



## Exeter City Council

A meeting of **EXETER CITY COUNCIL** will be held at the **GUILDHALL, HIGH STREET, EXETER** on **TUESDAY 25 FEBRUARY 2020**, on the rising of the Extraordinary Meeting of Council which commences at 6.00 pm, at which you are hereby summoned to attend. The following business is proposed to be transacted:-

	Pages
1 Minutes	
To approve and sign the minutes of the Ordinary Meeting held on 17 December 2019 and of the Extraordinary Meeting held on 21 January 2020.	3 - 12
2 Official Communications	
3 Public Questions	
Details of questions should be notified to the Corporate Manager Democratic and Civic Support at least three working days prior to the meeting - by 10am on Thursday 20 February 2020. Further information and a copy of the procedure are available from Democratic Services (Committees) (Tel: 01392 265115) with details about speaking at Council to be found here: <a href="#">Public Speaking at Meetings</a> .	
To receive minutes of the following Committees and to determine thereon:-	
4 Planning Committee - 6 January 2020	13 - 30
5 Planning Committee - 13 January 2020	31 - 46
6 Planning Committee - 10 February 2020	47 - 60
7 Licensing Committee - 4 February 2020	61 - 62
8 Strategic Scrutiny Committee - 16 January 2020	63 - 68
9 Customer Focus Scrutiny Committee - 6 February 2020	69 - 72
10 Audit and Governance Committee - 28 January 2020	73 - 76
11 Executive - 11 February 2020	77 - 84

Office of Corporate Manager Democratic & Civic Support

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12 Questions from Members of the Council under Standing Order No. 8

Question from Councillor Hannaford

Can our Devon and Cornwall Police and Crime Panel member please brief council on the recent decision to cut the number of Police Community Support Officers in Devon and Cornwall?

Do we have any indication how many we will lose in Exeter and in which areas?

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

Date: Monday 17 February 2020

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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## COUNCIL

Tuesday 17 December 2019

### Present:-

The Right Worshipful the Lord Mayor Councillor Peter Holland (Lord Mayor)  
Councillor Mrs Yolonda Henson (Deputy Lord Mayor)  
Councillors Atkinson, Begley, Bialyk, Branston, Foale, Foggin, Ghusain, Hannaford, Harvey, Henson, D, Lyons, Mitchell, K, Mitchell, M, Moore, D, Moore, J, Morse, Newby, Oliver, Owen, Packham, Pattison, Pearson, Quance, A, Sheldon, Sills, Sparkes, Sutton, Vizard, Wardle, Warwick, Williams, Wood and Wright

### Apologies

Councillors Leadbetter and I. Quance

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### MINUTES

The minutes of the meeting of the Council held on 15 October 2019 were moved by the Leader, seconded by Councillor Sutton, the Deputy Leader, taken as read, approved and signed as correct.

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### APOLOGIES FOR ABSENCE

Apologies for absence was received from Councillors Leadbetter and I. Quance.

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### OFFICIAL COMMUNICATIONS

The Lord Mayor passed on his condolences, and those of Council Members, to Councillor Morse, who'se Uncle (Alderman Norman Long) had passed away on Friday 6 December. He was Mayor of the City in 1978. Members stood in a minutes' silence as a mark of respect.

The Lord Mayor and Members also passed on their condolences to the family and friends of two former members of staff – Brenda Steer and Mike Coombes – who had recently passed away.

The Lord Mayor welcomed Councillor Keith Sparkes, the newly elected Councillor for the Topsham ward, to his first Full Council meeting and wished him well for his term of office.

The Lord Mayor congratulated the following on their respective achievements:-

- Ben Bradshaw MP and Simon Jupp MP who were re-elected and elected as Members of Parliament for the Exeter and Devon East constituencies respectively at the recent General Election;
- all those involved in the process which brought about UNESCO's decision to designate Exeter, as a City of Literature;
- Exeter College, which has not only been shortlisted for the City and Guilds award for college engagement with employees; but also recognised as being one of the top five colleges in the country; and

- the Maynard School, which had recently won the Southwest Independent Secondary School of the Year award, meaning it was the only school in the country to hold three major titles at the same time, the other two being One of the Telegraph's "Top Ten Best Value Schools", as well as the Wellbeing Award for Schools.

The Lord Mayor advised on the following:-

- the lighting up of the underside of the portico outside the Guildhall in support of the NSPCC's Christmas campaign "Light for every childhood";
- the receipt of letters of congratulations from both Terracina and the President of Krakow on Exeter becoming an UNESCO City of Literature;
- recent engagements he had attended including those arranged for delegations from Exeter's Twin cities, school engagements, highlighting Bowhill Primary School which would be hosting a Citizenship event in the Spring and a RIFLES Award evening at the Guildhall London.

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### **PUBLIC QUESTIONS**

There was one question from Ginny Russell to Councillor Bialyk, Leader.

Concerning Clifton Hill, will an accompanying plan be released that clearly delineates the area guaranteed as Green Space in public ownership, confirming it includes the whole area from the back of the sports centre to the Ski Slope, Golf range and allotments, and covering all existing Tree Preservation Orders?

#### **Response**

The Leader explained that an opportunity paper would come forward to include a plan which shows the area for development and the existing uses for the site. We have no plans to change anything else on the site. We will then at the right time sit down with the local community and discuss the future of the area and how the community can be involved with its management.

#### **Supplementary Question**

Ginny Russell, on putting a supplementary question, thanked the Leader for the Council's change of heart and, on behalf of the wider community network, asked for a legal guide and plan showing the area to be preserved and kept in public ownership.

#### **Supplementary Response by Leader**

The opportunity paper will be presented to the meeting of the Executive on 14 January 2020 and at a Special meeting of Council on 21 January 2020 showing the area of land intended for development. There was no plan to build on either the Golf Driving Range or the Ski Slope and that the tenant-landlord management agreement would remain in place.

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### **PLANNING COMMITTEE - 28 OCTOBER 2019**

The minutes of the Planning Committee of 28 October 2019 were presented by the Chair, Councillor Lyons, and taken as read.

**RESOLVED** that the minutes of the Planning Committee held on 28 October 2019 be received.

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#### **LICENSING COMMITTEE - 29 OCTOBER 2019**

The minutes of the Licensing Committee of 29 October 2019 were presented by the Chair, Councillor Owen and taken as read.

In respect of **Minute No. 23 (Proposal to Amend the Sex Establishment Licensing Policy)**, the Chair moved and Councillor Vizard seconded the recommendation which was carried.

In respect of **Minute No. 24 (Proposal to introduce an updated Statement of Licensing Policy)**, the Chair moved and Councillor Vizard seconded the recommendation which was carried.

**RESOLVED** that the minutes of the Licensing Committee held on 29 October 2019 be received and, where appropriate, adopted.

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#### **STRATEGIC SCRUTINY COMMITTEE - 21 NOVEMBER 2019**

The minutes of the Strategic Scrutiny Committee of 21 November 2019 were presented by the Chair, Councillor Sills and taken as read.

**RESOLVED** that the minutes of Strategic Scrutiny Committee held on 21 November 2019 be received.

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#### **CUSTOMER FOCUS SCRUTINY COMMITTEE - 5 DECEMBER 2019**

The minutes of the Customer Focus Scrutiny Committee of 5 December 2019 were presented by the Chair, Councillor Vizard and taken as read.

In respect of **Minute No. 108 (Move More Physical Activity Strategy: Built Facilities Outline Business Case Wonford Health and Wellbeing Centre)**, the following responses were provided by the Portfolio Holder for Climate and Culture:-

- With regard to the Climate Emergency, Exeter City Futures was working on a Road Map to achieve carbon neutrality by 2030 and was one of the bodies inputting into the design of the Citizens Assembly;
- Two companies had been recruited to develop the public engagement process for both the Liveable Exeter Garden City project and initiatives around the response to climate change; and
- Further details on the above would be available in the New Year.

**RESOLVED** that the minutes of Customer Focus Scrutiny Committee held on 5 December 2019 be received.

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#### **AUDIT AND GOVERNANCE COMMITTEE - 4 DECEMBER 2019**

The minutes of the Audit and Governance Committee of 4 December 2019 were presented by the Councillor Wardle, and taken as read.

In respect of **Minute No. 32 (Audit Findings Report (ISA 260))**, the Leader stated that he had been assured by the Section 151 Officer that the Council and the budget were acceptable and that everything was in order, but the audits had been delayed due to unforeseen circumstances. He would continue to liaise with the Section 151 Officer on progress.

**RESOLVED** that the minutes of the Audit and Governance Committee held on 4 December 2019 be received.

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### **EXECUTIVE - 10 DECEMBER 2019**

The minutes of the Executive of the 10 December 2019 were presented by the Leader, Councillor Bialyk, and taken as read.

In respect of **Minute No. 108 (Move More Physical Activity Strategy: Built Facilities Outline Business Case Wonford Health and Wellbeing Centre)**, the following responses to Members' queries were given by the Portfolio Holder for Leisure and Physical Activity and the Leader respectively:-

- decisions on the ownership and management of the Health and Wellbeing Centre will become clearer following a comprehensive consultation process across the Wonford community as it is important to give local people a voice from the onset. This process will be in respect of the whole centre including the community aspect; and
- with regard to the growing popularity of women's netball across Exeter, ideas for this sport, as well as for other sports, will be included in the wider consultation process for Wonford.

In respect of **Minute No. 109 (Exeter Grants Programme Changes to the Scheme of Delegation)**, the following responses to Members' queries were given by the Portfolio Holder for Equalities, Diversity and Communities and the Leader respectively:-

- the operation and criteria for the new Grants Programme are set out on the City Council's grants website which was launched on 27 November; and
- it is the intention for Executive to review the operation of the programme at the end of the pilot year at which point Members can put forward any changes to the terms of reference and delegation arrangements they may wish to see.

The Leader moved and the Deputy Leader seconded the recommendations and they were carried.

In respect of **Minute No. 110 (Council Tax Long Term Empty Premium 2020/21 and 2021/22)**, the Leader moved and the Deputy Leader seconded the recommendation which was carried.

In respect of **Minute No. 111 (Council Tax Support Scheme 2020-21)**, it was noted that Member input would be sought through a Member Working Group on options for moving to a simpler banded scheme.

The Leader moved and the Deputy Leader seconded the recommendations and they were carried.

In respect of **Minute No. 112 (Approval of Procurement Strategy)** it was noted that:-

- although the Strategy had been developed jointly with other Devon Authorities, the City Council could develop specific priorities for incorporation into the Strategy either jointly or individually; and
- in response to a series of questions raised by a Member, the Champion for Support Services could meet with her to discuss the issues raised.

The Leader moved and the Deputy Leader seconded the recommendations and they were carried unanimously.

In respect of **Minute No. 113 (General Fund Capital Monitoring 2019/20 Quarter 2)**, the Leader moved and the Deputy Leader seconded the recommendations and they were carried.

In respect of **Minute No. 114 (Overview of the General Fund Revenue Budget 2019/20 – Quarter 2)**, the Leader moved and the Deputy Leader seconded the recommendations and they were carried.

In respect of **Minute No. 115 (HRA Budget Monitoring Report 2019/20 – Quarter 2)**, the Leader moved and the Deputy Leader seconded the recommendations and they were carried unanimously.

In respect of **Minute No. 116 (Treasury Management 2019/20 Half Year update)**, the Leader moved and the Deputy Leader seconded the recommendations and they were carried unanimously.

In respect of **Minute No. 117 (Revised Local Development Scheme)**, the Leader confirmed that the constituent authorities had agreed the scope and revised timetable for the Greater Exeter Strategic Plan and, in response to a query from a Member, stated that due regard would be given to any neighbourhood plans brought forward within the overall Strategic Plan.

In respect of **Minute No. 119 (Business Case for the Review of Staff Structure in Housing Assets)**, the Leader moved and the Deputy Leader seconded the recommendations and they were carried unanimously.

In respect of **Minute No. 120 (Exeter Science Park Guarantee)**, the Leader moved and the Deputy Leader seconded the recommendation which was carried.

In respect of **Minute No. 121 (Communications, Tourism and Culture Minor Restructure)**, the Leader moved and the Deputy Leader seconded the recommendation which was carried unanimously.

**RESOLVED** that the minutes of the Executive held on 10 December 2019 be received, and where appropriate, adopted.

78 **NOTICE OF MOTION BY COUNCILLOR BIALYK UNDER STANDING ORDER NO. 6.**

Councillor Bialyk, seconded by Councillor Branston, moved a Notice of Motion in the following terms:-

*That this Council supports the Leader of the Council in his stated intention not to sell the whole of the Clifton Hill site owned by Exeter City Council for residential development by removing from the previously agreed Clifton Hill sale site, the green space area, the Golf Driving Range and the Ski-slope.*

*To facilitate this change, this Council requires officers to prepare a report setting out the implication of selling such a reduced site for the consideration by the Executive to be held on 14 January 2020 and thereafter by Special Council to be held on 21 January 2020.*

In presenting the Notice of Motion, Councillor Bialyk stated that:-

- the Motion was to inform Members of Council proposals for the Clifton Hill site which, but for the General Election, would have been presented earlier;
- an opportunity paper would be presented to the Executive for it to consider the various options;
- the retention of open space and of the two leisure facilities - the Golf Driving range and the Ski Slope - would, it was hoped, help address the issue of Newtown possessing the lowest rate of life expectancy in Exeter;
- there was no intention to build on the site of the two leisure facilities; and
- there would be full consultation with the local community on the future of the Clifton Hill site.

During discussion the following points were raised:-

- the permanent retention of the public open space at Clifton Hill should be guaranteed to enhance the quality of life of Exeter residents;
- the Notice of Motion is welcomed as is the commitment to consult with the local community on proposals;
- Belmont Park has benefitted from a number of recent enhancements which, together with the retention of the Clifton Hill open space, will help address a key concern of the lower than city average of life expectancy within the Newton area;
- the site of the Ski Slope must be retained either for its current use or as open space as a long term commitment; and
- retention of the green space area, the Golf Driving Range and the Ski-slope is the right decision for the community and the Council should work with the community to bring forward future proposals with regard also to be given to a request for additional trees.

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

(The meeting commenced at 6.00 pm and closed at 7.30 pm)

Chair

## EXTRAORDINARY MEETING OF THE COUNCIL

Tuesday 21 January 2020

### Present:-

The Right Worshipful the Lord Mayor Councillor Peter Holland (Lord Mayor)  
Councillor Mrs Yolonda Henson (Deputy Lord Mayor)  
Councillors Atkinson, Begley, Bialyk, Branston, Buswell, Foale, Foggin, Ghusain, Hannaford, Harvey, Henson, D, Lamb, Leadbetter, Lyons, Mitchell, M, Moore, D, Moore, J, Morse, Newby, Oliver, Owen, Packham, Pattison, Pearson, Quance, A, Sheldon, Sills, Sparkes, Sutton, Vizard, Wardle, Warwick, Williams, Wood and Wright

1

### APOLOGIES

These were received from Councillors K. Mitchell and I. Quance.

2

### JAPANESE DELEGATION

The Lord Mayor welcomed a delegation from the Japan Local Government Centre who were visiting the City Council on a fact-finding mission, particularly around carbon neutral initiatives.

3

### PUBLIC QUESTIONS

No questions from the public were received.

4

### EXECUTIVE - 14 JANUARY 2020

The minutes of the Executive of the 14 January 2020 were presented by the Leader, Councillor Bialyk, seconded by the Deputy Leader, Councillor Sutton, and taken as read.

In respect of **Minute No. 4 (Commercial Strategy)**, the Leader moved and the Deputy Leader seconded the recommendations and they were carried unanimously.

In respect of **Minute No. 5 (Environmental Enforcement Pilot Scheme Results and Future Options)**, the Leader moved and the Deputy Leader seconded the recommendations and they were carried unanimously.

In respect of **Minute No. 6 (Flood Protection Schemes 2019-2022)**, the Leader moved and the Deputy Leader seconded the recommendations and they were carried unanimously.

In respect of **Minute No. 7 (Structural Inspection Programme of Exeter City Council Bridges)**, the Leader moved and the Deputy Leader seconded the recommendations and they were carried unanimously.

In respect of **Minute No. 8 (Housing Rents and Service Charges 2020-21)**, the Leader moved and the Deputy Leader seconded the recommendations and they were carried unanimously.

In respect of **Minute No. 9 (2020/21 Budget Strategy and Medium Term Financial Plan)**, the Leader moved and the Deputy Leader seconded the recommendations and they were carried unanimously.

In respect of **Minute No. 11 (New Performance Venue and Redevelopment of the Corn Exchange)**, the Leader confirmed the Council's commitment to re-develop the Corn Exchange and of the intention to consult the relevant Scrutiny Committee.

In respect of **Minute No. 12 (Minutes of the Leisure Complex and Bus Station Programme Board)**, the Leader, responding to Members' queries, confirmed that full consideration had been given to the options in respect of a long distance coach waiting facility including consultation with the Devon and Cornwall Police on public safety matters such as anti-social behaviour and that the minutes of the Programme Board set out in detail the reasons for not seeking to deliver this facility.

In respect of **Minute No. 13 (Loan to Exeter City Living for Clifton Hill Development)**, the Leader explained:-

- the rationale behind the establishment of Exeter City Living (ECL);
- the need to provide ECL with a loan to ensure it would be able to deliver the Council's aspirations to provide high quality homes at eight sites across the city together with the proposed residential element for the Clifton Hill site;
- the Council's commitment to the retention of open space and of the two leisure facilities - the Golf Driving Range and the Ski Slope - at Clifton Hill; and
- the Council was opposed to student accommodation on the site.

The Leader responded as follows to Members' queries:-

- in order to ensure a balanced budget for the Council a mixed residential provision, rather than 100% social housing, had been identified as the preferred option for the Clifton Hill site;
- ECL, as a Council owned development company, would ensure the housing mix brought forward for the Clifton Hill site accords with Council requirements;
- vacant building credit would offset the shortfall in affordable housing provision;
- the sale of the proposed 44 units would be via the open market and therefore available to local people; and
- there would be full consultation with the local community on all aspects of the proposals as they are brought forward, including use of the protected green space, landscaping and developing and supporting biodiversity.

During discussion the following points were raised:-

- Members welcomed the plans for the Clifton Hill site;
- the Council had always been committed to the protection and development of green open spaces, parks and valley parks across the city with several examples referred to;
- strategies for trees and woodlands, play and parks and open spaces were currently being developed reflecting the Council's commitment to its green agenda; and
- future proposals for open space areas would be considered on merit.

The Leader moved and the Deputy Leader seconded the recommendation and it was carried.

In respect of **Minute No. 16 (Clifton Hill Site)**, the Leader responded as follows to Members' queries:-

- should the Secretary of State not consent to the disposal of land, an Extraordinary meeting of the Council would be called to discuss the way forward; and
- details of the vacant building credit mechanism were available from the Section 151 Officer and the ECL Managing Director.

The Leader moved and the Deputy Leader seconded the recommendations and they were carried.

**RESOLVED** that the minutes of the Executive held on 14 January 2020 be received, and where appropriate, adopted.

5 **QUESTIONS FROM MEMBERS OF THE COUNCIL UNDER STANDING ORDER NO. 8.**

In accordance with Standing Order No. 8, the following question was put by Councillor Hannaford to the Portfolio Holder for Council Housing Development and Services.

*Question –*

*Can the Executive Member for Council Housing Development and Services please update Council on the current progress being made to deliver the additional hundred council homes through its £18 million pound investment programme?*

**Answer**

The Portfolio Holder for Council Housing Development and Services confirmed that the Council is making considerable progress towards the delivery of the initial phase of its Housing Revenue Account (HRA) development programme. Specifically, completion of the first 9 three bedroom houses at Thornpark Rise will be in April 2020. This will be followed by a further 10 three bedroom houses at Bovemoors Lane in December 2020 and 21 one and two bedroom flats at Hamlin Gardens in July 2021. Additionally, a planning Application has been submitted for 92 properties at Vaughan Road, of which, 60 are proposed as social rent and shared ownership as part of the HRA development programme.

In support of the activity outlined above, positive meetings have been held with Homes England Officers to explore opportunities for securing development grant alongside the Council's investment proposals. Final investment planning is now underway which will determine the timing of a grant funding application.

Resourcing the substantial development plan has been a primary focus of the recent Assets Team restructure and additional resources have now been agreed by the Council – primarily the post of Social Housing Delivery Lead – and will be recruited to during February/March 2020.

*Councillor Hannaford asked a supplementary question seeking information on the progress of the retrofit programme for the Council Housing stock which would help tackle climate change and fuel poverty.*

The Portfolio Holder responded that she, together with the Leader and the Chief Executive and Growth Director, had visited six properties where retrofit work was nearing completion. The work included new exterior wall panels, roofs and solar panels. The six properties were part of a pilot to retrofit properties, offering a self-funding model to improve energy efficiency and reduce future maintenance costs. Residents would benefit from a warm, comfortable and more energy efficient environment with a reduced demand on the electricity grid and would also gain financially. This initiative would also assist the Council in its goal of becoming carbon neutral by 2030.

(The meeting commenced at 6.00 pm and closed at 7.07 pm)

Chair

## PLANNING COMMITTEE

Monday 6 January 2020

### Present:-

Councillor Lyons (Chair)

Councillors Williams, Bialyk, Branston, Foale, Harvey, Mrs Henson, Mitchell, M, Morse, Sheldon and Sutton

### Apologies

Councillor Ghusain

### Also Present

Chief Executive & Growth Director, Director (BA), Service Lead City Development, Assistant Service Lead (Planning) City Development, Principal Project Manager (Development) (MD), Highways Development Management Officer and Democratic Services Officer (Committees) (HB)

### 1 MINUTES

The minutes of the meeting held on 28 October 2019 were taken as read, approved and signed by the Chair as correct.

### 2 DECLARATIONS OF INTEREST

Councillor Williams declared an interest and left the meeting during consideration of Minute No 5.

### 3 PLANNING APPLICATION NO. 19/1461/OUT - LAND NORTH OF HONITON ROAD AND WEST OF FITZROY ROAD EXETER

The Principal Project Manager (Development) (MD) presented the application for a mixed use development to provide town centre facilities comprising uses within some or all of Class A1 (Retail), Class A2 (Financial and Professional Services), Class A3 (Cafes and Restaurants) with associated Drive-Thru's, Class A5 (Hot Food Takeaways), Class D2 (Assembly and Leisure) with associated means of access, access roads, service yards, car parking, infrastructure, public realm and landscaping. (All matters reserved except access).

The Principal Project Manager (Development) reported the following late representations:-

- Network Rail had withdrawn its holding objection and listed issues asking for consideration to be given to additional conditions. It was suggested that consideration of these should be delegated to the Service Lead City Development, subject to prior consultation with the Chair;
- representation from Crown Estates;
- a letter from the asset manager for the owners of Princesshay suggesting alterations to some conditions. In light of the report of the Council's retail consultant, these suggestions were not considered necessary; and
- a letter objecting on the grounds that an out of town centre would take away business from existing town centres.

The Principal Project Manager (Development):-

- described the scheme in detail setting out the changes from the previous proposals notably the wider mix of uses and explaining the background in the context of the Core Strategy adopted in 2012, the Monkerton/Hill Barton Master Plan and National Design Guidance 2019;
- explained that the scheme offered significant economic and social benefits to the area given the proximity of the adjacent business area and a new residential community, the absence of a local centre having being delivered to date in the area and that elements of the scheme included those which would be a found in a local centre and a gap in the provision of a mixed use hub along the Heavitree Road corridor;
- referred to letters of support from Exeter Science Park Ltd. and SW Comms; and
- advised that the application was the most suitable out of the three out-of-centre sites considered for major retail development in July 2019.

Martin Ridgway spoke in support of the application. He raised the following points:-

- the floor area has been reduced and the range of uses improved to include a chemist, foodstore, gym, bank, restaurants and a newsagent with the design potentially setting a new benchmark for centres to promote sustainable access for locals residents, workers and visitors;
- the site is close to two of Exeter's largest employers, the Met Office and Devon & Cornwall Police, who between them employ nearly 3,500 staff but whose facilities are limited;
- it will minimise adverse air quality, deliver a truly "eco-friendly" development and ensure good accessibility;
- it will meet the needs of the existing and growing number of residents along with the wider business community and growth in East Exeter shows a requirement for a new services hub;
- the scheme connects into the District Heating Network;
- a CIL payment in excess of £1.9 million scheduled which can be used towards further local sustainable features; and
- transport related benefits include four new pedestrian/cycle links into the site, reduction in parking numbers, electric vehicle charging points increased to 45, a new link for a bus "only" connection into the adjoining residential development and widening of Honiton Road for a bus stop relocation and a new Toucan crossing.

He responded as follows to Members' queries:-

- because of the strong interest from many operators and the number of conditions, it was anticipated that the desired mix of uses would be met;
- a "green wall" would be one of the options at design stage;
- the proposal incorporated both reduced car parking provision as well as reduced floor area; and
- approaches in respect of a health centre provision could be considered.

During discussion the following points were raised:-

- concern regarding the impact on the air quality of the Heavitree Road corridor and whether a bus service would be extended to the adjoining residential area; and

- support for the mixed use identified notwithstanding Local Plan policy requiring a small “local centre” as the development would benefit the residential and business communities it adjoins.

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

The recommendation was moved and seconded.

**RESOLVED** that, subject to the Service Lead City Development being granted delegated authority and subject to prior consultation with the Chair to agree additional conditions sought by Network Rail, planning permission for mixed use development to provide town centre facilities comprising uses within some or all of Class A1 (Retail), Class A2 (Financial and Professional Services), Class A3 (Cafes and Restaurants) with associated Drive-Thru's, Class A5 (Hot Food Takeaways), Class D2 (Assembly and Leisure) with associated means of access, access roads, service yards, car parking, infrastructure, public realm and landscaping. (All matters reserved except access) be **APPROVED**, subject also to the following conditions:-

1. Standard Time Limits – Outline Planning Permission

Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of the permission and the development hereby permitted shall be begun before the expiration of five years from the date of the permission, or before the expiration of two years from the date of the approval of the last of the reserved matters to be approved whichever is the later.

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

2. Reserved Matters

Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

**Reason:** To safeguard the rights of the local planning authority in respect of the reserved matters. This information is required before development commences to ensure that the development is properly planned with appropriate regard to the reserved matters.

3. Approved Plans

The development hereby permitted shall be carried out on the land outlined in red on drawing number 15049\_PL01 ('Proposed Location Plan') and shall not be carried out otherwise than in accordance with the plans listed below, unless modified by the other conditions of this consent including the approval of the reserved matters:

- Highway Access Plan (PHL-01 B)
  - Proposed Site Parameters Plan (15049\_PL06 F)
- Reason:** To ensure compliance with the approved drawings.

4. Shadow Path Diagrams

Shadow path diagrams of the buildings on the site shall be submitted to, and agreed by, the Local Planning Authority as part of the submission of reserved matters. These shall illustrate the shadow paths at the winter solstice and spring/autumn equinox (sunrise, midday and sunset).

**Reason:** To ensure there will be no overshadowing of neighbouring dwellings that will harm residential amenity, taking into account paragraphs 7.21-7.23 of the Residential Design SPD.

5. Cycle Parking

The reserved matters details shall show the location and design of cycle parking facilities for the staff and customers of the retail units in accordance with chapter 5 of the Sustainable Transport SPD, including showers, lockers and space to dry clothes for staff. The cycle parking facilities shall be provided in the development as approved prior to the occupation of the development and maintained at all times thereafter.

**Reason:** To promote cycling as a sustainable mode of travel and to accord with the Sustainable Transport SPD.

6. Disabled Car Parking Spaces and Electric Charging Points

The reserved matters details shall show the location and design of disabled parking spaces and charging points for electric vehicles in accordance with chapter 6 of the Sustainable Transport SPD. A minimum of 45 electric charging points shall be provided for in accordance with the Moor Exchange Exeter Air Quality Assessment Revision 1 (Ramboll, December 2019). The disabled parking spaces and electric charging points shall be provided in the development as approved prior to the occupation of the development and maintained at all times thereafter.

**Reason:** To accord with the minimum car parking standards for disabled users in the Sustainable Transport SPD, and to enable charging of plug-in and other ultra-low emission vehicles in accordance with the Sustainable Transport SPD, paragraph 110 of the NPPF, section 7.3 ('Mitigation') of the submitted Moor Exchange Exeter Air Quality Assessment Revision 1 (Ramboll, December 2019) and Policy EN3 of the Exeter Local Plan First Review.

7. Electric Bike Hire Facility

The reserved matters details shall show the location of an Electric Bike Hire Facility on the site. The Electric Bike Hire facility shall be implemented and made fully operational prior to the occupation of any unit on the site, and shall be maintained at all times thereafter.

**Reason:** To provide appropriate air quality mitigation in accordance with section 7.3 ('Mitigation') of the submitted Moor Exchange Exeter Air Quality Assessment Revision 1 (Ramboll, December 2019) and Policy EN3 of the Exeter Local Plan First Review.

8. Waste Storage Facilities

The reserved matters details shall show the location and design of waste storage facilities for the retail and restaurant units hereby permitted. The

waste storage facilities shall be designed to accord with the Waste Audit Statement required by condition 11 below. The waste storage facilities for each unit shall be provided as approved prior to the occupation of the unit. **Reason:** To ensure adequate waste storage facilities are provided for the uses and located in the interests of the amenity of the area.

### ***Pre-commencement Details***

#### 9. Bus/Pedestrian/Cycle Link to North Boundary

Prior to the commencement of the development hereby permitted, a detailed plan of the bus/pedestrian/cycle access to the north boundary shall be submitted to and approved in writing by the Local Planning Authority. The plan shall show the access designed as a short section of bus lane in both directions and also the location and design of appropriate signage and CCTV to ensure that it is used by buses, pedestrians and cyclists only. It shall also show the location of a temporary concrete barrier to prevent the access from being used by other vehicles until such time that a bus service requiring its implementation becomes operational. The plan shall be accompanied by details of the implementation of the access and the management and maintenance of the access, including responsibility for CCTV monitoring and enforcement, for the lifetime of the development. The bus/pedestrian/cycle access shall be constructed in accordance with the approved detailed plan prior to the occupation of the development and its shall be implemented, managed and maintained in accordance with the approved details at all times thereafter.

**Reason:** To provide a connection to the highway constructed on the adjoining site for sustainable travel in accordance with Policies CP16, CP17 and CP19 of the Core Strategy promoting a sustainable movement network, taking into account the advice of Stagecoach, and to prevent a severe impact on the local highway network and unsafe access through use by other vehicular traffic. These details are required pre-commencement as specified to ensure that an acceptable access and highway connection are designed for the site before the development is built.

#### 10. Pedestrian/Cycle Connections

Prior to the commencement of the development hereby permitted, detailed plans, including sections to confirm gradients, of the three pedestrian and/or cycle connections to the south boundary and a pedestrian/cycle route from the south boundary to the north boundary at the point where the pedestrian/cycle link on the adjoining site meets the boundary shall be submitted to and approved in writing by the Local Planning Authority. The pedestrian/cycle connections and route shall be constructed as approved prior to the occupation of the development and shall be kept free from obstruction, including at the boundary points, and maintained at all times thereafter.

**Reason:** To ensure the development provides a sustainable movement network with links to the surroundings in accordance with Policies CP16, CP17 and CP19 of the Core Strategy, Policy DG1 of the Exeter Local Plan First Review and Section 9 of the NPPF. These details are required pre-commencement as specified to ensure that acceptable pedestrian and/or cycle connections are designed for the site before the development is built.

#### 11. Waste Audit Statement

Prior to the commencement of the development hereby permitted, a Waste Audit Statement shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include all information outlined in the waste audit template provided in Devon County Council's Waste Management and Infrastructure Supplementary Planning Document. The development shall be carried out in accordance with the approved statement.

**Reason:** To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document. These details are required pre-commencement as specified to ensure that waste generated during construction is managed sustainably.

12. Contaminated Land

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

**Reason:**

13. Detailed Permanent Surface Water Drainage Scheme

No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be informed by the programme of approved BRE Digest 365 Soakaway Design (2016) percolation tests and in accordance with the principles set out in the Moor Exchange Honiton Road, Exeter Flood Risk Assessment Revision E (Ref. 23-20-18-1-6075/FRA, November 2019). The approved permanent surface water drainage management system shall be implemented prior to the occupation of the development.

**Reason:** To ensure that surface water runoff from the development is discharged as high up the drainage hierarchy as is feasible, and is managed in accordance with the principles of sustainable drainage systems. A detailed permanent surface water drainage management plan is required prior to commencement of any works to demonstrate that the plan fits within the site layout, manages surface water safely and does not increase flood risk downstream. (Advice: Refer to Devon County Council's Sustainable Drainage Guidance.)

14. Programme of Percolation Tests

No part of the development hereby permitted shall be commenced until a programme of percolation tests has been carried out in accordance with BRE Digest 365 Soakaway Design (2016), and the results submitted to and

approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. A representative number of tests should be conducted to provide adequate coverage of the site, with particular focus placed on the locations of the proposed infiltration devices/permeable surfaces.

**Reason:** To ensure that surface water from the development is discharged as high up the drainage hierarchy as is feasible. This data is required prior to the commencement of any works as it will affect the permanent surface water drainage management plan, which needs to be confirmed before development takes place.

15. Groundwater Monitoring Programme

No part of the development hereby permitted shall be commenced until the full results of a groundwater monitoring programme, undertaken over a period of 12 months, has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This monitoring should be conducted to provide adequate coverage of the site, with particular focus placed on the locations and depths of the proposed infiltration devices.

**Reason:** To ensure that the use of infiltration devices on the site is an appropriate means of surface water drainage management. This data is required prior to the commencement of any works as it could affect the permanent surface water drainage management plan, which needs to be confirmed before development takes place.

16. Surface Water Drainage Management System (Construction)

No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to and approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site. The approved surface water drainage management system shall be implemented and maintained throughout the construction period.

**Reason:** To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area. These details are required pre-commencement as specified to ensure that surface water can be managed suitably without increasing flood risk or negatively affecting water quality downstream, or negatively impacting on surrounding areas and infrastructure. (Advice: Refer to Devon County Council's Sustainable Drainage Guidance.)

17. Exceedance Pathways and Overland Flow Routes

No part of the development hereby permitted shall be commenced until details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the proposed surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

**Reason:** To ensure that the surface water runoff generated from rainfall events in excess of the design standard of the proposed surface water drainage management system is safely managed.

18. Adoption and Maintenance Arrangements

No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The permanent surface water drainage management system shall be adopted and maintained as approved.

**Reason:** To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development. These details need to be submitted prior to commencement of any works to ensure that suitable plans are in place for the maintenance of the permanent surface water drainage management plan, for the reason above.

19. District Heating Network

Unless it is demonstrated in writing prior to commencement that it is not viable or feasible to do so, the buildings comprised in the development hereby approved shall be constructed in accordance with the CIBSE Heat Networks Code of Practice so that their internal systems for space and water heating are capable of being connected to the proposed decentralised energy (district heating) network. Prior to occupation of the development, the necessary on site infrastructure, including appropriate space for plant and machinery, shall be put in place for connection of those systems to the network at points at the application site boundary agreed in writing by the Local Planning Authority.

**Reason:** To ensure that the proposal complies with Policy CP13 of the Core Strategy and paragraph 153 of the NPPF, and in the interests of delivering sustainable development. If it is demonstrated that it is not viable or feasible to construct the building in accordance with the CIBSE Heat Networks Code of Practice, this information must be provided to the Council prior to commencement of the development because it will affect the construction of the building.

20. BREEAM

Unless otherwise agreed in writing by the Local Planning Authority the buildings hereby approved shall achieve a BREEAM 'excellent' standard as a minimum (shell only). Prior to commencement of development of each building on the site the developer shall submit to the Local Planning Authority a BREEAM design stage assessment report to be written by a licensed BREEAM assessor which shall set out the BREEAM score expected to be achieved by the building and the equivalent BREEAM standard to which the score relates. Where this does not meet the BREEAM minimum standard required by this consent the developer shall provide prior to the commencement of development of the building details of what changes will be made to the building to achieve the minimum

standard, for the approval of the Local Planning Authority to be given in writing. The building must be completed fully in accordance with any approval given. A BREEAM post-completion report of the building is to be carried out by a licensed BREEAM assessor within three months of substantial completion of the building and shall set out the BREEAM score achieved by the building and the equivalent BREEAM standard to which such score relates.

**Reason:** To ensure that the proposal complies with Policy CP15 of the Core Strategy and in the interests of delivering sustainable development. The design stage assessment must be completed prior to commencement of development because the findings may influence the design for all stages of construction.

21. Construction Method Statement

No development (including ground works) or vegetation clearance works shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:

- a) The site access point(s) of all vehicles to the site during the construction phase.
- b) The parking of vehicles of site operatives and visitors.
- c) The areas for loading and unloading plant and materials.
- d) Storage areas of plant and materials used in constructing the development.
- e) The erection and maintenance of securing hoarding, if appropriate.
- f) Wheel washing facilities.
- g) Measures to control the emission of dust and dirt during construction.
- h) No burning on site during construction or site preparation works.
- i) Measures to minimise noise nuisance to neighbours from plant and machinery.
- j) Construction working hours and deliveries from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.

The approved Statement shall be strictly adhered to throughout the construction period of the development.

**Reason:** To ensure that the construction works are carried out in an appropriate manner to minimise the impact on the amenity of neighbouring uses and in the interests of the safety and convenience of highway users. These details are required pre-commencement as specified to ensure that building operations are carried out in an appropriate manner.

22. Tree/Hedgerow Protection Measures

No development (including ground works) or vegetation clearance works shall take place until fences have been erected and any other protection measures put in place for the protection of trees and/or hedgerows to be retained around the site boundary in accordance with a Scheme which has been submitted to and approved in writing by the Local Planning Authority. The Scheme shall be prepared in accordance with British Standard BS 5837:2012 (or any superseding British Standard). The fences and any other protection measures required in the approved Scheme shall be retained until the completion of the development and no vehicles, plant or materials

shall be driven or placed within the areas enclosed by the fences.

**Reason:** To protect the trees and hedgerows to be retained around the site boundary in the interests of the amenities of the area and biodiversity, in accordance with Policy LS4 of the Exeter Local Plan First Review and the Trees in Relation to Development SPD (September 2009). These details are required pre-commencement as specified to ensure that trees and hedgerows to be retained are not damaged by building operations or vegetation removal, including their biodiversity interests.

### ***Pre-specific Works***

#### 23. Bird Breeding Season

No tree works or felling, cutting or removal of hedgerows or other vegetation clearance works shall be carried out on the site during the bird breeding season from March to September, inclusive. If this period cannot be avoided, these works shall not be carried out unless they are overseen by a suitably qualified ecologist and the reasons why have been submitted to and approved in writing by the Local Planning Authority, including the date of the intended works and the name of the ecologist. If breeding birds are found or suspected during the works, the works will cease until the ecologist is satisfied that breeding is complete.

**Reason:** To protect breeding birds in accordance with Policy LS4 of the Exeter Local Plan First Review, and paragraphs 174 and 175 of the NPPF. These details are required pre-commencement as specified to ensure that breeding birds are not harmed by building operations or vegetation removal.

#### 24. External Lighting

No external lighting shall be installed on the site or on the buildings hereby permitted unless details of the lighting have previously been submitted to and approved in writing by the Local Planning Authority (including location, type and specification). The details shall demonstrate how the lighting has been designed to minimise impacts on local amenity and wildlife (including isoline drawings of lighting levels and mitigation if necessary). The lighting shall be installed in accordance with the approved details.

**Reason:** To ensure lighting is well designed to protect the amenities of the area and wildlife, and to safeguard Exeter Airport.

### ***Pre-occupation***

#### 25. Wildlife Plan

Prior to the first occupation or use of the development hereby permitted, a Wildlife Plan for the site shall be submitted to and approved in writing by the Local Planning Authority. The Wildlife Plan shall demonstrate how the development has been designed to enhance the biodiversity value of the site and how it will be managed in perpetuity to enhance biodiversity, taking into account the recommendations of the submitted Preliminary Ecological Appraisal (Sunflower International, July 2017). 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.

26. Acoustic Fence

Prior to the first occupation or use of the development hereby permitted, a fence shall be provided along the north boundary of the site to provide an acoustic, visual and security barrier in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The design of the fence shall make provisions for the connections to be secured under conditions 9 and 10.

**Reason:** In the interests of the amenity of the neighbouring residential properties.

27. Detailed Landscaping Scheme

Prior to the first occupation or use of the development hereby permitted, a Detailed Landscaping Scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of hard and soft landscaping, including all boundary treatments. It shall include soft landscaping to soften the impact of the fence required by condition 26 above. Where applicable, it shall specify tree and plant species and methods of planting. The hard landscaping shall be constructed as approved prior to the occupation/use of the development. The soft landscaping shall be planted in the first planting season following the occupation/use of the development or completion of the development, whichever is the sooner, or in earlier planting seasons wherever practicable, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

**Reason:** In the interests of good sustainable design in accordance with Policy CP17 of the Core Strategy, Policy DG1 of the Exeter Local Plan First Review and paragraph 127 of the NPPF.

28. S278 Agreement

The development shall not be occupied or brought into use until a Section 278 Highways Agreement has been entered into in order to secure the necessary works to the public highway including those shown on drawing number 2176-PHL-007 C ('S278 Works Honiton Road Widening and Proposed Bus Stops') and the movement forward of the stop line (and associated works such as the movement of the signal heads) on the Honiton Road westbound arm of the Fitzroy Road signalised junction. The works shall be implemented prior to the occupation/use of the development and maintained at all times thereafter.

**Reason:** To prevent a severe impact on the local highway network and to ensure that safe and suitable access is provided for vehicles in accordance with paragraph 108 of the NPPF.

29. Travel Plan

No part of the development shall be occupied until a Travel Plan (including recommendations and arrangements for monitoring and review) has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. Thereafter the recommendations of the Travel Plan shall be implemented, monitored and reviewed in accordance with the approved document, or any amended document subsequently approved in writing by the Local Planning

Authority.

**Reason:** To encourage travel by sustainable means, in accordance with Policy T3 of the Local Plan First Review and the Sustainable Transport SPD.

30. Car Park Management Plan

No part of the development shall be occupied until a Car Park Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the Car Park Management Plan shall be carried out as

approved, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure there is no overspill parking in the Honiton Road Park & Ride car park to the detriment of its use by people using the Park & Ride service to travel to the City Centre in the interests of sustainable travel.

31. Car Parking Provision

No part of the development shall be occupied until all of the car parking spaces and access thereto shown on the approved plans of any subsequent reserved matters consent have been provided and made available for use. The car parking spaces shall be kept permanently available for parking and access purposes thereafter.

**Reason:** To ensure that adequate off-street parking and access thereto is provided and kept permanently available for use in the interests of highway safety and to protect the amenities of the neighbourhood.

32. Litter Management

Prior to the occupation of any of the A3 restaurant/drive-through units or A5 hot food takeaway units hereby permitted, a Litter Management Plan for the unit shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the Litter Management Plan shall be implemented as approved by the occupier of the unit.

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

33. Kitchen Ventilation

Prior to the occupation of any of the A3 restaurant/drive-through units or A5 hot food takeaway units hereby permitted, the kitchen ventilation system for the unit shall be installed in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The details shall include drawings of the location and design of the system, and information on how odour emissions shall be controlled, including abatement if necessary, and how the system shall be maintained to ensure it does not adversely affect the amenity of the surroundings.

**Reason:** In the interests of the amenity of the area, especially nearby residential uses.

***Post Occupancy***

34. Delivery Hours

There shall be no deliveries to the site nor loading or unloading of delivery vehicles between the hours of 11pm and 6am.

**Reason:** In the interests of the amenity of the neighbouring residential properties.

35. Noise Levels

Notwithstanding condition 26 above, total noise from the development hereby permitted shall not exceed a rating noise level of 5dB above background noise levels, measured in accordance with BS4142:2014. Compliance with this condition shall be assessed at 1 metre from the façade of residential receptors, or an alternative suitable proxy location as agreed in writing with the Local Planning Authority. This noise level shall be demonstrated to the Local Planning Authority by measurement and reported to the Local Planning Authority following the first occupation of all the units and maintained thereafter.

**Reason:** In the interests of the amenity of the neighbouring residential properties.

36. Restriction on D2 Use

The Class D2 floorspace hereby permitted shall be used as a gym and for no other purpose (including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

**Reason:** To control the use in the interests of the amenity of the area and development plan policies.

37. Restriction on Permitted Development

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking, re-enacting or modifying that Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:

- Part 3, Class A – restaurants, cafes, or takeaways to retail
- Part 3, Class B – takeaways to restaurants and cafes
- Part 3, Class C – retail, betting office or pay day loan shop or casino to restaurant or café
- Part 3, Class D – shops to financial and professional
- Part 3, Class E – financial and professional or betting office or pay day loan shop to shops
- Part 3, Class F – betting offices or pay day loan shops to financial and professional
- Part 3, Class G – retail or betting office or pay day loan shop to mixed use
- Part 3, Class J – retail or betting office or pay day loan shop to assembly and leisure
- Part 3, Class JA – retail, takeaway, betting office, pay day loan shop, and launderette uses to offices
- Part 3, Class M – retail, takeaways and specified sui generis uses to dwellinghouses

**Reason:** To control the uses on the site in the interests of the amenity of the area and development plan policies, including maintaining a mix of uses

to meet the aspiration of providing a local centre within the Monkerton/Hill Barton strategic allocation area in accordance with Policy CP19 of the Core Strategy, and ensuring acceptable access and traffic impacts in accordance with paragraph 108 of the NPPF.

**Retail Controls**

38. Quantum of Development

The overall floorspace to be comprised in the development hereby permitted, and the quanta per Use Class, shall not exceed the gross maxima set out in the Schedules below:

<b>Development Parameter</b>	<b>Quantum</b>
Maximum Floorspace (sq m GEA)	11,527
Maximum Floorspace (sq m GIA)	11,004

<b>Use Class</b>	<b>Maximum (sq m GIA)</b>
A1 (Shops)	8,659
A2 (Financial and professional services)	465
A3 (Restaurants and cafes, including drive-throughs)	1,021
A5 (Hot food takeaway)	116
D2 (Gym)	743

**Reason:** To define the terms of the permission.

39. Net Sales Area

The total net sales area of the retail (Class A1) floorspace hereby permitted shall not exceed 7,552 sq m, of which no more than 2,789 sq m and no less than 1,000 sq m shall be used for the sale of convenience goods (including post office goods).

**Reason:** To ensure that the trading impacts of the proposal are acceptable and that a foodstore is delivered as part of the development to meet the community needs of the locality.

40. A1 Block ('Block A')

The reserved matters to be submitted pursuant to this planning permission for the A1 retail block to the west of the site ('Block A') shown on drawing number 15049\_PL06 F ('Proposed Site Parameters Plan') shall comprise a maximum gross floor area of 7,897 sq m (including mezzanine floors) limited as follows:

- a) A maximum of four separate retail units;
- b) A unit with a maximum floor area of 4,275 sq m (GIA) and a maximum net sales area of 3,329 sq m; no more than 40% of the net sales area of this unit shall be used for the display and sale of clothing, footwear and/or clothing fashion goods; the remainder of the net sales area shall be used for the sale of home furnishings, furniture, kitchen and bathroom fittings, lighting, DIY and decorating products, electrical items, garden goods and any other goods which are ancillary and directly

related to the main goods permitted (the sales areas for such ancillary goods shall be no more than 5% of the total permitted net sales area);

- c) At least one unit of not less than 929 sq m (GIA) for predominantly convenience (food) retailing; up to 20% of the net sales area may be used for ancillary comparison goods sales;
- d) Additional units of not less than 929 sq m (GIA) of which one can be occupied by retailers whose operation is predominantly the sale of clothing, footwear and/or clothing fashion goods – no more than 60% of the net sales area of this unit shall be used for the display and sale of clothing, footwear and/or clothing fashion goods.

**Reason:** To ensure that the development reflects the complexion of the proposals upon which the application was assessed, to provide a mix of shops to meet the needs of the community and to respect the retail hierarchy of the city.

41. A1/A2/A5/D2 Block ('Block B')

The reserved matters to be submitted pursuant to this planning permission for the A1/A2/A5/D2 mixed use block to the north of the site ('Block B') shown on drawing number 15049\_PL06 F ('Proposed Site Parameters Plan') shall comprise a maximum gross floor area of 2,086 sq m (including mezzanine floors) limited as follows:

- a) A maximum of three separate A1 retail units of not less than 116 sq m (GIA) each, of which a maximum of one retail unit can be occupied by retailers whose operation is predominantly the sale of clothing, footwear and/or clothing fashion goods;
- b) At least one A2 unit;
- c) At least one A5 unit;
- d) At least one D2 (gym) unit.

**Reason:** To ensure that the development reflects the complexion of the proposals upon which the application was assessed, to provide a mix of uses to meet the needs of the community and to respect the retail hierarchy of the city.

42. A3 Uses

Uses within Class A3 (restaurants and cafes) shall be comprised in a maximum of three freestanding units as shown on drawing number 15049\_PL06 F ('Proposed Site Parameters Plan').

**Reason:** To ensure that the complexion of development is in accordance with the purposes prescribed in the application and to provide a mix of uses to meet the needs of the community.

43. Chemist

For a minimum period of 5 years following the date of its first opening, the development hereby authorised shall include provision of no less than 530 square metres (GIA) predominantly for the sale of chemist and related goods (with or without a pharmacy).

**Reason:** To ensure that the complexion of the development is in accordance with the purposes prescribed in the application and to provide a mix of shops to meet the needs of the community.

44. Prevention of Amalgamation or Sub-division of Units

Further to any approval of reserved matters pursuant to this planning permission, there shall be no subsequent amalgamation or sub-division of units without the prior approval in writing of the Local Planning Authority.

**Reason:** Any changes will require further consideration by the Local Planning Authority to ensure that the impacts are acceptable.

45. Dual Representation

Unless otherwise agreed in writing by the Local Planning Authority, none of the approved A1 retail floorspace shall be occupied by any retailer who at the date of occupation, or within a period of 12 months immediately prior to occupation, occupies A1 retail floorspace within the City Centre or any of the District or Local Centres as defined on the Exeter Local Plan First Review Proposals Map, or any subsequent development plan document defining the city, district and local centre hierarchy, unless a scheme which commits the retailer to retaining their presence as a retailer within that Centre, for a minimum period of 5 years following the date of their occupation of A1 retail floorspace within the development, or until such time as they cease to occupy A1 retail floorspace within the development, whichever is sooner, has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be carried out as approved.

**Reason:** To protect the vitality and viability of the centres in Exeter and ensure that the A1 retail floorspace serves the local community.

**Informative**

- (1) The developer is encouraged to provide bio-diversity enhancements including a “green wall”.

4 **PLANNING APPLICATION NO. 19//1168/FUL - LAND ADJACENT TO 2A  
NEWCOURT ROAD, TOPSHAM**

The Chair reported the deferral of this item to the next meeting of this Committee on 13 January 2020.

5 **PLANNING APPLICATION NO. 19/1215/FUL - HICKLING COTTAGE,  
TADDYFORDE ESTATE, EXETER**

Councillor Williams declared an interest and left the meeting during consideration of this item.

The Assistant Service Lead City Development presented the application for the change of use of ancillary residential accommodation outbuilding to new separate dwelling house.

Dr Judith Proud spoke against the application. She raised the following points:-

- representing residents living within the Taddyforde Estate Conservation Area;
- the building is inappropriate as it represents new build within the Estate which is already developed to capacity and the proposal is short on space internally and externally and not compliant with the Council’s adopted space standards, both internally and externally;
- legitimate planning process has not been followed as the intention was always to build a separate dwelling. Residents are concerned about the scale of the building compared with the small single garage and Hickling Cottage itself, the

- amenities of the building and the lack of windows overlooking the Cottage;
- the applicant has been resident in the building a fact which is being used, inappropriately to support the application; and
- the description of the proposal as ancillary residential accommodation outbuilding is misleading.

In response to a Member, she advised that there had been 13 objections to the proposal to use as a separate residence.

Gill Baker spoke in support of the application. She raised the following points:-

- the building already exists and is not a new build, it does not impact on the Conservation Area and previous applications are not relevant;
- proposal does not set a precedent for any future garden developments;
- proposal meets City Council criteria and no policy reasons for not allowing the development;
- provides a better mix of development in Taddyforde and allows the applicant to remain in this area as well as freeing up a large family home currently uninhabited to re-enter the market; and
- amenities conform to general standard of one bedroom properties.

She responded as follows to Members' queries:-

- a planning statement was produced which follows the Council's checklist;
- the internal measurement of 56 square metres accords with that for a one bedroom property even though this is a two storey building; and
- the application meets the standards for outside amenity space of 55/56 square metres. The garden also benefits from being north facing.

The Assistant Service Lead City Development advised that:-

- there had been two previous applications for an annexe and that this was the first application for a detached dwelling;
- the application met the nationally set space standards for a two storey dwelling; and
- although the external space did not quite meet the Council's guideline, the quality was of a high standard with adequate garden size for this type of dwelling and was an appropriate level of amenity.

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

The recommendation was moved and seconded.

**RESOLVED** that planning permission for the change of use of ancillary residential accommodation outbuilding to new separate dwelling house be **AGREED**, subject to the following conditions:-

- 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 and 92 of the Town and Country Planning Act 1990.
- 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 26 September 2019 (drawings nos. 05 and 06) as modified by other conditions of this consent.

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

### **Informatives**

- 1) In accordance with Paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.
- 2) In accordance with Chapters 1 and 2 of the Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA). Given the nature of the development, it has been concluded that an AA is required in relation to potential impact on the relevant Special Protection Area (SPA), the Exe Estuary, which is a designated European site. This AA has been carried out and concludes that the development is such that it could have an impact primarily associated with recreational activity of future occupants of the development. This impact will be mitigated in line with the South East Devon European Site Mitigation Strategy prepared by Footprint Ecology on behalf of East Devon and Teignbridge District Councils and Exeter City Council (with particular reference to Table 26), which is being funded through a proportion of the Community Infrastructure Levy (CIL) collected in respect of the development being allocated to fund the mitigation strategy. Or, if the development is not liable to pay CIL, to pay the appropriate habitats mitigation contribution through another mechanism (this is likely to be either an undertaking in accordance with s111 of the Local Government Act 1972 or a Unilateral Undertaking).

### 6 **LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS**

The report of the Service Lead City Development was submitted.

**RESOLVED** that the report be noted.

### 7 **APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

**RESOLVED** that the report be noted.

### 8 **SITE INSPECTION PARTY**

**RESOLVED** that the next Site Inspection Party will be held on Tuesday 28 January 2020 at 9.30 a.m. The Councillors attending will be Councillors Mitchell, Morse and Williams.

(The meeting commenced at 5.30 pm and closed at 7.09 pm)

Chair

## PLANNING COMMITTEE

Monday 13 January 2020

### Present:-

Councillor Lyons (Chair)

Councillors Williams, Bialyk, Branston, Foale, Ghusain, Harvey, Mrs Henson, Mitchell, M, Morse, Sheldon, Sutton and Sparkes

### Also Present

Director (BA), Service Lead City Development, Principal Project Manager (Development) (MD) and Democratic Services Officer

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### DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

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### PLANNING APPLICATION NO. 19/1100/RES - PINHOE QUARRY, HARRINGTON LANE, EXETER

The Principal Project Manager (Development) (MD) presented the application for the approval of reserved matters of appearance, landscaping, layout and scale relating to the residential development comprising 380 dwellings, flexible retail and community space and the associated infrastructure, garaging, parking, landscaped open space, equipped children's play and public realm. (Pursuant to planning permission reference 10/2088/OUT granted on 6th February 2012).

The Principal Project Manager (Development) (MD) reported the following late representations:-

- following discussions with the County Council as the Lead Local Flood Authority the County Council required an increase in the size of sewer drainage pipes which would need a separate discharge of condition application under the outline consent; and
- request from the applicant for an additional condition to detail boundary treatment.

Russell Smith spoke in support of the application. He raised the following points:-

- planning agent on behalf of Galliford Try Partnership and Waltco Properties Ltd.;
- applicant has increased the number of affordable housing units;
- presentations on the scheme were made to two meetings of the Planning Member Working Group and to the Design Review Panel, the latter commenting on the high standard of design; and
- surface water drainage ponds will have very shallow sides to secure safety of children and the suggested fencing of the ponds will be addressed as part of the discussions on the boundary treatment.

He responded as follows to Members' queries:-

- on street parking will assist in respect of visits to the shop;

- cycle parking incorporated into individual dwellings together with communal cycle parking for apartments;
- high quality passivhaus design; and
- road network designed to accommodate an extension of the bus service through the estate.

A Member thanked Galliford Try Partnership and Waltco Properties Ltd. for their engagement with the Pinhoe Village Action Group.

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

The recommendation was moved and seconded.

**RESOLVED** that, subject to the completion of a satisfactory legal agreement securing the Habitats Mitigation contribution, planning permission for the approval of reserved matters of appearance, landscaping, layout and scale relating to the residential development comprising 380 dwellings, flexible retail and community space and the associated infrastructure, garaging, parking, landscaped open space, equipped children's play and public realm. (Pursuant to planning permission reference 10/2088/OUT granted on 6th February 2012) be **APPROVED**, subject also to the following conditions:-

- 1) All conditions imposed on notice of outline approval ref 10/2088/01 are hereby reiterated in as much as they relate to the development and have yet to be discharged in writing by the Local Planning Authority.  
**Reason:** To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 13th August and 24th November 2019, and the specific drawings referred to on the Clifton Emery Design Register of Drawings ref 170304 S 04 L and Hydrock Document Issue Record ref C-07799 A (both of which were received on the 20th December 2019) as modified by other conditions of this consent. Notwithstanding the above, the following drawings are not approved:  
Proposed Drainage Layout (C-07799-C020P03)  
Exceedance Flood Route Layout (C-07799-C021P03)  
**Reason:** In order to ensure compliance with the approved drawings and taking into account the advice of Devon County Council as Lead Local Flood Authority.
- 3) No individual dwelling hereby approved shall be occupied until it has been provided with cycle parking/storage facilities in accordance with details which shall previously have been submitted to and approved in writing by, the Local Planning Authority.  
**Reason:** To ensure adequate facilities are provided in the interests of encouraging the use of sustainable modes of transport by residents of the development.
- 4) Prior to the construction of any culvert or footway/cycleway that runs over or adjacent to the water course, a detailed Approval In Principle for the culvert or footway/cycleway shall be submitted and approved in writing by the Local Highway Authority (Devon County Council).  
**Reason:** To ensure the integrity of adjacent structures and land.

- 5) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, and any Order revoking and re-enacting that Order with or without modification, no development of the types described in the following Classes of Schedule 2 shall be undertaken on any dwelling within the development without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:-  
 Part 1, Class A extensions and alterations  
 Part 1, Classes B and C roof addition or alteration  
 Part 1, Class E swimming pools and buildings incidental to the enjoyment of the dwelling house  
 Part 1 Class F hard surfaces  
**Reason:** In order to protect residential and visual amenity and to prevent overdevelopment.
- 6) Notwithstanding the fact that condition 20 of outline permission ref 10/2088/01, relating to the submission of a Construction Environmental Management Plan (CEMP), was discharged by virtue of application no. 13/3923/32 the approved CEMP only related to the Quarry re-profiling works and not the subsequent residential development. Consequently, prior to the commencement of the residential development works comprised in this application a further CEMP relating specifically to those works shall be submitted to, and be approved in writing by, the Local Planning Authority. Thereafter the development shall be carried in accordance with the approved details.  
**Reason** - In the interests of local amenity.
- 7) No site machinery or plant shall be operated, no process shall be carried out and no demolition or construction related deliveries received or dispatched from the site except between the hours of 8am to 6pm Monday to Friday, 8am to 1pm Saturday and at no time on Sundays, Bank or Public Holidays.  
**Reason:** To protect the amenity of the locality, especially for people living and/or working nearby.

11 **PLANNING APPLICATION NO. 19/1406/FUL - LAND WEST OF RINGSWELL AVENUE, EXETER**

The Principal Project Manager (Development) (MD) presented the application for the construction of 60 dwellings (Use Class C3), means of access, public open space and associated infrastructure.

The Principal Project Manager (Development) highlighted the changes to the previous scheme with the removal of a through route to create two cul-de-sacs and an additional access, thereby reducing the number of properties accessing onto Ringswell Avenue.

Alex Graves spoke in support of the application. He raised the following points:-

- LiveWest, a Registered Provider of affordable homes, had a strong commitment to Exeter and provided a range of homes and re-invested profits to ensure they can continue building affordable homes. The brownfield site would deliver 60 homes, all of which would be affordable;
- this site benefited from permission for 48 dwellings, all of which were to be accessed from Ringswell Avenue. This access was of local concern at the time

of the previous application and a second point of access had been provided to reduce the dependency on Ringswell Avenue together with a central pedestrian/cycle zone. As a result there were no neighbour objections;

- a range of one to four bed homes were proposed, including a wheelchair accessible home. The design incorporated high quality materials with key design features. LiveWest had been mindful to consider neighbours, the Council's Design Guide and National Space standards. Landscaping and ecology had been incorporated with three high quality areas of public open space provided. Generous parking is provided, and visitor spaces will ease congestion. The site will provide increased permeability for cycling and walking in the area, creating links to Honiton Road. The Highway Authority has no objection to the proposal; and
- a high-quality proposal will deliver significant benefits including making best use of brownfield land; providing affordable homes and public open space for the wider community and facilitating pedestrian/cycle links to Ribston Avenue and Warwick Road.

He responded as follows to Members' queries:-

- there had been a reduction in the number of four bed houses from the original scheme which meant that more units can now be provided;
- engineering assessments had shown that the turning heads were sufficient to enable vehicles to reverse out of the cul-de-sacs and that generous off street parking places was proposed together with bays on the carriageways;
- the number of properties accessing onto Ringswell Avenue had been reduced from 48 to 29;
- street lighting would be provided within the development and discussions were being held with the County Council in respect of a financial contribution towards the provision of lighting along the proposed footway leading to Warwick Road; and
- the two electric car charging points would not be located within the seven visitor spaces

During discussion the following points were raised:-

- importance of providing additional external lighting;
- concern that the visitor parking spaces could be used by residents themselves;
- additional number of smaller properties welcomed; and
- concern regarding the use of Lower Hill Barton Road by construction vehicles.

In respect of the latter point, Members were advised of a condition requiring a Construction Environmental Management Plan and that ward Members would be consulted on the detail of the plan.

The recommendation was for approval, subject to the conditions as set out in the report and an additional external lighting condition.

The recommendation was moved and seconded.

**RESOLVED** that, subject to the completion of a Section 106 Agreement Under the Town and Country Planning Act 1990, securing the following:-

- affordable housing provision;
- open space - provision/maintenance;
- contribution to footpath connection to Warwick Road (£20,624);

- a Traffic Regulation Order contribution relating to an extension of existing 20mph zone into development site;
- Education contribution (£56,266) and
- Travel Plan contribution (£500/dwelling).

planning permission for the construction of 60 dwellings (Use Class C3), means of access, public open space and associated infrastructure be **APPROVED**, subject to the following conditions:-

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.  
**Reason:** To ensure compliance with sections 91 and 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 9<sup>th</sup> October, 9<sup>th</sup> December and 17<sup>th</sup> December 2019 (including dwg. nos. P1823:01, P1823:02 Rev A, P1823:05, P1823:06, P1823:07, 0588-SBL-AM Version 1.0, P1823:09 Rev A, P1823:10 Rev A, P1823:11 Rev A, P1823:12, P1823:prelim, P1823:20, P1823:21, P1823:22, P1823:23, P1823:24, P1823:25, P1823:26, P1823:27, P1823:28, P1823:29, P1823:30; P1823:31, P1823:32, P1823:33, P1823:34 Rev A, P1823:35, P1823:36, P1823:37, P1823:38, P1823:39, P1823:40, P1823:41, P1823:42 Rev A, P1823:43, P1823:44, P1823:45, P1823:46, P1823:47, P1823:48, P1823:49, P1823:50, P1823:51, P1823:52, P1823:53, P1823:54, P1823:55, P1823:56, P1823:57, P1823:58, P1823:59, P1823:60, P1823:61, P1823:62 Rev A, P1823:63, P1823:64, P1823:65, P1823:66, P1823:67, P1823:68, P1823:69, P1823:70, P1823:71, P1823:72, P1823:73, P1823:74, P1823:75, 643/01, 643/02, 643/03, C-07226-C003 Rev E, C-07226-C002 Rev E and C-07226-C005 Rev D) as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 3) No development above slab level shall take place until a schedule of materials to be used in the construction of the external doors & walls, roofs and windows has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.  
**Reason** - In the interests of the visual amenities of the area.
- 4) The development hereby approved shall be carried out in strict accordance with the findings and mitigation measures identified in the Ecological Appraisal by Green Ecology dated September 2019 document ref 0588-EcIA-DM except as modified by drawing no. 0588-SBL-AM Version 1.0 and agent email dated 17<sup>th</sup> December 2019 in respect of the location, number and type of swift bricks to be incorporated within the development. Any licences required from Natural England in respect of the mitigation measures set out in the Ecological Appraisal shall be obtained prior to the commencement of the development.  
**Reason** - To ensure that the development is implemented in a manner that minimises the direct ecological impact of the construction of the development and incorporates features that contribute to ecological enhancement of the site post development.
- 5) The landscaping scheme comprised in red bay design landscape

consultants drawing nos. 643/01, 643/02 and 643/03 shall be fully implemented in accordance with a timetable that shall be submitted to and approved in writing by the Local Planning Authority within 1 month of the commencement of the development.

**Reason** - To ensure that the landscaping of the development is carried out in an appropriate manner in the interests of the character and appearance of area and the ecological enhancement of the site.

- 6) In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to become established and to prosper for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced with such live specimens of such species of such size and in such number as may be approved by the Local Planning Authority.  
**Reason** - To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 7) Pre-commencement condition: 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 the recommendations contained in the Arboricultural Impact Assessment Report by Aspect Tree Consultancy document ref 04921 AIA 20.08.2019 and Aspect Tree Consultancy drawing no 04921 TPP Rev B 2019. 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** for pre-commencement condition - To ensure the protection of the trees during the carrying out of the development. This information is required before development commences to protect trees during all stages of the construction process.
- 8) Pre commencement condition: 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** for pre-commencement condition: In the interests of the amenity of the occupants of the buildings hereby approved. This information is required before development commences to ensure that any remedial works are properly considered and addressed at the appropriate stage.
- 9) Pre-commencement condition: A Construction Environmental Management Plan 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 and traffic routing, 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. Explicitly there shall be no use of Ringswell Avenue by any vehicular traffic associated with the construction of the development, including that related to construction workers employed on the site.

**Reason** for pre-commencement condition: In the interest of the environment of the site and surrounding areas and to minimise impact of the development on highway safety in Ringswell Avenue. This information is required before development commences to ensure that the impacts of the development works are properly considered and addressed at the earliest possible stage.

- 10) No development above slab level shall take place until the applicant has submitted a SAP calculation which demonstrates that a 19% reduction in CO2 emissions over that necessary to meet the requirements of the 2013 Building Regulations can be achieved. The measures necessary to achieve this CO2 saving shall thereafter be implemented on site and within 3 months of practical completion of any dwelling the developer will submit a report to the LPA from a suitably qualified consultant to demonstrate compliance with this condition.

**Reason** - In the interests of sustainable development and to ensure that the development accords with Core Strategy Policy CP15.

- 11) No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Proposed Residential Flood Risk Assessment Report (Report Ref. RIN-HYD-PH1-XX-RP-D-5001, Rev. P3, dated 24th September 2019). No part of the development shall be occupied until the surface water management scheme serving that part of the development has been provided in accordance with the approved details and the drainage infrastructure shall be retained and maintained for the life time of the development.

**Reason** for being a pre-commencement condition: A plan needs to be demonstrated prior to the commencement of any works to ensure that surface water can be managed suitably without increasing flood risk downstream, negatively affecting water quality downstream or negatively impacting on surrounding areas and infrastructure.

- 12) No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

**Reason** for being a pre-commencement condition: A plan needs to be demonstrated prior to the commencement of any works to ensure that

surface water can be managed suitably without increasing flood risk downstream, negatively affecting water quality downstream or negatively impacting on surrounding areas and infrastructure.

- 13) No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.  
**Reason** for being a pre-commencement condition: To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development. These details need to be submitted prior to commencement of any works to ensure that suitable plans are in place for the maintenance of the permanent surface water drainage management plan, for the reason above.
- 14) No part of the development hereby approved shall be brought into its intended use until details of the extension of the shared use path on Ringswell Avenue fronting the development site have been approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to the occupation of any individual dwelling.  
**Reason:** To ensure that a safe and suitable access to the site is provided for all users, in accordance with Paragraphs 108/110 of the NPPF.
- 15) Prior to continuation of construction work above DPC level of any dwelling comprised in the development hereby approved a scheme of provision of electric car charging points within the development shall be submitted to and be approved in writing by the Local Planning Authority. Thereafter the development shall be completed in accordance with the approved details.  
**Reason** - To promote and facilitate the use of sustainable modes of transport and thereby minimise potential air pollution associated with the use of private motor vehicles by future occupants of the development.
- 16) No site machinery or plant shall be operated, no process shall be carried out and no demolition or construction related deliveries received or dispatched from the site except between the hours of 8am to 6pm Monday to Friday, 8am to 1pm Saturday and at no time on Sundays, Bank or Public Holidays.  
**Reason:** To protect the amenity of the locality, especially for people living and/or working nearby.

In the event that the Section 106 agreement is not completed within six months of the date of this committee meeting, authority be delegated to the Service Lead City Development to **REFUSE** permission for the reason that inadequate provision has been made for the matters which were intended to be dealt with in the Section 106 agreement.

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**PLANNING APPLICATION NO. 19/1168/FUL - LAND ADJACENT TO 2A  
NEWCOURT ROAD, TOPSHAM**

The Service Lead City Development presented the application for a single storey dwelling.

The Service Lead City Development reported the following:-

- change to previous schemes that had been refused on grounds of inappropriate design with a large flat roof and a large amenity space at the front of the property;
- revisions including pitched roof and changes to the amenity space

David Williams spoke against the application. He raised the following points:-

- 10 applications to date had been refused on valid grounds;
- the amenity space, cannot be regarded as being of good quality as the patio area to the rear of the proposed dwelling is heavily shaded to the south and does not therefore meet the Policy DG4 allowance that smaller houses may have reduced amenity areas if they are sunny south facing gardens;
- the rear garden is below the minimum requirement for private amenity space;
- the plot is completely overlooked by 2A as it was formally the front garden of that property;
- the view lines shown on the plan are inaccurate and the actual view line needs to bisect the southern boundary at the corner of the outbuilding of No.2. By adding the correct view line it goes through the proposed house thus restricting the view of 2A from the bottom of Newcourt Road; and
- the latest application by moving to a pitched roof from the previous flat roof design will exacerbate the impact of the aforementioned view.

The Chair reported a statement from the applicant, Richard Carr, who had been unable to attend to speak at the meeting.

- sale of land in 2006 by the then owners of 2A Newcourt Road was with the expectation that a dwelling would be built at some time;
- the Inspector's report concluded that a modest sized bungalow within the location was potentially acceptable;
- a traditional design is proposed with a pitched roof and local materials of natural slate, render and brickwork;
- the private outside amenity space meets the requirement of the planning department;
- the access provides good visibility up and down Newcourt Road and no concerns have been raised by the Highways Engineer;
- the building has been designed to retain the view from the front elevation of No 2A as seen when coming up Newcourt Road and also prevents overlooking; and
- the land is an ideal site for an infill development and improves an untidy waste land.

During discussion the following points were raised:-

- concerns regarding the size of the amenity space and whether the times of construction could be changed because of the narrowness of Newcourt Road and use by schoolchildren; and
- plot size would be suitable for a single person or small family for which there was likely to be a market.

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

The recommendation was moved and seconded.

**RESOLVED** that planning permission for a single storey dwelling be **APPROVED**

subject to the following conditions:-

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.  
**Reason:** To ensure compliance with sections 91 and 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 23 June 2019 (including dwg. nos. MW2-03 Rev 1 01; MW-04 Rev A) as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 3) Pre-Commencement Condition: No development (including ground works) or vegetation clearance works shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The Statement shall provide for:
  - a) The site access point(s) of all vehicles to the site during the construction phase;
  - b) The parking of vehicles of site operatives and visitors;
  - c) The areas for loading and unloading plant and materials;
  - d) Storage areas of plant and materials used in constructing the development;
  - e) The erection and maintenance of securing hoarding, if appropriate;
  - f) Wheel washing facilities;
  - g) Measures to control the emission of dust/dirt during construction;
  - h) No burning on site during construction or site preparation works;
  - i) Measures to minimise noise nuisance to neighbours from plant and machinery;
  - j) Construction working hours and deliveries from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays; and
  - k) No driven piling without prior consent from the Local Planning Authority.

The approved Statement shall be strictly adhered to throughout the construction period of the development.

**Reason** for pre-commencement condition: In the interest of the environment of the site and surrounding areas and to ensure the construction phase is managed in a way that reduces any harmful impacts on the locality.

- 4) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, and any Order revoking and re-enacting that Order with or without modification, no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority  
**Reason:** In order to protect residential amenity and to prevent overdevelopment.

Informatives

- 1) The applicant should be aware that this development is within a Smoke Control Area, which places controls on the emissions of

smoke from domestic fires and solid fuel boilers. Advice on controlling the emissions from and health impacts of wood burning is available from [https://uk-air.defra.gov.uk/assets/documents/reports/cat09/1901291307\\_Read\\_y\\_to\\_Burn\\_Web.pdf](https://uk-air.defra.gov.uk/assets/documents/reports/cat09/1901291307_Read_y_to_Burn_Web.pdf). It is recommended that all new stoves meet the EcoDesign Ready standard.

In addition, careful design of the flue may be required in order to prevent the appliance causing a nuisance by fume or odours. For further advice, please contact the Environmental Protection Unit on 01392 265148.

- 2) In accordance with Paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.
- 3) In accordance with Chapters 1 and 2 of the Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA). Given the nature of the development, it has been concluded that an AA is required in relation to potential impact on the relevant Special Protection Areas (SPA), the Exe Estuary and East Devon Pebblebed Heaths, which are designated European sites. This AA has been carried out and concludes that the development is such that it could have an impact primarily associated with recreational activity of future occupants of the development. This impact will be mitigated in line with the South East Devon European Site Mitigation Strategy prepared by Footprint Ecology on behalf of East Devon and Teignbridge District Councils and Exeter City Council (with particular reference to Table 26), which is being funded through a proportion of the Community Infrastructure Levy (CIL) collected in respect of the development being allocated to fund the mitigation strategy. Or, if the development is not liable to pay CIL, to pay the appropriate habitats mitigation contribution through another mechanism (this is likely to be either an undertaking in accordance with s111 of the Local Government Act 1972 or a Unilateral Undertaking).
- 4) The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following commencement of development. Accordingly your attention is drawn to the need to complete and submit an 'Assumption of Liability' notice to the Local Planning Authority as soon as possible. A copy is available on the Exeter City Council website. It is also drawn to your attention that where a chargeable development is commenced before the Local Authority has received a valid commencement notice (ie where pre-commencement conditions have not been discharged) the Local Authority may impose a surcharge, and the ability to claim any form of relief from the payment of the Levy will be foregone. You must apply for any relief and receive confirmation from the Council before commencing development. For further information please see [www.exeter.gov.uk/cil](http://www.exeter.gov.uk/cil).

**PLANNING APPLICATION NO. 18/0878/FUL - LAND BETWEEN 106 HAMLIN GARDENS AND 65 CARLYON GARDENS, EXETER**

The Service Lead City Development presented the application for the construction of a new apartment building (21 apartments) and associated landscaping, changes to highways and parking.

The Principal Project Manager (Development) reported that the Planning Committee had originally approved the application subject to the completion of a Section 106 Agreement under the Town and Country Planning Act 1990 to secure the affordable housing but that it was necessary to bring the matter back to Planning Committee to change the resolution to provide for the provision of affordable housing to be dealt with by way of a condition instead given that it was a Council own build project. The details of the scheme remained unchanged.

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

The recommendation was moved and seconded.

**RESOLVED** that planning permission for the construction of new apartment building (21 apartments) and associated landscaping, changes to highways and parking be **APPROVED**, subject to the following conditions:-

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.  
**Reason:** To ensure compliance with sections 91 and 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 6th June, 9th August and 17th December 2018 (including dwg. nos. E1206-GSA-HG-DRG, E1206-GSA-HG-DRG-A-300 Rev C3, LL(0)HG400 Rev PT-07, E1206-GSA-HG-DR-A-1101 Rev C3, E1206-GSA-HG-DR-A-1102 Rev C3, E1206-GSA-HG-DR-A-1103 Rev C3, E1206-GSA-HG-DR-A-1104 Rev C3, E1206-GSA-HG-DRG-A-1201 Rev C3, E1206-GSA-HG-DRG-A-1202 Rev C3, E1206-GSA-HG-DRG-A-1210 Rev C1 and E1206-GSA-HG-DRG-A-1211 Rev C1) as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 3) Pre-commencement condition: A Construction Environmental Management Plan 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 and traffic routing, 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** for pre-commencement condition: In the interest of the

environment of the site and surrounding areas. This information is required before development commences to ensure that the impacts of the development works are properly considered and addressed at the earliest possible stage.

- 4) Pre-commencement Condition: No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.  
**Reason** for pre-commencement condition: A plan needs to be demonstrated prior to the commencement of any works to ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.
- 5) Pre-commencement condition: - No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Hydrograph Storage Analysis (Winter Profile) at 2.5 l/s, HR Wallingford Greenfield Runoff Based On 0.165 ha and Drainage Layout 170501/AR/110 dated 28.08.2018.  
**Reason** for pre-commencement condition: A detailed permanent surface water drainage management plan is required prior to commencement of any works to demonstrate that the plan fits within the site layout, manages surface water safely and does not increase flood risk downstream, and to ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.
- 6) 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.
- 7) In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to become established and to prosper for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced with such live specimens of such species of such size and in such number as may be approved by the Local Planning Authority.  
**Reason:** To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 8) No part of the development hereby approved shall be brought into its

intended use until the on-site parking facilities and access thereto, have been provided in accordance with the requirements of this permission. Thereafter the said facilities shall be retained for those purposes at all times.

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

- 9) Prior to occupation of the development hereby permitted, secure cycle parking shall be provided as shown on drawing no E1206-GSA-HG-DR-A-1101 Rev C3, and the cycle parking shall be maintained at all times thereafter.  
**Reason:** To ensure that cycle parking is provided, to encourage travel by sustainable means in accordance with Local Plan policy T3.
- 10) The development shall be implemented in accordance with the approved remediation scheme (from South West Geotechnical Ltd Report No. 8851C, August 2018 Version 4) unless otherwise agreed in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An updated investigation and risk assessment must be undertaken, and where remediation is necessary an updated remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority.  
**Reason:** No site investigation can completely characterise a site. This condition is required to ensure that any unexpected contamination that is uncovered during remediation or other site works is dealt with appropriately.
- 11) No site machinery or plant shall be operated, no process shall be carried out and no demolition or construction related deliveries received or dispatched from the site except between the hours of 8am to 6pm Monday to Friday, 8am to 1pm Saturday and at no time on Sundays, Bank or Public Holidays.  
**Reason:** To protect the amenity of the locality, especially for people living and/or working nearby.
- 12) The development hereby approved shall be implemented in strict accordance with the assessment, recommendations and mitigation measures as set out in Section 4 of the Preliminary Ecological Appraisal prepared by Richard Green Ecology (version 1.0 dated May 2017) and submitted in support of the application.  
**Reason** - To ensure that the development is carried out in a way that minimises the ecological impact and enhances the biodiversity interest of the site.
- 13) The development hereby approved shall be implemented in accordance with the provisions and recommendations contained within the submitted Framework Travel Plan dated May 2018 prepared by Trace Design Consultants Ltd (Project Ref 4291).  
**Reason** - To encourage the adoption of sustainable modes of transport and

minimise reliance on private motor vehicles.

- 14) The development shall not begin until a scheme for the provision of affordable housing (as defined in Annex 2 National Planning Policy Framework) as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided and retained in accordance with the approved scheme. The scheme shall include:
- i) the numbers, type, tenure and location on the site of the affordable housing provision to be provided;
  - ii) the timing of the construction of the affordable housing;
  - iii) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
  - iv) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing, and the means by which such occupancy criteria shall be enforced.

**Reason** – To ensure that the scheme provides appropriate affordable housing in accordance with Policy CP7 of the Council's Adopted Core Strategy.

14

#### **SITE INSPECTION PARTY**

**RESOLVED** that the next Site Inspection Party will be held on Tuesday at 9.30 a.m. The Councillors attending will be Mitchell, Morse and Williams.

(The meeting commenced at 5.30 pm and closed at 7.07 pm)

Chair

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## PLANNING COMMITTEE

Monday 10 February 2020

### Present:-

Councillor Lyons (Chair)

Councillors Williams, Bialyk, Branston, Foale, Ghusain, Harvey, Mrs Henson, Mitchell, M, Morse, Sheldon and Sutton

### Also Present

Chief Executive & Growth Director, Director (BA), Principal Project Manager (Development) (PJ), Principal Project Manager (Development) (HS), Highways Development Management Officer and Democratic Services Officer (Committees)

### 15 MINUTES

The minutes of the meetings held on 6 and 13 January 2020 were taken as read, approved and signed by the Chair as correct.

### 16 DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

### 17 PLANNING APPLICATION NO. 19/0733/FUL - 7-9 AND 10 BLACKBOY ROAD, EXETER

The Principal Project Manager (Development) (PJ) presented the application for the retention of the Sorry Head public house and demolition of the vehicular servicing centre and re-development with a three/four storey building comprising of a ground floor retail unit (Class A1), purpose built student accommodation development (72 bedspaces) above, one warden's flat and associated private amenity space, secure cycle storage and landscaping.

The Principal Project Manager (Development) stated that several revisions had been made to the proposal including a reduction in height and the setting back of the development into the site. It was considered to be acceptable in the setting of the Belmont Conservation Area with the retention of the frontage of the Sorry Head also making a positive contribution. The appropriate use of render and brick would be addressed within the conditions.

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

- local residents accept the need to re-develop the site but disappointed that it is identified for student housing rather than affordable accommodation to help contribute to the character of the area;
- the development will have an adverse impact on existing heritage assets including the Sorry Head, the Moose Hall and the neighbourhood has particular sensitivities because of the 15<sup>th</sup> Century St Anne's Chapel as there will be an impact on the view of this building;
- the development is detrimental to local residents' amenity, outlook, light and quality of life;
- roof design is incongruous to existing buildings in the area;
- removal of parking bays to enable dropping off and picking up of occupants

will result in an increase in on-street parking in the area particularly as some students may still bring cars;

- development will contribute to the over saturation of student accommodation/houses in multiple occupation in the area and tip the balance in respect of late night noise etc. already experienced;
- fire safety is a concern and a report from the Devon and Somerset Fire and Rescue Authority is necessary;
- the proposal is an overdevelopment of the site and shadow analysis has confirmed the adverse light impact on properties and gardens resulting in the loss of outlook for neighbours. This, in turn, will impact on the health and wellbeing of residents;
- a gap of 17 metres from the rear of the development to some neighbouring properties falls short of the 22 metres standard; and
- it is a regressive and anachronistic proposal which does not reflect the ambitions of the City Council's Liveable Exeter Garden Vision and should be rejected on grounds of design, scale, height and impact on residents and their quality of life

Mr Summers spoke against the application. Referring to a series of sectional drawings and photographs of his garden and the surrounding area he raised the following points:-

- the four-storey block replaces a much lower building on the site impacting on the amenity of 116 Old Tiverton Rd. The proposed new building is very tall and close and will have a detrimental effect on the outlook from the back;
- the new building will significantly interfere with sunlight and daylight as evidenced by a shadow analysis. This analysis differs from that of the architect as it used British Standard Time not Greenwich Mean Time; and
- the proposed development does not allow residents to enjoy good quality outlook because the existing properties are entirely dominated by the proposed building.

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

- one Member was supportive of the design;
- other Members, with one suggesting that the location could possibly be acceptable for student accommodation, were opposed to the appearance, scale and massing, considering the building to be overbearing and having an oppressive impact on neighbours including their back gardens;
- the scale and massing to the rear rather than the front was of concern;
- a report from the Fire Safety Officer was sought; and
- some concern was raised in respect of the frontage elevational treatment.

**RESOLVED** that the application for the retention of the Sorry Head public house and demolition of the vehicular servicing centre and re-development with a four storey building comprising of a ground floor retail unit (Class A1), purpose built student accommodation development (72 bedspaces) above, one warden's flat and associated private amenity space, secure cycle storage and landscaping. be **DEFERRED** for the following issues to be addressed:-

- impact of the development on the street scene;
- loss of light and outlook to neighbouring properties;
- revisions to rear elevation and rear amenity space;

- provision of secure cycle parking; and
- to seek the views of the Devon and Somerset Fire and Rescue Authority.

18

**PLANNING APPLICATION NO. 19/0962/FUL - LAND OFF PULLING ROAD, PINHOE, EXETER**

The Principal Project Manager (Development) (PJ) presented the application for residential development for 40 dwellings with associated access, landscaping, open space and infrastructure.

The Principal Project Manager (Development) reported that:-

- the applicants were promoting zero carbon housing for the whole scheme, a consequence being an increase in the building cost per dwelling (estimated at approximately £27,700);
- the applicants had offered a provision of only 15% affordable housing whilst the policy required a 35% provision, that is, an offer of six affordable housing out of a total of 40. They had submitted a viability report stating that the combination of zero carbon dwellings and highway and educational contributions had resulted in the policy compliant level of 35% provision being unachievable. This conclusion of the viability assessment had been accepted by the Council's independent viability assessor as an acceptable compromise; and
- a request could be made for the provision of a footpath to the boundary but there was no guarantee that this would be continued should the adjacent site be developed.

Responding to a Member's query, the Highways Development Management Officer advised that a Pinhoe Area Access Strategy had been produced identifying mitigation measures across the highways network in this area including the E4 Cycle route, improvements to the pedestrian network and enhanced bus provision together with the proposed Langaton Lane Link Road.

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

- object to yet a further development in an area where there has been a significant number of other developments impacting adversely on the green belt land and wildlife corridor;
- major increase in population causing additional sewage, drainage, light pollution and impact on ground stability;
- Pinhoe suffers from severe traffic congestion particularly around commuter and school traffic periods and the present road infrastructure is inadequate to cope with further developments;
- the road is too narrow and additional properties will lead to highway safety issues;
- noise will be generated from the heat pumps; and
- detrimental impact on residential amenities, schools, medical surgery etc.

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

- Verto has operated for 10 years and its key goal is to change the way people live and to provide a radical change in the South West housing market;
- wishes to encourage a carbon zero lifestyle and use of clean renewable energy away from fossil fuel, CO<sub>2</sub>, gas burners and wood burners; and

- reflects the City Council goal of becoming carbon neutral by 2030.

He responded as follows to Members' queries:-

- can look to reduce car parking provision to help development proceed but acknowledge that a car free offer can hinder sales;
- at previous schemes a slight premium has been added because of the sustainable nature of the properties and as a response to demand;
- heat pumps will not be noisy and will not be audible outside properties;
- will seek to add two electric car charging points in each household port; and
- would be open to the suggestion to review affordable housing provision.

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

Members expressed the following views:-

- disappointment that affordable housing provision was less than the City Council policy compliant level of 35%;
- the balance between the construction of zero carbon dwellings and affordable housing provision should be revisited;
- cumulative impact of developments in Pinhoe as well as East Devon is detrimental to the highway network and leading to increased congestion. A car free development would therefore be preferable; and
- further consideration should be given to both increasing the affordable housing provision and reducing car parking spaces.

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

**RESOLVED** that the application for residential development for 40 dwellings with associated access, landscaping, open space and infrastructure be **DEFERRED** for the applicant to respond to the requirements for increased provision of affordable housing and reduced car parking provision.

19

**PLANNING APPLICATION NO. 19/1460/OUT - LAND OFF PENNSYLVANIA ROAD, EXETER**

The Principal Project Manager (Development) (PJ) presented the application for outline application for residential development for up to 26 dwellings with all matters reserved except access.

The Principal Project Manager (Development) reported the receipt of further representations from the applicant's agents objecting to the reasons in the report for refusing the application and requesting the deferral of the application. He advised that the report's recommendation that the site for housing would have a detrimental impact on the character and appearance of the area identified as important for landscape setting remained and that the protection of the landscape outweighed the need for housing. The request for deferral therefore was not warranted.

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

- the safety of local residents will be compromised as an additional development will increase the dangerous traffic conditions along

Pennsylvania Road which lacks footpaths on both sides. Motorists often miss the speed limit sign which is located outside the built up area. There are a number of incidents where debris has been collected resulting from accidents and there has been one fatality;

- the road is not safe for pedestrian and cyclists and there is a long walk to the nearest bus stop in Stoke Valley Road;
- the site is close to two stables and the safety and health of horses may be compromised;
- adverse impact on bio-diversity of the area;
- an additional settlement will adversely affect water supply in the area as well as causing additional flooding during periods of high run off; and
- there will be an adverse impact on the landscape setting and character of the green hills.

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

**RESOLVED** that outline planning permission for residential development for up to 26 dwellings with all matters reserved except access be **REFUSED** for the following reasons:-

1. The development is contrary to Policy LS1 of the Exeter Local Plan First Review and Policy CP16 of the Exeter Core Strategy. The development would result in harm to the character and local distinctiveness of this rural area evidenced in the Exeter Landscape Sensitivity and Capacity Study and the Devon Landscape Character Area Assessment by reason of it contributing to the urbanisation of the area and detracting from the rural green hillside setting.
2. The development is contrary to Policies LS1 & LS4 of the Exeter Local Plan First Review and CP16 of the Exeter Core Strategy. The creation of vehicular access for the site to the serve the residential units in this location would result in the loss of a substantial section of hedge bank fronting onto Pennsylvania Road detrimental to the visual landscape character and appearance of the area and harmful to the biodiversity of the area located with a site of local interest for nature conservation.
3. In the absence of sufficient highway information, particularly in respect of a Road Safety Audit regarding pedestrian access to and from the site, the Local Planning Authority as advised by the Local Highway Authority is unable to confirm that the scheme meets necessary highway safety standards onto the existing highway network and therefore is contrary to Policy DG1 of the Exeter Local Plan First Review and Policy CP9 of the Exeter Core Strategy.

20

**PLANNING APPLICATION NO. 19/1621/FUL - WHIPTON BARTON HOUSE,  
VAUGHAN ROAD, EXETER**

The Principal Project Manager (Development) (HS) presented the application for demolition of existing buildings and construction of 92 apartments, access and parking, landscaping and associated infrastructure/highways works.

The Principal Project Manager (Development) reported:-

- the comments of the Police Architectural Liaison Officer on additional design issues;
- an updated condition two;

- objections in respect of tree planting;
- the use of Passivhaus construction techniques throughout;
- car parking limited to 46 spaces including five disabled spaces and five for electric car club cars on Vaughan Road and Hill Lane. Five hire bikes would be provided together with 118 cycle parking spaces. Charging points would be installed for electric vehicles. There would be eight units of a wheelchair accessible design and eight scooter charging points;
- in respect of affordable housing, a viability assessment had been carried out by Plymouth City Council which advised that the return would be less than that expected by a commercial developer and that, whilst the scheme would be required to make a CIL contribution, it would not be able to support affordable housing sought by Core Strategy Policy CP7 or Section 106 developer contributions. The scheme would therefore be considered as from a planning perspective as 100% market housing with restrictions on occupation or disposal. Whilst no affordable housing would be secured through the planning system it was the applicant's intention that 60 of the 92 units would be delivered as affordable housing with third party funding.

Mr Tarbet spoke in objection to the application. He raised the following points:-

- the RD&E had made a Section 106 claim under the Town and Country Planning Act 1990 worth £118,000 in December 2019 but the Council officers had rejected the claim based on no justification and insufficient information;
- legal opinion states that health is a material consideration and the National Planning Policy Framework (NPPF) covers healthy communities;
- approximately 1,000 houses require £1 million to deliver health service per annum which is considered reasonable and fair and is related in scale and kind to the development;
- a failure to mitigate will result in lower quality care and higher costs of vital health services; and
- a detailed model used elsewhere in the UK had been provided as evidence.

He responded as follows to Members' queries:-

- support is sought for secondary care not primary;
- with regard to timing and expectation behind the request, the NHS has only recently considered the need for contributions because of the growth in housing developments nationwide and is considered legitimate in law. Although a contribution of £1,000 would be the average sought for a property, when aggregated, the contribution for 50,000 new homes would require a £50 million contribution without which the performance of hospitals would be expected to dip. Contributions would not be just for A and E but towards patient flow through the hospital; and
- similar approaches are being made to neighbouring authorities with a lead being sought from Exeter. A Teignbridge contribution was being sought in respect of Torbay Hospital.

The Principal Project Manager (Development) reiterated Members empathy with the NHS on the funding situation. He agreed that health provision was capable of being a material consideration and advised that robust evidence in respect of any funding sought should properly be tested at local planning examination following public consultation, including with the development industry, supported by viability analysis of the plan provisions as a whole. Such representations had not been made in the preparation of the Core Strategy which had been adopted in 2012.

Representation had been made and contributions secured for some primary care and to safeguard land for GP provision as part of new development. The request in this case was not considered to meet the tests and guidance in respect of CIL and Section 106 contributions. It was noted that a similar request for contributions made in respect of a recent appeal for a housing development in the city had been declined by the Inspector. The NHS Trust was encouraged to continue working with the City Council on this issue particularly as the Greater Exeter Strategic Plan progressed.

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

- the design set a new standard for public housing in Exeter and the region. It will be one of the most sustainable developments in the country outside London. Using Passivhaus principles of construction - energy management and high levels of insulation - flats will cost less than £200 per year to run;
- provides high quality spaces and places for people to live;
- the ambition is to create a community that is part of Whipton Village.
- the apartments are collected around a community garden which will be accessible to everyone and the landscape will promote wildlife and biodiversity and includes fruit trees and vegetable gardens;
- will be an inclusive neighbourhood that promotes social interaction;
- will be managed as a mix of tenures but tenure blind, except for eight adapted flats, designed for accessibility, with more generous circulation areas and eight covered parking bays for electric buggies; and
- described by the South West Design Review Panel as exemplary in conception and design.

The recommendation was for approval, subject to a Section 106 Agreement under the Town and Country Planning Act 1990 and the conditions as set out in the report.

Members:-

- welcomed the means of providing affordable housing as set out in the report and praised the consultation process undertaken with local residents;
- referred to the provision of homes which would help residents live healthier, longer lives; and
- supported ongoing engagement with the NHS on the issue of financial contributions towards health care provision.

**RESOLVED** that, subject to the completion of a Section 106 Agreement under the Town and Country Planning Act 1990 securing the following obligations under a CIL/Section 106 Agreement:-

- Arrangements for the ongoing management of communal spaces, landscaping, means of enclosure, access controls and open spaces;
- Travel Plan measures;
- Completion of agreements with the Highway Authority for works in the Highway; and
- Habitats Mitigation payments (where any CIL exemption is sought).

planning permission for demolition of existing buildings and construction of 92 apartments, access and parking, landscaping and associated infrastructure/highways works be **APPROVED**, subject also to the following conditions which may be varied or removed as necessary if the conditions are

satisfactorily resolved prior to the issue of the decision notice, or switched between the conditions and Section 106 Agreement:-

- 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 and 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 18 November 2019, and 28 and 30 January 2020 (including dwgs listed below) as modified by other conditions attached to this consent.

18/505/010 Ground Floor Site Plan Rev C  
18/505/020 Block A Ground and First Floor Rev B  
18/505/021 Block A Second and Third Floor Rev -  
18/505/022 Block A Roof Plan Rev -  
18/505/025 Block B1 Floor Plans Rev B  
18/505/026 Block B1 Roof Plan Rev -  
18/505/030 Block B2 Ground and First Floor Rev B  
18/505/031 Block B2 Second and Third Floor Rev -  
18/505/032 Block B2 Roof Plan Rev -  
18/505/035 Blocks C1 and C2 Floor Plans Rev B  
18/505/060 Block B1 Elevations Rev B  
18/505/061 Block B2 Elevations Rev B  
18/505/062 Block A Elevations Rev B  
18/505/063 Block C1 Elevations Rev A  
18/505/064 Block C2 Elevations Rev A  
Arb Impact Assessment and Tree Protection Plan Rev A

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

- 3) Notwithstanding the approved plans no development, other than the demolition or stripping-out of the existing buildings, shall commence on site until the detailed matters listed below have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved details.
  - a) Detailed design of the bins stores and entrances into buildings from Vaughan Road, Hill Lane and Pinhoe Road.
  - b) Means of enclosure within the site.
  - c) Cycle stores
  - d) External lighting

**Reason:** In the interests of visual amenity and the living conditions of future occupiers.

- 4) No development, other than the demolition or stripping-out of the existing buildings, shall take place until details of the proposed finished floor levels and overall heights of the proposed building, as indicated on the approved drawings and set in relation to an agreed fixed point or Ordnance Survey datum, has been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details.

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

- 5) A schedule of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority. Samples of these materials shall be submitted where requested by 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.

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

**Reason:** In the interests of the protection of human health and the natural environment.

- 7) No development (including ground works) or vegetation clearance works shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:

- a) The site access point(s) of all vehicles to the site during the construction phase.
- b) The parking of vehicles of site operatives and visitors.
- c) The areas for loading and unloading plant and materials.
- d) Storage areas of plant and materials used in constructing the development.
- e) The erection and maintenance of securing hoarding, if appropriate.
- f) Wheel washing facilities.
- g) Measures to monitor and control the emission of dust and dirt during construction.
- h) No burning on site during construction or site preparation works.
- i) Measures to monitor and minimise noise/vibration nuisance to neighbours from plant and machinery.
- j) Construction working hours and deliveries from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.
- k) No driven piling without prior consent from the LPA.

The approved Statement shall be strictly adhered to throughout the construction period of the development.

**Reason:** In the interests of the protection of human health and the natural environment.

- 8) No development, other than the demolition or stripping-out of the existing buildings, shall take place until the applicant has submit for approval in writing by the LPA an Acoustic Design Statement. Any mitigation measures required shall be implemented in full prior to occupation of the development, and maintained thereafter. The Professional Practice Guidance Note

(ProPG): Planning and Noise for New Residential Development May 2017 (ANC, IoA and CIEH) describes the expected content and approach of an Acoustic Design Statement.

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

- 9) Noise from all building services plant shall not exceed a rating noise level of 39dB (07:00 to 23:00) and 30dB (23:00 to 07:00) (measured at the façade of any noise sensitive property in accordance with BS4142:2014).  
**Reason:** In the interests of protecting the neighbouring occupiers from noise nuisance.
- 10) No development, other than the demolition or stripping-out of the existing buildings, shall take place on site until an air quality assessment has been carried out in accordance with a programme and methodology to be agreed in writing by the Local Planning Authority and the results, together with any mitigation measures necessary, have been agreed in writing by the Local Planning Authority. The development shall not be occupied until the approved mitigation measures have been implemented.  
**Reason:** In the interests of protecting human health and the natural environment.
- 11) A sustainable surface water management strategy for the site shall be submitted to and approved in writing by the Local Planning Authority before development, other than the demolition or stripping-out of the existing buildings, commences on site. The approved strategy shall subsequently be implemented on site before any building is occupied.  
**Reason:** In the interests of sustainable drainage.
- 12) No part of the development hereby approved shall be brought into its intended use until details of vehicular access points have been approved in writing by the Local Planning Authority. No part of the development shall be occupied until the access points have been provided, surfaced and marked out in accordance with the approved plans retained for those purposes at all times.  
**Reason:** To provide a safe and suitable access for vehicles, pedestrians and cyclists in accordance with Paragraph 108 of the NPPF.
- 13) No part of the development hereby approved shall be brought into its intended use until the raised crossing on Vaughan Road and relocated crossing point on Vaughan Road, as indicated on Drawing No. SK08 have 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 ensure that a safe and suitable access to the site is provided for all users, in accordance with Paragraphs 108/110 of the NPPF and CP9 of the Exeter City Council Core Strategy
- 14) No development, other than the demolition or stripping-out of the existing buildings, shall take place on the application site until details of the relocated bus stop has been provided and made available for use in accordance with detailed drawings which shall previously have been submitted to an approved in writing by the Local Planning Authority in consultation with Devon County Council as the Local Highway Authority and Stagecoach. No apartments comprised in the development shall be occupied until the bus stop location

has been fully agreed/relocated in accordance with the approved details  
**Reason:** To provide a safe and suitable access for buses, pedestrians and cyclists in accordance with Paragraph 108 of the NPPF

- 15) No part of the development hereby approved shall be brought into its intended use details of a raised crossing at Summer Lane, changes to Hill Lane (i.e. surface materials/street furniture) and the removal of guardrail/bollards on Pinhoe Road have been approved in writing by the Local Planning Authority. No part of the development shall be occupied until the crossing, materials and the details to the changes in the vicinity of the signalised crossing on Pinhoe Road have been provided, surfaced and marked out in accordance with the approved plans retained for those purposes at all times.  
**Reason:** To provide a safe and suitable access for vehicles, pedestrians and cyclists in accordance with Paragraph 108 of the NPPF
- 16) No part of the development hereby approved shall be brought into its intended use until details of pedestrian access on Hill adjacent to the Co-Car spaces have been approved in writing by the Local Planning Authority. No part of the development shall be occupied until the pedestrian access have been provided, surfaced and marked out in accordance with the approved plans retained for those purposes at all times.  
**Reason:** To provide a safe and suitable access for vehicles, pedestrians and cyclists in accordance with Paragraph 108 of the NPPF
- 17) No part of the development hereby approved shall be brought into its intended use until the 5 Co-Car spaces, e-bike docking stations (including 5 bikes) and the sheltered secure cycle spaces as indicated on Drawing No. RF-083-001 Rev C have 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 ensure that a safe and suitable access to the site is provided for all users, in accordance with Paragraphs 108/110 of the NPPF and CP9 of the ECC Core Strategy.
- 18) Prior to occupation of the development hereby permitted, a travel pack/car park management plan shall be provided informing all residents of walking and cycling routes and facilities, public transport facilities including bus stops, rail stations and timetables, car sharing schemes and car clubs, as appropriate, the form and content of which shall have previously been approved in writing by the Local Planning Authority. The travel plan shall include provisions for the ongoing monitoring and control of the sustainable measures.  
**Reason:** To ensure that all occupants of the development are aware of the available sustainable travel options, in accordance with Paragraph 111 of the NPPF.
- 19) Before commencement of construction of the superstructure of the development hereby permitted, the applicant shall submit a SAP calculation which demonstrates that a 19% reduction in CO2 emissions over that necessary to meet the requirements of the 2013 Building Regulations or other equivalent standard as may be agreed in writing by the Local Planning Authority can be achieved. The measures necessary to achieve the CO2 saving shall thereafter be implemented on site and within 3 months of practical completion of any dwelling the developer will submit a report to the LPA from a suitably qualified consultant to demonstrate compliance with this

condition.

**Reason:** In the interests of sustainable development and to ensure that the development accords with Core Strategy Policy CP15.

- 20) No development, other than the demolition or stripping-out of the existing buildings, 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. This information is required before development commences to ensure that historic remains are not damaged during the construction process.
- 21) Any trees, shrubs and/or hedges on or around the site, other than those shown as being removed on the Arboricultural Impact Assessment and Tree Protection Plan rev A received 28.01.2020 shall not be felled, lopped or removed without the prior written consent of the Local Planning Authority.  
**Reason:** To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 22) 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 dwelling or building shall be occupied until the Local Planning Authority have approved a scheme; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and any earthworks required together with the timing of the implementation of the scheme. The landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.  
**Reason:** To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 23) 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.
- 24) The development shall only be carried out in accordance with the avoidance, mitigation and compensatory measures in the Conservation Action Statement appended to the Wildlife Survey report version 002, including (unless otherwise agreed in writing) the installation of bat boxes (minimum 4 no.), swift nesting bricks (minimum 48 no. cavities) and sparrow terraces (minimum 4 no.) in the completed development. These shall be retained thereafter unless previously agreed in writing by the Local Planning Authority.  
**Reason:** In the interests of protecting and improving existing, and creating new wildlife habitats in the area.

**Informative**

- 1) In accordance with Paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.
- 2) The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following commencement of development. Accordingly your attention is drawn to the need to complete and submit an 'Assumption of Liability' notice to the Local Planning Authority as soon as possible. A copy is available on the Exeter City Council website. It is also drawn to your attention that where a chargeable development is commenced before the Local Authority has received a valid commencement notice (i.e. where pre-commencement conditions have not been discharged) the Local Authority may impose a surcharge, and the ability to claim any form of relief from the payment of the Levy will be foregone. You must apply for any relief and receive confirmation from the Council before commencing development. For further information please see [www.exeter.gov.uk/cil](http://www.exeter.gov.uk/cil).
- 3) A legal agreement under Section 106 of the Town and Country Planning Act 1990 relates to this planning permission.
- 4) In accordance with Chapters 1 and 2 of the Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA). Given the nature of the development, it has been concluded that an AA is required in relation to potential impact on the relevant Special Protection Areas (SPA), the Exe Estuary and East Devon Pebblebed Heaths, which are designated European sites. This AA has been carried out and concludes that the development is such that it could have an impact primarily associated with recreational activity of future occupants of the development. This impact will be mitigated in line with the South East Devon European Site Mitigation Strategy prepared by Footprint Ecology on behalf of East Devon and Teignbridge District Councils and Exeter City Council (with particular reference to Table 26), which is being funded through a proportion of the Community Infrastructure Levy (CIL) collected in respect of the development being allocated to fund the mitigation strategy. Or, if the development is not liable to pay CIL, to pay the appropriate habitats mitigation contribution through another mechanism (this is likely to be either an undertaking in accordance with s111 of the Local Government Act 1972 or a Unilateral Undertaking).

21

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

The report of the Service Lead City Development was submitted.

**RESOLVED** that the report be noted.

22

#### **APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

**RESOLVED** that the report be noted.

**SITE INSPECTION PARTY**

**RESOLVED** that the next Site Inspection Party will be held on Tuesday 3 March 2022 at 9.30 a.m. The Councillors attending will be Councillors Ghusain, Harvey and Mrs Henson.

(The meeting commenced at 5.30 pm and closed at 7.53 pm)

Chair

DRAFT

## LICENSING COMMITTEE

4 February 2020

### Present:

Councillor Keith Owen (Chair)

Councillors Buswell, Mitchell, K, Oliver, Vizard, Warwick, Wood and Wright

### Apologies:

Councillors Branston, Henson, D, Newby and Quance, I

### Also present:

Service Lead - Environmental Health & Community Safety and Democratic Services Officer (MD)

### 1 **Minutes**

The minutes of the meeting held on 29 October 2019 were taken as read, approved and signed by the Chair as correct, subject to the following amendment:-

Minute No. 21 – The Chair also reiterated that if any complaints should be received from members of the public that the matter could come back for consideration in the intervening period to be considered by the Environmental Health and Licensing Manager in consultation with the Chair of the Licensing Committee.

### 2 **Declarations of Interest**

No declarations of interest were made by Members.

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

### 3 **Licensing Fees & Charges 2020/21**

The Licensing Committee received the annual report for the proposed licensing fees and charges for 2020/21, which the Licensing Committee had a statutory responsibility to set. The fees set in the report were reflective of the cost of delivering the various licensing functions which were based on an average estimated cost for the year.

Particular reference was made to the fees for the Licensing Act 2003 and Gambling Act 2005, which were set nationally and no changes had been made from the previous year's figures. Member's attention was drawn to the two parts of the licence fees, as detailed in the report which showed, that part A would cover the processing costs of applications and the part B would cover the cost of managing and enforcing the licensing regime.

A notable amendment to the 2020/21 fees and charges, was the animal licensing fees, following the changes made in 2019 which had introduced charges based on a rating scheme. A premises with a rating of 1 and 2 would receive a licence for one year, a rating of 3 and 4 would receive a two year licence and a rating of 5 would be

granted a three year licence. All fees would be collected when the licence was granted.

The notice of variation for vehicles and operator's licence fees would be advertised for 28 days coming into effect on 1 April 2020. The notice would be displayed in the reception of the Civic Centre and in local newspapers. Any challenges to the notice would require the fees and charges to be brought to the next Licensing Committee on 24 March 2020.

**RESOLVED** that the proposed Fees and Charges for the period 1 April 2020 to 31 March 2021 be approved as set out in the report presented at the meeting.

#### 4 **Approval under Delegation**

The Licensing Committee received a verbal update on a recent approval for the window display at Simply Pleasure, following the receipt for a request to change the display. Approval had been made under delegated powers as authorised by Full Council on 17 December 2019, where the Environmental Health and Licensing Manager, had considered the content of the window display to be appropriate. He had consulted with the Chair and Deputy Chair of the Licensing Committee who had also considered the display to be acceptable.

Members noted the importance of establishments following the rules set out in the policy to ensure that window displays were suitable.

The Licensing Committee noted the approval of the window display content under delegated powers.

The meeting commenced at 5.30 pm and closed at 5.45 pm

Chair

## STRATEGIC SCRUTINY COMMITTEE

16 January 2020

### Present:

Councillor Luke Sills (Chair)

Councillors Newby, Atkinson, Buswell, Lamb, Lyons, Moore, D, Owen and Pattison

### Apologies:

Councillor Moore, J

### Also present:

Chief Executive & Growth Director, Director (BA), Service Lead Housing Assets, Principal Project Manager (Development) (HS) and Democratic Services Officer (SLS)

### In attendance:

Councillor Rachel Sutton - Deputy Leader/Portfolio Holder Climate and Culture

Ian Hutchcroft - Innovation Director Regen

### 1 **Minutes**

The minutes of the meeting of the Strategic Scrutiny Committee held on 21 November 2019 were taken as read, approved and signed by the Chair as correct.

### 2 **Declarations of Interest**

No declarations of interest were made.

### 3 **2020/21 Budget Strategy and Medium Term Financial Plan**

The Deputy Chief Finance Officer referred to the Executive report presented to Members of this Scrutiny Committee for information. The detail included the 2020/21 budgets, with a projection of the financial position over the medium term up to 2023/24, acknowledging that the final settlement was anticipated by the end of January. The key headlines included the impact of the business rate re-set from 2021/22 as well as an expected phased end to New Homes Bonus by 2023/24. She drew attention to a projected £3.7m funding gap in the years from 2021/22 (between resources and expenditure), which would require difficult decisions to be made to identify budget reductions to close the funding gap.

The Deputy Chief Finance Officer would seek a response to a Member's enquiry on the new recycling facility's predicted income and whether reductions in the gate fees had been factored into the budget, particularly as waste would be sent to the incinerator. She gave the following additional responses to Members' questions -

- the budget allocation for 2020/21 in respect of climate change was a one off funding line which comprised a number of elements and included specialist research, obtaining baseline CO2 data, and a growth programme focused on females in Devon.

- the budget in respect of the Council's signage was an extension of an ongoing programme of new signage erected around the city. She would need to come back with specific locations for the new signage in 2020/21.
- an acknowledgement of a specific comment on the effect on the Council of the ensuing loss of the Government grant. The Government were in the process of carrying out a fair funding review and an assessment of need, and although the New Homes Bonus would come to an end, the Council would still receive the retention of business rates and council tax but at a much lower level than currently achieved.

The Chief Executive & Growth Director referred to the continuing challenge to deliver statutory services as well as place shaping the city. Exeter's success in maximising its share of the business rates receipts had been a part of a behavioural change to incentivise growth. The changes to the business rates and New Homes Bonus had now resulted in a £3.7 million shortfall for the Authority, against a backdrop of finding ways to continue providing statutory services. A Member commented on the potentially detrimental effect of a loss of car parking income of £8 million in addition to the £3.7 million shortfall. A Member also questioned if in the light of the comments made, that offering free Thursday night parking in three of the city car parks would be reconsidered.

Members noted the report, approved by Executive on the 14 January which would establish a balanced revenue budget and capital programme.

#### 4 **Towards Carbon Neutral Exeter - Update January 2020**

The Programme Director, Exeter City Futures (ECF) provided an update on the progress made on the recommendations and activities that would support Exeter's ambition to become carbon neutral by 2030. The 12 goals of Exeter City Futures would provide a blueprint for change, but there were many challenges to overcome, including financial, political and behavioural. It was important that the public embraced and understood the need for and sustaining change, up to and beyond 2030. A further update on the work by the team included the launch of the Exeter Key Facts document, which was circulated to all Members. The document contained publicly available information, which was referenced from validated sources and she hoped that it would increase a culture of data collation and sharing across the city. She was also pleased to report that they had attracted £250,000 of national lottery funding over the next three years to support Exeter City Futures engagement with residents and business for projects to address local need.

Other forthcoming work included:-

- the launch of a dedicated microsite [www.netzeroexeter.co.uk](http://www.netzeroexeter.co.uk), which would include details of a planned Net Zero Summit to be held in the city on 26 March.
- a programme of public engagement with Encounters, an arts based organisation, to be held with community builders across the city
- three targeted workshops, inviting political, business and community leaders to consider the challenge and barriers for delivering the blueprint for change. Their deliberations, as well as the outcomes of the public engagement, would also help to inform the summit taking place on 26 March.
- the learnings from all these activities will be collated into the net-zero Exeter roadmap to be delivered to the Chief Executive & Growth Director at the end of March.

The Chief Executive & Growth Director provided a response to a number of Members' questions and the challenges and commitment of reaching carbon neutrality by 2030 with increasingly limited resources. It was important to work out the costs associated with the Roadmap, and issues associated with the local delivery pilot, understanding behavioural issues and the economic opportunities.

The Portfolio Holder Climate and Culture responded to a Member's comment on the greening of the city and would raise a particular issue of trees planted at the Newcourt development with planning officers. Over 24% of the city had tree cover and opportunities to plant more were always encouraged. She made the following observation and remarked that robust data was needed to be able to plot and track the journey forward. The political commitment was within her portfolio and despite the constraints on the Council, she would make every effort to progress this within Council's available resources. She welcomed the involvement of Encounters. The Programme Director (ECF) would also involve her colleagues to stress the importance of ensuring that a statement of intent or engagement was developed. She also referred to the importance of engagement and acknowledged there was a proportion of people who were very committed and were very active in their efforts. The forthcoming Summit in March would help to ensure that everyone had an understanding of the scale and scope of the challenge.

The Programme Director (ECF) responded to a Member, who sought clarification on Exeter City Futures work in a letter from a member of the public. It was noted there was a formal mechanism to ask questions of their Scrutiny Committee, however, the Programme Director (ECF) clarified the following, that the subheadings in her report were recommendations for the work ahead; the engagement work to date and reports were on the Exeter City Futures web site; the framework duties would be structured under the 12 goals of Exeter City Futures, and the forthcoming Summit would be open to all and every effort would be made to ensure that the information was shared on the web site.

Members commented on financial inequality and ensuring social justice. A Member referred to a request agreed at a previous Council meeting to ensure that recognition of the sustainable climate agenda was included in the Council's governance report structure. The Director (BA) stated that this had been included in the report template and would be rolled out in the next Committee cycle.

Members noted the progress that was being made on bringing forward the Carbon Neutral Exeter 2030 Roadmap, and extended a further invitation to the Exeter City Futures Programme Director to provide regular updates of progress, as appropriate, at the Strategic Scrutiny Committee meeting.

## **5 Presentation - Energiesprong**

The Service Lead Housing Assets provided an update on the Council's Housing stock asset management and development. He introduced Ian Hutchcroft, Innovation Director, Regen and briefed Members on a pioneering retrofit scheme pilot to improve energy and maintenance in three pairs of semi-detached houses in Chestnut Avenue, using modern methods of construction and off site manufacturing in partnership with the Dutch company, Energiesprong. The work was nearing completion and had utilised modern methods of energy efficiency with wrap around wall panels, triple glazing directly installed on the properties, improved insulation, solar panels on the roof to generate electricity to help meet the household needs of plentiful hot water and an ambient temperature. The product was guaranteed for 30 years. The knock on effect of more efficient and warmer houses for less cost, as well

as improving the exterior could also lift aspiration in the local environment and offered an opportunity for the Council to further its social, financial and environmental responsibilities to their tenants. It was intended that this was not just best practice, but also next practice to share with neighbouring authorities.

Ian Hutchcroft advised that Energiespong, had been working with the Dutch Government to deliver net zero energy efficient homes in cooperation with the energy and construction sectors working together. The benefits included savings in maintenance costs and by tenants who paid a reduced energy bill, with a comfort charge in the form of a modest fixed monthly cost to the landlord. It was important to understand the technical changes with the supply chain and companies would need to overcome in their construction methods. The Chief Executive & Growth Director stated that every effort would be made to identify a funding solution to meet the challenges of fuel poverty and the carbon reduction agenda by 2030.

The Service Lead Housing Assets made the following responses to Members:-

- the Housing Revenue Account has a capital programme of up to £12 million a year and work was being done to investigate how this might be re-aligned to look at retrofit of these homes which would address the issues of fuel poverty and future maintenance as well as carbon reduction.
- tenant engagement and the opportunity for individuals to have a control of their heating and household environment was key the fire rating for the pilot homes would be A1, and although the original building would be encapsulated rather than replaced, and issues in relation to the original building may remain, the building would be stabilised. The internal environment would also have an improved heating and ventilation system.
- the necessary safety and structural condition survey checks would still be made, as well as a tenant check every two years.
- the Council's plans for energy management included a review of the Asset Management Plan and environmental use of all building and maintenance materials used as part of the end of life consideration of the building.

The Director (BA) referred to the completion of the pilot, and she would share the outturn report with Members when it was available. The results of the pilot would be considered alongside other options for working towards net Carbon zero for the council's housing stock. Following a request from a Member, the Director confirmed that a site visit of the pilot site would be arranged.

## 6 **Presentation - Consultation on the Future Building Homes Standard 2025**

The Principal Project Manager (Development) reported that he was coordinating the response from the City Council to the consultation for *The Future Homes Standard: including options to vary Building Regs Parts L and F of the Building Regulations for new dwellings* in 2020 as well as 2025. Members were invited to offer comments towards the coordinated response before the closing deadline date of 7 February 2020. The two stage consultation set out proposed changes to Building Regulations and included proposed options to increase energy efficiency requirements for new homes in 2020. There would also be further opportunities to lobby for the requirement for new build homes to be future proofed with low carbon heating and energy efficiency by 2025. The City Council's response would include offering the minimum standard work, and provide some direction to ensure occupants used energy more efficiently, made good use of renewable resources such as solar photovoltaic panels, solar hot water panels, and ground source heat pumps and purchasing electricity from renewable energy suppliers.

The Chief Executive & Growth Director paid tribute to the hard work and efforts by the Principal Project Manager Development and his response to the consultation which would include encouraging energy efficient house building practices, as well as a level of commitment from volume house builders. The Principal Project Manager (Development) invited Members to continue to contact him and following a request from Members agreed that he would circulate a draft of the consultation response to them.

Members supported a response from the City Council to the Building Regulation Consultation, and that it should include a reference to the consistency with the City Council's stated aim of a Carbon Neutral Exeter by 2030 and of a fabric first approach to the highest standard.

## 7 **Items for Future Consideration**

The Chair invited Members to suggest items for future consideration by the Scrutiny Committee and which would be put forward to the Scrutiny Programme Board.

Strategic Scrutiny Committee noted the request.

The meeting commenced at 5.30 pm and closed at 8.00 pm

Chair

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## CUSTOMER FOCUS SCRUTINY COMMITTEE

6 February 2020

### Present:

Councillor Matthew Vizard (Chair)

Councillors Mitchell, M, Begley, Foggin, Mitchell, K, Oliver, Pattison, Sheldon, Sparkes and Wardle

### Apologies:

Councillors Martin, Quance and Warwick

### Also present:

Director (DB), Cleansing & Fleet Manager, Deputy Chief Finance Officer and Democratic Services Officer

### In attendance:

- |                         |  |
|-------------------------|--|
| Councillor Amal Ghusain | - Portfolio Holder for Equalities, Diversity and Communities |
| Councillor David Harvey | - Portfolio Holder for Environment and City Management       |

### 1 **Apologies**

These were received from Councillors Martin, Quance and Warwick.

### 2 **Minutes**

Subject to the inclusion of Councillor Harvey in the list of Portfolio Holders in attendance, the minutes of the meeting of Customer Focus Scrutiny Committee held on 5 December 2019 were taken as read, approved and signed by the Chair as correct.

### 3 **Declarations of Interest**

No declarations of interest were made.

### 4 **Questions from the Public Under Standing Order No. 19**

No questions from members of the public were received.

### 5 **Questions from Members of the Council Under Standing Order No. 20**

No questions from Members were received.

### 6 **2019/20 General Fund Capital Monitoring Statement - Quarter 2**

The Deputy Chief Finance Officer presented the report on the 2019/20 General Fund Capital Monitoring Statement setting out the current position in respect of the Council's revised annual capital programme and advised Members of the anticipated

level of deferred expenditure into future years. The report also set out amendments to the annual capital programme in order to reflect the reported variations.

The Deputy Chief Finance Officer highlighted the ongoing work on site in respect of both the Leisure Complex and Bus Station and Riverside Leisure Centre sites and the City Council loan to Exeter City Living.

The Deputy Chief Finance Officer advised that the report had been presented to the Executive on 10 December 2019 and which was before Members of this Scrutiny Committee for information.

Customer Focus Scrutiny Committee noted the report.

## **7 Overview of General Fund Revenue Budget 2019/20 - Quarter 2**

The Deputy Chief Finance Officer presented the report which advised Members of the overall projected financial position of the General Fund Revenue Budgets for the 2019/20 financial year after six months.

The Deputy Chief Finance Officer advised that the report had been presented to the Executive on 10 December 2019 and which was before Members of this Scrutiny Committee for information. She highlighted that the projected working balance would stand at £3.75 million, which was above the minimum level of reserves.

Customer Focus Scrutiny Committee noted the report.

## **8 2019/20 HRA Budget Monitoring Report - Quarter 2**

The Deputy Chief Finance Officer presented the report which advised Members of the overall financial position of the Housing Revenue Account (HRA) Revenue and Capital Budgets for the 2019/20 financial year after the first six months. The report also highlighted budgetary areas of risk for factors beyond the Council's control that may result in potential deviations from budget.

The Deputy Chief Finance Officer, referring to the detailed schedule of the capital programme for Housing and the Council Own Build programme, highlighted the removal of the HRA debt cap which had enabled the Council to invest, on a site by site basis, to bring forward housing development opportunities. She also referred to the slippage in certain refurbishment programmes.

The Deputy Chief Finance Officer advised that the report had been presented to the Executive on 10 December 2019 and was before Members of this Scrutiny Committee for information.

Customer Focus Scrutiny Committee noted the report

## **9 Scheduling of Customer Focus Scrutiny Committee Meetings**

Referring to the time lag between the Quarter end of the budget monitoring reports, the Chair reported that he would raise the timetabling of the meetings of this Committee at the next meeting of the Scrutiny Programme Board on 19 March 2020.

## **Kerbside Recycling Service - Presentation by the Cleansing and Fleet Manager**

The Cleansing and Fleet Manager spoke on the presentation on the kerbside recycling service set to be launched in September 2021. He provided the following details of progress to date:-

- comprehensive research had been undertaken into schemes run by other authorities including Bristol, Bath, Oxford and Cardiff as well as the more rural neighbouring authorities of Teignbridge and East Devon. The latter had provided useful information of operating in the narrow, terraced streets of Exmouth, on its communication programme and health and safety etc. matters;
- evaluation and cost analysis of vehicle options and appropriate material sorting technology as part of the upgrade to the Materials Recycling Facility (MRF);
- the methods of capture and sorting of the recycled waste both at the kerbside and within the MRF where an optical sorting equipment by means of a laser beam would distinguish differing materials. A high quality end use was sought to generate income;
- a conservative analysis by the consultant that each crew would collect from 676 properties per round; and
- staffing matters, including the involvement of the Civic Centre Customer First team, as part of a communication strategy, as the launch was likely to lead to an increase in enquiries.

He responded as follows to Members' queries:-

- the preferred method of roll out was under consideration, options including a city wide roll-out, launching in three or four areas initially or a single area pilot;
- additional staff would be required with many of those currently working at the MRF re-deployed to the vehicles for on-site sorting. In addition, an apprenticeship scheme was intended with training on loading initially and then as drivers;
- routes would be carefully planned to limit traffic congestion around rush-hours and in the city's narrower streets;
- it was anticipated that there would be a short time period when the MRF would not be operational in order for the new equipment to be installed;
- with the current national average re-cycling rate being 45% - often reflective of rural or more stable populations - Exeter's goal, which was a conservative one set by the consultant, was to increase its target from a percentage of mid 30's to 49%-50% and above. It was also noted that Exeter had one of the lowest waste production rates in the country; and
- regular meetings were held with the University where an annual "Student On The Move" scheme had been introduced to reduce associated problems of changing occupancy. The University was keen to develop its commitment to sustainable communities and, one possible student involvement scheme, could be through research into improved communication with the student population.

The Portfolio Holder for Environment and City Management commented as follows:-

- a business/project plan was in place;
- with 3 to 9 February 2020 being National Apprenticeship Week, it was appropriate that the City Council was strongly committed to its apprenticeship programme and offering training opportunities to develop the talent of Exeter's young people and help address labour shortages; and

- praised the hard work, enthusiasm and commitment of the Cleansing Team and its willingness to take on additional work such as the University Campus Waste Collection contract.

Members welcomed the update on the implementation of the kerbside re-cycling service, requesting that this become a standing item on this Committee's agenda. The inclusion of the business plan in the report to the next Committee was also requested.

The Customer Focus Scrutiny Committee welcomed the report and agreed that further reports be presented to each meeting to include timelines of the scheme implementation, details of the business/project plan and the communication strategy, these details to be provided in the Committee papers prior to the meeting.

#### 11 **Items for Consideration for Future Meetings**

The Chair advised that there would be a presentation on Community Safety by the Service Lead Environmental Health and Community Safety and Inspector Simon Arliss at the next meeting of this Committee on 2 April 2020. The presentation would focus on anti-social behaviour and drug related issues across the city's Public Realm. He also invited Members to suggest items for future consideration by the Scrutiny Committee and which would be put forward to the Scrutiny Programme Board.

The meeting commenced at 5.30 pm and closed at 6.31 pm

Chair

## AUDIT AND GOVERNANCE COMMITTEE

Tuesday 28 January 2020

### Present:-

Councillor Wardle (Chair)  
Councillors Atkinson, Foggin, Henson, D, Mrs Henson, Mitchell, M, Pattison, Sheldon and Warwick

### Also Present

Chief Finance Officer, Deputy Chief Finance Officer and Democratic Services Officer (SLS)

1

### APOLOGIES

Apologies were received from Councillor Hannaford.

2

### MINUTES

The minutes of the meeting held on 4 December 2019 were taken as read, approved and signed by the Chair as correct.

3

### DECLARATION OF INTERESTS

No declarations of disclosable pecuniary interests were made.

4

### AUDIT FINDINGS REPORT (ISA 260)

Peter Barber, Engagement Lead and David Bray, Engagement Manager, Grant Thornton presented the ISA 260 2018/19 findings reports. The Engagement Lead confirmed that following a change in personnel, he had been appointed to complete the audit at Exeter City Council. The interim findings report had been presented to Members at the September meeting of the Committee. The summary of the work now completed by Grant Thornton, included the audit of the financial statements and the value for money conclusion. The Engagement Lead thanked the Chief Finance Officer and his team for their support during the audit, which had taken longer than planned due to resourcing issues within their audit team.

It was confirmed that the audit of the Council's financial statements for the year ending 31 March 2019, had been completed with an unqualified opinion. There were three material differences to the accounts which related to short term investments, the operating lease disclosure and the comparatives for short and long term borrowing in the draft financial statements, which were agreed with management and corrected in the financial statements.

The Engagement Lead also confirmed that Exeter City Council had proper arrangements to secure economy, efficiency and effectiveness in its use of resources and had issued an unqualified opinion. Some additional work had been undertaken under the Local Audit and Actuality Act (2014) as a member of the public had indicated their concern about the governance arrangements in relation to grant monies paid to a community organisation in 2018/19. This would not materially impact on the financial statement or the value for money conclusion,

although it was not possible to conclude the audit and issue an audit certificate until consideration of the objection had been completed. The Engagement Lead confirmed that he would continue to work on this matter with the objector and officers of the City Council and it was clearly desirable to reach a resolution as quickly as possible. He also responded to a Member who had suggested that this may conflict with the Local Government Ombudsman (LGO) remit, and confirmed that they did not direct them, and he reminded the Member of the Council's own complaints process. The Chief Finance Officer reminded Members that the Council had made changes to the grant provision in February 2019, when some grants were changed into contracts, and this had enhanced the governance process. The request for funding, together with a Business Plan for an award to a community organisation was taken to Committee and Council as part of the New Homes Bonus (NHB) arrangements as opposed to the traditional grants award process.

In response to questions from Members, the Engagement Lead and the Chief Finance Officer responded in the following terms:-

- a reference in the narrative of the key findings citing scope and flexibility for the funding of the Leisure Complex was included as part of the normal cyclical capital planning. The Chief Finance Officer added that the Council had expected £18 million from the New Homes Bonus, but Central Government have indicated that this would end, and there may be a shortfall of the sum identified for this project.
- the arm's length development company Exeter City Group Limited, were audited separately by Chartered Accountants Francis Clark. The Council prepares Group financial statements that consolidates the financial information of the company with the City Council's accounts.
- Executive had agreed a loan to Exeter Science Park to be repaid by 2023/24 and it was anticipated that this would be repaid. The City Council had also acted as a guarantor for the Park, in respect of a new lease arrangement.
- the Engagement Lead also wished to draw Members' attention to a number of audit adjustments and in particular, that Disclosure Note 16 originally understated the value of assets revalued in 2018/19 as it did not reflect the additional revaluations undertaken outside of the five year rolling programme. The Note was amended to increase the value of assets revalued from £25m to £49.5m.

The Engagement Lead, in presenting the fees for the audit confirmed that it had been a very challenging year for Grant Thornton, particularly in relation to the recruitment of the appropriate staff with the right skills set. He explained that a number of issues had caused a delay in the timetable work plan, and included an increase in the level of asset valuation and pension work, along with the Group and Leisure Complex accounts. A report by the Public Sector Accounts (PSA) had indicated that over 240 Councils had not completed their audits within the original timeframe. Although they were already behind in their planning for the 2019/20 audit, every effort would be made to ensure good progress. He would discuss this matter with his successor so that assurances could be given that this work would be done within required timeframes. He also highlighted a request for additional fees that they intended to charge, which would be subject to PSA approval.

The Audit and Governance Committee noted the report on Audit Findings from the Exeter City Council (External Auditor), Grant Thornton.

**STATEMENT OF ACCOUNTS 2018/19**

The Chief Finance Officer presented the report on the Council's Statement of Accounts for 2018/19 for approval and adoption. This was a statutory requirement to publish the Statement of Accounts to offer a 'true and fair view' of the financial position and transactions of the Council as at 31 March 2019. He reported that due to a peak period of work in June and July, and additional work which was now required, Grant Thornton, as the Council's external auditors, had been unable to conclude the update by 31 July. It was however, anticipated that Grant Thornton, would be able to issue an unqualified audit opinion on the Authority's financial statements. A notice had been placed on the Council's web site, which confirmed that Grant Thornton had taken full responsibility for the delay in the audit of the Council's accounts.

The Chief Finance Officer discussed the key audit findings, highlighting material mis-statements, audit adjustments and presentational issues, which would not impact the General Fund balance or the Housing Revenue Account balance, which remained as reported to Council on 23 July 2019. He also responded to a Member's comment on the level of pay of senior officers. Apart from the annual pay, pension benefits and redundancy pay as appropriate were also included in the Disclosure Note and this sometimes made the anonymous table look unusual in terms of changes in the number of people included in each band.

The Chair expressed his thanks to the finance team for their support towards the Auditors in the production of the Final Accounts, whilst also producing the Council's draft budget for 2020/21.

**RESOLVED** that the Audit and Governance Committee approve the audited Statement of Accounts for 2018/19 and requested that it be signed by the Chief Finance Officer and the Chair of the Audit and Governance Committee for forwarding to the External Auditor, Grant Thornton.

**MANAGEMENT REPRESENTATION LETTER**

The Chief Finance Officer submitted the letter to the External Auditor, Grant Thornton in respect of the 2018/19 Statement of Accounts as required by audit.

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

(The meeting commenced at 5.20 pm and closed at 7.05 pm)

Chair

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## EXECUTIVE

Tuesday 11 February 2020

### Present:

Councillor Bialyk (Chair)  
Councillors Sutton, Foale, Ghusain, Harvey, Morse, Pearson, Williams, Wright and Wood

### Councillors in attendance under Standing Order 44:

Councillor D. Moore speaking on items 6 and 7 (minutes 20 and 21 below):

### Also present:

Chief Executive & Growth Director, Director (BA), Director (DB), City Solicitor, Chief Finance Officer, Director (J-PH), Service Lead - Environmental Health & Community Safety and Democratic Services Officer (MD)

### In attendance:

Peter Burgess - Devon Wildlife Trust

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### MINUTES

The minutes of the meeting held on 14 January 2020, were taken as read, approved and signed by the Chairs as a correct record.

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### DECLARATIONS OF INTEREST

No declarations of disclosable pecuniary interests were made.

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### QUESTIONS FROM MEMBERS OF THE PUBLIC

There were no questions received from members of the public.

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### PUBLIC SPACES PROTECTION ORDER RENEWAL

The Executive received the report on the current Public Spaces Protection Order (PSPO), which was due to expire on 20 June 2020. The report highlighted the impact and achievement that the PSPO had on the city since it was introduced in 2017. The PSPO had addressed rising anti-social behaviour issues in the city which had a detrimental impact on resident's quality of life.

The Portfolio Holder for Supporting People moved an amended recommendation:-

- (1) that the decision on whether the PSPO be extended be delegated to the relevant Director, in consultation with the Portfolio Holder, save that (1) if any such order is made to extend, that such extension be limited to a period of 12 months, and, (2) that the Director is satisfied that the necessary consultation required by the Anti-Social Behaviour, Crime and Policing Act 2014 has been carried out; and, (3) that the Director is satisfied that there is sufficient evidence that the conditions for the making of the order are established.

It was explained that the reason for the revision was based on the City Council's plans to organise a leadership summit to address issues of anti-social behaviour in the city centre and the wider city. By extending the Public Spaces Protection Order for 12 months, the Council would be able to engage with relevant bodies and put in processes to change the PSPO. It was noted, that although good progress had been made with the PSPO, more could be done with it to, to cover a wider range of anti-social behaviour issues.

Councillor D. Moore, having given notice under Standing Order 44, spoke on this item. She asked how the income had been spent for community benefits to reduce anti-social behaviour in the PSPO area. She further enquired about the dispersal incidents and whether they involved the same people requiring dispersal on multiple occasions. She further commented on whether the PSPO breaches and dispersals referred to in the report, involved people with no fixed homes. Councillor D. Moore, commented on the anti-social behaviour in the city and its impact on residents. She enquired about the Community Safety Partnership and what work was being undertaken with communities. Responses to questions contained within the statement would be emailed to Councillor D. Moore and were attached to the minutes.

Particular reference was made to the difficulty in managing anti-social behaviour across the city, with the Public Spaces Protection Order, being just one tool to address the problem. Communication in support for the PSPO had been received from the Exeter Police Commander, The Devon and Cornwall Police Crime Commissioner and the Chief Executive of Devon County Council. Correspondence had also been received from 'Liberty' who do not support the use of Public Spaces Protection Orders as a matter of principle.

During the discussion, the following points were raised:-

- There was a need to reevaluate the PSPO and to work with various groups across the city to address anti-social behaviour and set out a common purpose. Having a 12 month period to undertake the work, would be beneficial;
- The proposed leadership summit would support the Council with its priority to help and support residents;
- The report showed that there was high number of anti-social logs compared to the number of notices given.
- The aim of the PSPO was to address anti-social behaviour, rather than homeless residents;
- The leadership summit would need to ensure that issues of anti-social behaviour covered the city wards, not just for the city centre.

Following the discussion, Councillor Morse moved and was seconded by Councillor Bialyk to amend the first recommendation in the report which was voted for unanimously and supported.

**RECOMMENDED** that Council approve:-

- (1) that the decision on whether extend the PSPO, be delegated to the relevant Director, in consultation with the Portfolio Holder, save that:-
  - (a) if any such order is made to extend, that such extension be limited to a period of 12 months;
  - (b) that the Director be satisfied that the necessary consultation required by the Anti-Social Behaviour, Crime and Policing Act 2014 has been carried out;and

- (c) that the Director be satisfied that there is sufficient evidence that the conditions for the making of the order are established.
- (2) the Exeter Community Safety Partnership continue to administer the ring fenced funding received by the Council from PSPO fixed penalty notices, for anti-social behaviour initiatives in the city.

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### **GENERAL FUND / HRA ESTIMATES AND CAPITAL PROGRAMME 2020/21**

The Executive received the report which proposed the General Fund revenue estimates for 2020/21 and to recommend the Band D level of Council Tax for 2020/21. The report also included the proposed Capital Programme for 2020/21 and future years and the proposals in respect of the Housing Revenue Account (HRA).

Councillor D. Moore, having given notice under Standing Order 44, spoke on this item. She enquired about the borrowing that would be on a full commercial rate and whether a best value benefit analysis had been undertaken for running contracts internally, rather than externally. She further commented on the extent of the identified structural problems at the Riverside Centre which required a further capital budget. Responses to questions contained within the statement would be emailed to Councillor D. Moore and were attached to the minutes.

Members were provided with a background on the budget, noting that the Government had been unable to complete the Fair Funding Review and provided a roll over settlement increase of 1.6%, which was in line with all other local authorities.

Particular reference was made to the £2.49 million New Homes Bonus payable in 2020/21, but would be a one year settlement only, and would be reduced to zero over the next three years. For the proposed Capital Programme, there would be £27 million allocated for the General Fund Capital Programme and £28 million to the Housing Revenue Account (HRA), of which £14 million would be used to make improvements to existing council stock and £14 million would be used for new Council houses.

The Council tax proposal was for a £160.05 for Band D properties in 2020/21, which equated to a £5 per year increase for residents.

It was highlighted that, although a balanced budget could be delivered this year, the Medium Term Financial Plan would require £3.7 million savings and that reductions would need to be made for the following years.

**RECOMMENDED** to Council that:-

- (1) the overall spending proposals in respect of both its revenue and capital budgets be approved;
- (2) the council tax for each Band be approved as set out in section 8.20.3 subject to Devon County Council, Police and Crime Commissioner Devon and Cornwall (OPCC Devon and Cornwall) and the Devon and Somerset Fire Authority confirming their Band D levels respectively;
- (3) when the actual council tax amounts for Devon County Council, Devon and Cornwall Police and Crime Commissioner and the Devon and Somerset Fire Authority are set then the revised council tax levels be submitted to Council on 25 February 2020 for approval; and
- (4) the Statement given by the Chief Finance Officer as required under Section 25 of the Local Government Act 2003 be approved.

**CAPITAL STRATEGY 2020-21**

The Executive received the report on the Capital Strategy 2020-21, informing Members that the report was a statutory requirement, indicating the long-term policy objectives and the subsequent capital strategy requirements, governance procedures and risks that were associated with it.

Members were referred to the report and particular reference was made to there being no significant changes from the previous year's Capital Strategy, which was in its second year of operation.

**RECOMMENDED** that Council approve the Capital Strategy as set out in Appendix 1 of the report presented to the meeting.

**THE PRUDENTIAL CODE FOR CAPITAL FINANCE IN LOCAL AUTHORITIES  
(INCORPORATING THE ANNUAL STATEMENT OF MINIMUM REVENUE  
PROVISION)**

The Executive received the report on the proposed 2020/21 Prudential Indicators for capital finance for adoption by the Council and to set the annual statement of Minimum Revenue Provision (MRP), which was a statutory requirement of the Council. Members were informed that the Prudential Indicators would ensure the Capital Programme was affordable for the Council and that the Annual Statement of Minimum Revenue Provision set the policy on how the Council paid back debt for assets.

No changes had been made to the policy for the MRP and the proposed charge for 2020/21 would be £1.2 million, which was higher than previous years, following the introduction of new lease vehicles.

Particular reference was made to the voluntary repayment of debt totalling £5.02 million and to the three prudential indicator calculations listed in the report, with Members noting that the authorised limit indicator showed the total amount that the Section 151 Officer could borrow on behalf of the Council.

**RECOMMENDED** that Council adopt the:-

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

**TREASURY MANAGEMENT STRATEGY REPORT 2020/21**

The Executive received the report on the adoption of the Treasury Management Strategy, which incorporated the Annual Investment Strategy 2020/21, as required under section 15(1) (a) of the Local Government Act 2003, which was a statutory requirement for the Council before the start of each financial year.

Members noted that the identification, monitoring and control of financial risks were essential to the Authority's Treasury Management Strategy, given the amount of money that had been borrowed and invested by the Council. Particular reference was made to the two new accounts for the Barclays Green 95 day notice account, which was linked to low carbon projects and the Standard Chartered Sustainable

deposit which guaranteed that investment was referenced against sustainable assets aligned to the United Nations; Sustainable Development Goals (SDGs).

**RECOMMENDED** that Council adopt the new Treasury Management Strategy and delegations contained therein.

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### **ANNUAL PAY POLICY STATEMENT 2020/21**

The Executive received the report of the Annual Pay Policy Statement for 2020/21, which required full Council approval each financial year in line with legislation.

Members were referred to the appendix which indicated the remuneration levels of officer posts from April 2020, and indicated the highest level of pay for the Chief Officers, whilst comparing the salary with the lowest paid staff and the relationship between them.

**RECOMMENDED** to Council that:-

- (1) the Policy, Report and Appendices, as presented to the meeting, be adopted and published in accordance with the legislation; and
- (2) delegated authority be given to the City Solicitor to make necessary amendments to the pay policy statement following any changes in legislation or subsequent increases in pay.

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### **GENDER PAY GAP REPORT**

The Executive received the Gender Pay Gap Report, which was a statutory requirement of the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017, for local authorities who employed more than 250 or more employees. The report was an annual snapshot taken from 31 March 2019, and presented a detailed list of hourly pay rates between male and female staff.

Particular reference was made to the legislation that had been introduced by central government to ensure that the gap between men and women was publically available. Members were referred to the gender pay figures listed in the report, which showed that on average, female pay of £14.02 per hour was more than that of male pay of £13.32 per hour.

Member's attention was drawn to the quartile range listed in the report which showed the comparisons of male and female pay from lower level to upper level and the percentage comparisons between the two.

During the discussion, Members commented that the report indicated a significant achievement for Exeter City Council, who were one of the leading Councils for female pay.

**RECOMMENDED** to Council that:-

- (1) the report be reviewed annually to track the relationship between both female and male earnings; and
- (2) the Gender Pay Gap Report be published on the Exeter City Council website and on the centrally held database on gov.uk.

### **FUTURE OF NORTHBROOK APPROACH**

The Executive received the report on the Northbrook Approach golf course, which recommended a partnership between Exeter City Council and the Devon Wildlife Trust, following the Council's commitment to not dispose of the land. The proposed partnership would enable consultation with local residents and community groups to develop the area into a vibrant park land with newly planted trees and wildflowers to enhance biodiversity.

Peter Burgess, the Conservation Director from Devon Wildlife Trust, was in attendance to provide a presentation on the benefits of the partnership working between Devon Wildlife Trust and Exeter City Council. Key points raised from the presentation included:-

- The Valley Parks were internationally recognised areas of public green space and that Northbrook Approach was a critical link connecting Riverside Valley Park and Ludwell Valley Park;
- The Valley Parks received a large number of visitors and was a habitat for a variety of wildlife species;
- Planting, landscaping and other work would be undertaken to enhance biodiversity and improve water quality;
- The proposal would make the land more accessible and welcoming, whilst providing local ownership to residents, and creating active and healthy communities;
- Community Consultation events and activities would open for all residents to attend.

Particular reference was made to the Northbrook Approach providing a significant means of movement of wildlife and the site would also improve traffic free access to the Quayside and Marsh Barton areas.

During the discussion, the following points were raised:-

- Members were pleased with the proposals and would be a welcome addition for residents;
- Devon Wildlife Trust would bring a great level of knowledge and experience for the green site, which would be advantageous for the City Council; and
- The committee reports now included a section on the carbon footprint, which would further support the Council's commitment in achieving its carbon target.

**RESOLVED** that the proposal for a joint partnership between Exeter City Council and the Devon Wildlife Trust be approved to allow for consultation on the future of the Northbrook Approach.

### **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.

**BUSINESS CASE FOR THE REVIEW OF STAFF STRUCTURE IN HOUSING  
TENANCY SERVICES**

The Executive received the report which set out the Business Case for the restructuring of the Housing Tenancy Services which would allow for a change to the service and providing future team resilience to deliver new and existing services to the Council's tenants. Members were referred to the report which showed the proposed changes.

Particular reference was made to how the new structure would support the Council's Social House building and Retrofit work and the new Open Housing IT system, which would streamline processes, support the service's work and enable digitalisation.

**RECOMMENDED** that Council:-

- (1) approve the Business Case with the restructuring proposals for the Housing Tenancy Services Team;
- (2) note the conclusion of a period of meaningful engagement with the Housing Tenancy Services Team, the Trade Union and the feedback provided to staff as part of the process; and
- (3) approve the additional proposed revised establishment budget as presented in the report, and include on-costs.

(The meeting commenced at 5.30 pm and closed at 6.30 pm)

Chair

**The decisions indicated will normally come into force 5 working days after publication of the Statement of Decisions unless called in by a Scrutiny Committee. Where the matter in question is urgent, the decision will come into force immediately. Decisions regarding the policy framework or corporate objectives or otherwise outside the remit of the Executive will be considered by Council on 25 February 2020.**

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**SEATING IN THE GUILDHALL**

**Agenda Annex**

		Deputy Lord Mayor Councillor Mrs Henson (C)	Chief Executive & Growth Director	Lord Mayor Councillor Holland (C)	Corporate Manager Democratic/Civic Support	City Solicitor	
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Democratic Services Officer				Director	Chief Finance Officer	Director
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Councillors	Councillors	Councillors		Councillors	Councillors
Warwick (L)	Foggin (L)	Bialyk (L)	TABLE	Leadbetter (C)	Mitchell, K.J. (LD)*
Oliver (L)	Hannaford (L)	Sutton (L)		Newby (C)	Mitchell, M.N.(LD)*
Vizard (L)	Sheldon(L)	Pearson (L)		Henson, D. (C)	Moore, D.F. (G)*
Atkinson (L)	Owen (L)	Morse (L)		Sparkes, R. (C)	Moore, J.M. (I)*
Pattison (L)	Packham (L)	Foale (L)			
Branston (L)	Sills (L)	Wright (L)			
Lyons (L)	Lamb (L)				

Cllr Quance, I (L)	Cllr Quance, A.A. (L)	Cllr Begley (L)	Cllr Buswell (L)	Cllr Harvey	Cllr Wood (L)	Cllr Ghusain (L)	Cllr Williams (L)	Cllr Wardle (L)
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**L: Labour: 29**  
**C: Conservative: 6**  
**LD: Liberal Democrat: 2\***  
**G: Green 1\***  
**I: Independent 1\***  
 \* Known as the  
**Progressive Group**

**Portfolio Holders**

Bialyk: Leader,  
 Sutton: Deputy Leader and Climate & Culture  
 Morse: Supporting People  
 Wright: Council Housing Development and Services  
 Harvey: Environment and City Management  
 Foale: City Development and Planning  
 Pearson : Leisure and Physical Activity  
 Ghusain : Equalities, Diversity and Communities  
 Wood : Support Services and Procurement

