incident and Problem solving; and
- Key operational functions.

With regard to the risk to business continuity with ageing network assets, the Chief Operating Officer advised that many of the main network switches would have been replaced by March 2018 (East Devon District Council building moves) advised that external equipment was of the highest standard and that the Global

Desktop project would make maximum use of PC's that are even 10 years old. Moreover, new network cabling and switches had been installed at Teignbridge with East Devon to benefit from modern equipment on the office move.

Strata Joint Scrutiny Committee noted the report and commended staff on maintaining such high standards of control during a challenging period.

42

SCRUTINY WORK

The Chair proposed to Members that they report back to the next meeting of this Scrutiny Committee on 1 December on possible areas within Strata Service Solutions which could be the subject of scrutiny through the task and finish group process. He recommended that this be informed by Members discussing issues with staff within their respective authorities.

Strata Joint Scrutiny Committee noted that Members would provide written reports two weeks before the December meeting for inclusion on the agenda.

(The meeting commenced at 5.30 pm and closed at 7.24 pm)

Chair

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STRATA - JOINT EXECUTIVE COMMITTEE

Tuesday 27 September 2016

Present:-

Councillor Jeremy Christophers (Chair)
Councillors Wright, Sutton and Diviani,

Non-Voting Members:-

Nicola Bulbeck, Mark Parkinson and Mark Williams

Also Present

Chief Operating Officer, Assistant Director Finance, The Teignbridge Strata Director, Business Development Manager, Security and Compliance Manager, Strategic Lead Finance (EDDC) - Strata Director, Infrastructure and Support Manager, Servicedesk Team Leader and Democratic Services Manager (Committees)

23

APOLOGIES

Apologies for absence were received from Councillor Edwards - Exeter City Council – Leader and Karime Hassan – Exeter City Council - Chief Executive & Growth Director.

24

MINUTES

The minutes of the meeting held on the 21 June 2016 were taken as read and signed by the Chair as correct.

25

DECLARATIONS OF INTEREST

No declarations of disclosable pecuniary interest were made.

26

GLOBAL DESK TOP DEMONSTRATION AND PRESENTATION

The Servicedesk Team Leader gave a presentation of the Global Desk Top.

Members were shown how the global desk top operated including:-

- new applications which included Microsoft office 2013;
- the new look outlook;
- instant messaging including group conversations and officers availability;
- the use of Skype as a telephone system;
- how the system keep data saved in a power cut; and
- how the remote login works.

Executive were advised that the instant messages are recorded for audit purposes in a similar way to email Members would be consulted on the options for their future IT - global desk top or office 365 in due course.

The Chief Operating Officer advised on progress with the roll-out of the Global Desktop (GD). Following initial problems with two or three software glitches at

Exeter, roll-out there had been delayed until April of this year but more major difficulties had been experienced at East Devon District Council, and as a result, the management teams had changed the priority of migration. It was now anticipated that completion would occur by April 2017. The change of plan for the roll out of the GD meant that Teignbridge would migrate to the GD by the end of year with East Devon following. 600 staff had been transferred to GD with the total number to be 1,800.

The Chief Operating Officer gave an update on the Capacity and Convergence Plan.

- the convergence plan could take up to five years to complete as identified in the original Business Case;
- assessment of timing and delivery of project planning was based on staff resources and ability of councils to manage change;
- the time lines for the projects were constantly moving for example the Bacs project had to move forward to take account of changes in regulations;
- there were 20 Analysts to deal with business change requests as well as take forward projects - basic rules and guidelines were being introduced to manage projects and time scales;
- a key element of the Business Case and Delivery team was the split between project and other work and project work was split between high and low intensity; and
- there were currently 60 projects, of which 35 were at the delivery stage, there were also 365 business change requests.

The Chief Operating Officer clarified that meetings take place with Senior Officers for them to identify their IT priorities; there was capacity to deal with projects and business requests but it would be a case of each Council also identifying their priorities.

RESOLVED that the presentations be noted.

27 **STRATA GLOBAL DESKTOP - PROGRESS REPORT INCLUDING CHANGES TO GLOBAL DESKTOP PLAN**

The Chief Operating officer presented the report advising Members on the progress of Strata and the change of plan for the roll out of the Global Desktop.

Strata Joint Scrutiny Committee considered the report at its meeting on 15 September 2016 and its comments were reported.

RESOLVED that the report be noted.

28 **STRATA BUDGET MONITORING QUARTER 1 : 2016/17**

The Director (Finance Lead) presented the report advising Members on the financial progress of Strata during the first three months of 2016-17, including a project outturn assessment against the savings set out in the Business Plan.

The original business case for Strata had set out a savings profile over the initial 10 year period of the company, with savings of £254,000 budgeted for 2016/17. The projected saving at the beginning of 2016/17, as a result of additional costs from the transfer of staff to new Strata terms and conditions, had been £26,964. It was now anticipated that the savings would be £97,225. The final Statement of Accounts differed by only £750 from the draft accounts set out in March.

Strata Joint Scrutiny Committee considered the report at its meeting on 15 September 2016 and its comments were reported.

RESOLVED that the report be noted.

29

HUMAN RESOURCES PROGRESS REPORT 19 AUGUST 2016

The report of the Strata Human Resource Lead was submitted outlining progress update on key Human Resource work and in particular the completion of the restructures within Strata.

In response to a question from the Leader of East Devon District Council regarding the need for a structure chart, the Chief Operating Officer clarified that a Strata Intranet for all three authorities would be available by the end of October and this would include a structure chart for the organisation.

Strata Joint Scrutiny Committee considered the report at its meeting on 15 September 2016 and its comments were reported.

RESOLVED that the report on progress with Strata restructure and the people data as in the circulated report be noted.

30

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

RESOLVED that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following item on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1, 2, 3 and 4 of Part I, Schedule 12A of the Act.

31

INTERNAL AUDIT REPORT ON STRATA'S SYSTEMS

The Director (Finance Lead) presented the Strata Internal Audit Report 2015/16 produced by the Devon Audit Partnership following its successful tender bid for a three year contract.

The Audit opinion was that the systems and controls generally mitigated the risk identified but a few weaknesses had been identified and/or mitigating controls had not been fully applied. There were no significant matters arising from the audit and the recommendations made served to strengthen what were mainly reliable procedures.

“Good standard” levels of assurance had been given for each of the following areas covered during the audit:-

- ICT Strategy;
- Change Management;
- Incident and Problem solving; and
- Key operational functions.

In response to Members' questions, the Director (Finance Lead) clarified the position with regards to the contract with Devon Audit Partnership and that the next area to be audited would be Governance. This report would be brought to Members in December.

Members discussed the definitions and what was required by Strata Solutions to meet the measure of high standards and priorities.

Strata Joint Scrutiny Committee considered the report at its meeting on 15 September 2016 and its comments were reported.

RESOLVED that the report be noted.

(The meeting commenced at 5.30 pm and closed at 6.25 pm)

Chair

EXECUTIVE

Tuesday 23 August 2016

Present:

Councillor Edwards (Chair)
Councillors Bull, Denham, Hannaford, Leadbetter, Morse, Owen and Sutton

Apologies:

Councillor Bialyk

Also present:

Chief Executive & Growth Director and Democratic Services Officer (Committees) (HB)

91 DECLARATIONS OF INTEREST

No declarations of disclosable pecuniary interest were made.

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

RESOLVED that under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following item on the grounds that it involved the likely disclosure of exempt information as defined in paragraphs 1, 2, 3 and 4 of Part 1, Schedule 12A of the Act.

93 PROPOSALS FOR RESTRUCTURING SENIOR MANAGEMENT

The report of the Chief Executive & Growth Director was submitted asking for approval for consultation purposes proposed changes to the Senior Management Team to meet the financial and policy challenges facing the City Council and local government in general.

Members were advised that once the proposals had been considered by Executive, the consultation with the staff would commence and, in a response to a Member, the timetable for this process was detailed.

RESOLVED that the consultation on proposed changes to the Senior Management Team to meet the policy and financial challenges facing the City Council be approved.

(The meeting commenced at 5.30 pm and closed at 6.08 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.

EXECUTIVE

Tuesday 13 September 2016

Present:

Councillor Edwards (Chair)
Councillors Bialyk, Bull, Denham, Hannaford, Morse, Pearson and Sutton

Apologies:

Councillors Leadbetter and Owen

Also present:

Deputy Chief Executive, Assistant Director Customer Access, Assistant Director Public Realm, Assistant Director Environment, Corporate Manager - Legal, Corporate Manager Democratic and Civic Support, City Arts and Events Manager, Service Improvement Lead (Customer Support) and Democratic Services Manager (Committees)

94

MINUTES

The minutes of the meetings held on 14 June and 12 July 2016 were taken as read and signed by the Chair as correct.

95

DECLARATIONS OF INTEREST

No declarations of disclosable pecuniary interest were made.

96

DELEGATED DECISION - IMPROVEMENTS TO RAILWAY ARCHES

The Assistant Director Environment updated Members on the need for the urgent capital funding for the improvements to the Railway Arches at Riverside. The works to progress the project were currently out to tender.

The Portfolio Holder for Place stated that this work was welcome by local residents and business, and leisure centre users.

RESOLVED that the delegated decision of the Assistant Director Environment in consultation with the Portfolio Holder for Place to approve emergency capital funding of £50,000 from this year's (2016/17) general capital fund for improvements to the Railway Arches at Riverside, Cowick Street be noted.

97

LEISURE COMPLEX AND BUS STATION PROGRAMME BOARD - MINUTES 12 JULY 2016

The minutes of the Leisure Complex and Bus Station Programme Board meeting held on 12 July 2016 were submitted.

The Portfolio Holder for Sport, Health and Wellbeing commented that a meeting of the Programme Board has taken place on 12 September 2016 and to improve efficiency the Leisure Complex and Bus Station Steering Groups meetings would now be combined.

RESOLVED that the minutes of the Leisure Complex and Bus Station Programme Board meeting held on 12 July 2016 be received and, where appropriate, adopted.

98

REVIEW OF LATE OPENING

The report of the Assistant Director Customer Access was submitted reviewing the extended opening on Mondays and Thursdays in the Customer Service Centre and Call Centre.

Members were advised that over the last three years various opening hours for access to the Customer Services Centre and Call Centre had been trialled. The data collected on the current opening hours of Monday and Thursday 5pm to 6pm showed that footfall and telephones was very small in relation to the minimum number of staff required to keep the Centre open for this extended time. It was considered that resources should be used more efficiently to protect and increase the Council's income by Customer Service Officers undertaking the complex case working, pursuing debt owed to the Council, processing council tax changes and reviewing discounts and exemptions.

In response to Members' questions, the Service Improvement Lead (Customer Support) clarified that the peak time for customers was Monday morning slowing down about midday. There was increase in customers with money problems and mental health and drug issues and, at times, two Security Officers were required to be in attendance to intervene with customers.

Members welcomed the proposal and acknowledged that, given the increasing complex nature of the issues presented by customers, resources could be used more efficiently.

People Scrutiny Committee considered the report at its meeting on 1 September 2016 and its comments were reported.

RESOLVED that, for the efficiency of the service, the amendment of opening hours to 9am to 5pm Monday to Friday from 31 October 2016 be approved.

99

TRANSFER OF EXETER'S VALLEY PARKS TO DEVON WILDLIFE TRUST

The report of the Assistant Director Public Realm was submitted for Members to consider whether to transfer the City Council's Valley Parks to Devon Wildlife Trust (DWT).

Members were advised that the transfer of the valley parks was a transformation plan objective, as the Council's operating costs and risks would be reduced, supported by a financially sustainable plan. There was also the opportunity for greater enhancement of the Valley Parks, which included land owned or leased by the City Council at Riverside, Ludwell, Mincinglake, Belvedere and Duryard, Barley Valley and Withycombe Way to encourage even greater use. This approach would support the delivery of the Exe Valley Parks masterplan and the City Council's responsibility to provide Sustainable Alternative Natural Greenspace (SANGs) to address the demands that development places on protected habitats.

Place Scrutiny Committee had received a presentation from Harry Barton, Chief Executive of DWT on the aspirations and visions of the Trust to enhance the Valley Parks.

In response to Members' questions, the Assistant Director Public Realm commented that the DWT would work towards the objectives in the Exe Valley Parks Masterplan; it was intended that a community forum would be set up to engage with the work of the DWT in relation to the management of the Valley Parks; the terms of the lease would be agreed in consultation with the Leader and Portfolio Holder Support Services; and the arrangements for the dog and litter bins would remain the responsibility of the Council.

Members welcomed the way forward, recognising that the DWT would have the opportunity to access additional funding. It had considerable volunteer support and a good track record of protecting open space.

Place Scrutiny Committee considered the report at its meeting on 8 September 2016 and its comments were reported.

RECOMMENDED to Council that the:-

- (1) final business case for the transfer of the City Council's Valley Parks to Devon Wildlife Trust in accordance with the Council's Organisational Change Policy be approved;
- (2) transfer by lease of land owned and leased by the City Council in Exeter's Valley Parks, namely Riverside, Ludwell, Mincinglake, Belvedere and Duryard, Barley Valley and Withycombe Way, to Devon Wildlife Trust (DWT) for a period of 30 years be approved, with the detailed terms to be agreed by the Corporate Manager Property in consultation with the Leader and the Portfolio Holder Support Services;
- (3) disposal of land in accordance with the provisions of Section 123 of the Local Government Act 1972 be advertised;
- (4) principle of the grant of a development agreement and ground lease for a period of 99 years on any land identified between the Council and the Devon Wildlife Trust as suitable for a Visitor Centre be approved;
- (5) a financial contribution of £425,000 to the Devon Wildlife Trust on transfer be approved; and
- (6) principle of the Council making an additional £100,000 contribution in 2022 in the exceptional circumstance where additional investment is required that cannot be found within the Trust's existing resources be approved, and that an agreement between the Council and the Trust setting out the specific conditions for the additional payment be delegated to the Assistant Director Public Realm, in consultation with the Portfolio Holder for Place and the Leader of Council.

100

DELIVERING THE PARKING STRATEGY: TARIFFS, DESIGNATIONS AND PERMITS

The report of the Assistant Director Public Realm was submitted updating Members on car park tariff, designation and permit changes to be introduced with effect from January 2017.

Members were advised of the background which included a new strategic approach to off-street parking which was adopted in March 2016, following a detailed parking

review by consultants, and a number of Spotlight Reviews during 2014/15. The approach was to deliver the optimum impact on each of the four City Council's strategic objectives outlined in the 'New Strategy for Parking 2016 – 2026' including economic growth; maximising capacity, reducing congestion and maintaining income. The proposed tariff structure should provide a more gradual and even rise in price with a clearer 'per hour' rationale. Proposed changes to the evening parking offer and the extension of the day time linear tariff into the evening would provide more clarity, and additional staff would be needed to support an extension of the opening hours of the Guildhall and John Lewis car parks. Any evidence of a significant adverse change in car parking habits and footfall in the city centre would be monitored.

Members discussed the designation of the car parks, signage and the need for a co-ordinated approach across all platforms including the web site to direct people to the car parks across the city.

The Portfolio Holder for Economy and Culture stated that further work would be undertaken on signage and usage of the car parks in the city.

Place Scrutiny Committee considered the report at its meeting on 8 September 2016 and its comments were reported.

RESOLVED that the following be approved:-

- (1) the adoption of a linear approach to parking tariffs in order to simplify the pricing structure and encourage increased visitor dwell time, as set out in table below:-

Premier Car Parks (Guildhall, Mary Arches, John Lewis)		
Stay	Current Tariff	Proposed Tariff
1 hour	£1.80	£2.00
2 hours	£2.60	£3.00
3 hours	£3.50	£4.00
4 hours	£6.50	£5.00
5 hours	£8.80	£6.00
6 hours	£11.80	£7.00
7 hours	£11.80	£8.00
All day	£11.80	£12.00
Short Stay Car Parks (Bampfylde Street, Bartholomew Terrace, Harlequins, King William Street, Magdalen Road, Magdalen Street, Matthews Hall, Princesshay 2, Princesshay 3, Smythen Street)		
Stay	Current Tariff	Proposed Tariff
1 hour	£1.20	£1.00
2 hours	£2.20	£2.00
3 hours	£3.30	£3.00
4 hours	£5.70	£4.00
5 hours	£7.70	£5.00
6 hours	£10.80	£6.00
7 hours	£10.80	£7.00
All day	£10.80	£10.00
Long Stay Car Parks (Belmont Road, Bystock Terrace, Cathedral & Quay, Haven Road 1, Howell Road, Richmond Road, Parr Street, Topsham Quay)		

Stay	Current Tariff	Proposed Tariff
1 hour	£0.80	£1.00
2 hours	£1.20	£2.00
3 hours	£1.80	£3.00
4 hours	£3.20	£4.00
5 hours	£5.00	£5.00
All day	£6.20	£6.00
Local Car Parks (Gordons Place, Haven Road 2 & 3, Holman Way, Okehampton Street, Tappers Close)		
Stay	Current Tariff	Proposed Tariff
1 hour	£0.60	£0.50
2 hours	£0.80	£1.00
3 hours	£1.00	£1.50
4 hours	£1.20	£2.00
All day	£1.80	£2.50
Coach Parking at Haven Road 3 (per day)	£5.00	£5.00
Quarterly Commuter Season Ticket	£260.00	£300.00
Residents Annual Season Ticket	£125.00	£125.00
Bartholomew Terrace Business Permit	£205.00	£205.00
Cathedral & Quay Business Bays	£565.00	£565.00

- (2) the extension of the new linear tariff to midnight at Mary Arches, Guildhall and John Lewis Car Parks, replacing the current £2.00 evening parking charge at Mary Arches Street after 6pm, subject to approval of the business case to extend staffed evening parking facilities at these sites;
- (3) the operation of Mary Arches Street and Guildhall Car Parks until midnight and the John Lewis Car Park until 9pm, demand at John Lewis to be monitored to ensure closing time remains proportionate to demand;
- (4) the re-designation of Topsham Quay as a long stay car park;
- (5) the re-designation of Haven Road Car Park to offer both long stay and local rate parking options;
- (6) to facilitate, and better advertise, long stay parking (up to 3 days) at Tappers Close Car Park to encourage rail use at adjacent station;
- (7) to maintain, but not extend, existing resident and business annual season ticket schemes to support city centre living and smaller businesses;
- (8) to increase the cost of an annual season ticket from £260 to £300 per quarter to help encourage commuter use of public transport;

- (9) to continue to offer free parking support to Blue Badge holders in all Pay & Display car parks and to consult with appropriate groups to better understand why certain disabled parking areas are underused; and
- (10) with the exception of Mary Arches Street, Guildhall and John Lewis Car Park, the current charging hours of 8am to 6pm in all Exeter car parks and 9am to 5pm in all Topsham car parks be maintained.

101

CLEAN STREETS STRATEGY

The report of the Assistant Director Public Realm was submitted which sought adoption of the new Clean Streets Strategy.

Members were advised that the Strategy was a new strategic approach to the street cleaning service provided by the City Council, with a focus on resourcing against demand, behaviour change, improving productivity and community engagement. The Action Plan and the initial focus was to ensure there was a baseline standard for the measurement of performance, and establishment of a business case with the aim of increasing productivity through mechanisation and business case for increased enforcement.

The Portfolio Holder for Place stated that this proposal was a positive way forward and supported the objectives in the Action Plan.

In response to a Member, the Assistant Director Public Realm clarified that it was anticipated that the digital reporting of litter, graffiti and dog fouling would be brought on-line in the first six months of 2017.

Members discussed the problem of trade waste on the High Street particularly on weekend evenings. The Portfolio Holder for Place stated that this issue was being addressed and that a new operating model was being discussed to help tackle this problem and bring business on board.

Place Scrutiny Committee considered the report at its meeting on 8 September 2016 and its comments were reported.

RESOLVED that the adoption of the Clean Streets Strategy 2016 be approved and that work commences towards the delivery of the Strategy's Action Plan.

102

ANNUAL ARTS AND EVENTS REVIEW

The report of Economy and Enterprise Manager was submitted reviewing the performance of the Arts and Events portfolio for 2016/17 and setting out a programme for 2017/18.

The City Arts and Events Manager advised Members that a Creative Industry event, would be hosted by Radio One on 1 November, which was testament to the operational success of the Big Weekend event.

The Portfolio Holder for Economy and Culture stated that the Unexpected Festival would take place on 4 November and would include a celebration of the 450th anniversary of the Exeter Ship Canal.

Members thanked the City Arts and Events Manager and team for all their hard work to ensure the success of the events that had been held in and around the City over the past few years.

Place Scrutiny Committee considered the report at its meeting on 8 September 2016 and its comments were reported.

RESOLVED that the following be approved:-

- (1)
 - a) proposals to deliver a new festival of performance in 2017 working in partnership with Exeter Bikeshed Theatre, Exeter Phoenix and Exeter Northcott pending successful application to Arts Council England's Ambitions for Excellence Fund by Bikeshed Theatre, and
 - b) pending the successful application to Arts Council England as set out in in paragraph 2.2a of the report and confirmation of Council budgets, the use of the £50,000 arts budget in 2017 as match funding for the delivery of a new festival of performance.
- (2) in the event that external funding support for a new festival is not forthcoming, the continuation of the Unexpected Festival in 2017; and
- (3) the budgets for project grants and other project support as outlined in paragraph 4.1 of the report pending confirmation of Council budgets for 2017/18.

103 **REVIEW OF STAFFING - LEGAL SERVICES, COMMERCIAL CONVEYANCING AND PLANNING**

The report of the Corporate Manager Legal Services, Corporate Manager Property and Assistant Director City Development was submitted which sought approval for the deletion of the unfilled full time Conveyancer and Planning Solicitor post and the creation of a new full time Commercial Property Lawyer and a new part time Planning Lawyer post.

Members were advised that a post of Conveyancer and Planning Solicitor had been created in 2015 following approval by Council but although this post had been advertised on two occasions no suitable qualified applicants had applied. Whilst locum solicitors had been recruited this was only a short term as it was an expensive overhead. Therefore this proposal sought to address the short fall in resources to provide an effective and efficient commercial conveyancing service and respond to City Development's request for additional legal support.

Members supported the way forward whilst acknowledging the challenge to recruit staff with specialist skills.

RECOMMENDED to Council that:-

- (1) the post of Conveyancer and Planning Solicitor be deleted from the establishment;
- (2) a new full time post of Commercial Property Lawyer and a new part time post of Planning Solicitor be created with immediate effect; and
- (3) the Legal Services budget be increased by £17,056 to account for the two new posts.

104

REVIEW OF STAFFING - DEMOCRATIC AND CIVIC SUPPORT

The report of the Corporate Manager Democratic and Civic Support was submitted providing Members with a business case which examined the need to increase the staffing provision within both the Democratic Services (Committees) and Mayoralty teams to ensure that the services provided by both teams could be delivered in the most effective and efficient way.

Members supported the proposal recognising the increasing number of Committee meetings some as a result of joint working with other local authorities and the advantages of promoting the Guildhall for private functions and weddings.

RECOMMENDED to Council that:-

- (1) two new posts be added to the Council's establishment as identified within the report; and
- (2) the Council's budget be adjusted accordingly.

105

BUSINESS CASE FOR ADDITIONAL PARKING STAFF

The report of the Assistant Director Public Realm was submitted providing Members with a business case which examined the need to increase staffing to provide a new evening staffed parking service in specific car parks in the City Centre.

Members welcomed that car park users would now have a choice of manned or unmanned car parks of an evening.

RECOMMENDED to Council that:-

- (1) two new posts be added to the Council's establishment as identified in the report; and
- (2) the budget be increased by £45,568 in respect of these two new posts.

106

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

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

107

TRANSFER OF EXETER'S VALLEY PARKS TO DEVON WILDLIFE TRUST - IMPLICATIONS FOR STAFF

The Assistant Director Public Realm advised on staffing matters relating to the earlier report (Minute 99) considered by Members on the transfer of the valley parks to the Devon Wildlife Trust and detailed the implications for staff who currently manage the Valley Parks.

RECEOMMENDATION as per minute 99 above.

EXETER HEART OF DEVON GROWTH BOARD MINUTES

Place Scrutiny Committee considered the minutes at its meeting on 8 September 2016 and its comments were reported.

RESOLVED that the minutes of the Exeter Heart of Devon Growth Board meeting held on 28 June 2016 be noted.

(The meeting commenced at 5.34 pm and closed at 6.45 pm)

Chair

The decisions indicated will normally come into force 5 working days after publication of the Statement of Decisions unless called in by a Scrutiny Committee. Where the matter in question is urgent, the decision will come into force immediately. Decisions regarding the policy framework or corporate objectives or otherwise outside the remit of the Executive will be considered by Council on 18 October 2016.

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Agenda Annex

SEATING IN THE GUILDHALL

		Deputy Lord Mayor Councillor Holland (C)	Chief Executive & Growth Director	Lord Mayor Councillor Thompson (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
Hannan (L)	Packham (L)	Edwards (L)		Leadbetter (C)	Mitchell (LD)
Sills (L)	Harvey (L)	Sutton (L)		Newby (C)	
Warwick (L)	Sheldon (L)	Hannaford (L)		Baldwin (C)	
Musgrave (L)	Lamb (L)	Denham (L)	TABLE	Mrs Henson(C)	
Ashwood (L)	Lyons (L)	Owen (L)		Henson, D. (C)	
Robson (L)	Keen (L)	Pearson (L)		Prowse (C)	
Wood (L)	Foggin (L)	Morse (L)			

Cllr Branston (L)	Cllr Brimble (L)	Cllr Foale (L)	Cllr Bull (L)	Cllr Bialyk (L)	Cllr Gottschalk (L)	Cllr Vizard (L)	Cllr Spackman (L)	Cllr Wardle (L)
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L: Labour : 30
C: Conservative : 8
LD: Liberal Democrat : 1

Portfolio Holders

Edwards: Leader
Sutton : Deputy Leader and City Development
Bialyk : Sport and Health and Wellbeing
Bull : Communities and Neighbourhoods
Denham: Economy and Culture
Hannaford : Place
Owen: Housing Revenue Account
Pearson: Support Services
Morse: Customer Access

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