



Exeter City Council

A virtual meeting of **EXETER CITY COUNCIL** will be held on **TUESDAY 21 JULY 2020**, at 6.00 pm. via Zoom (the Press and Public can contact the Democratic Services Officer on 01392 265107 for further details) as legislation has been passed to allow Council's to hold meetings remotely.

If you have an enquiry regarding any items on this agenda, please contact John Street, Corporate Manager Democratic & Civic Support on 01392 265106.

During the Corona Virus outbreak, meetings will be held by virtual means. The live stream can be viewed here: <https://www.facebook.com/exetercitycouncil/live/%E2%80%99> at the meeting start time.

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To approve and sign the minutes of the meeting held on 21 April 2020.	3 - 8
2 Official Communications	
3 Petition - Save Our Historic Exeter	
In accordance with the Council's Petition Scheme, as the above petition contains more than 2,000 signatures it will be debated by the full Council. The petition organiser will be given five minutes to present the petition and the petition will then be discussed by Councillors for a maximum of 15 minutes.	
4 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 16 July 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: Public Speaking at Meetings .	

To receive minutes of the following Committees and to determine thereon:-

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Office of Corporate Manager Democratic & Civic Support

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18 Questions from Members of the Council Under Standing Order No. 8.
Question from Councillor D. Moore

Please can the Portfolio Holder set out the baseline year being used to measure progress for the Exeter Net Zero Exeter 2030 plan and the

1. Net Exeter emissions of carbon dioxide for that year, and
2. Net Exeter emissions of each of the other targeted greenhouse gases for the year that is the base year for that gas.

Can the Portfolio Holder ensure that this baseline and benchmark is publicised by Exeter City Council and Exeter City Futures alongside the Plan?

Date: Monday 13 July 2020

Karime Hassan
Chief Executive &
Growth Director

COUNCIL
(HELD AS A VIRTUAL MEETING)

Tuesday 21 April 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, Leadbetter, Lyons, Mitchell, K, Mitchell, M, Moore, D, Moore, J, Morse, Newby, Oliver, Owen, Packham, Pattison, Pearson, Martin, A, Quance, I, Sheldon, Sills, Sparkes, Sutton, Vizard, Wardle, Warwick, Williams, Wood and Wright

14

MINUTES

The minutes of the Extraordinary and Ordinary meetings of the Council held on 25 February 2020 were moved by the Leader, seconded by the Deputy Leader Councillor Sutton, taken as read and approved for signing as correct at the earliest possible convenience.

15

APOLOGIES

Apology for absence was received from Councillor Lamb.

16

POSTPONEMENT OF THE 2020 ANNUAL GENERAL MEETING

The Lord Mayor announced that Part 2, Regulation 4 (2) of The Local Authorities and Police Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, allowed for the postponement of an Annual General Meeting of Councils, and for any existing appointments to continue until the rescheduling of the Annual General Meeting.

Councillor K. Mitchell, speaking as a group leader, welcomed the proposal to postpone the City Council's Annual General Meeting in light of the exceptional circumstances facing the nation.

The Leader moved and the Deputy Leader seconded the proposals which were agreed with one abstention.

RESOLVED that:-

- (1) the Annual General Meeting scheduled for 19 May 2020, be postponed until at least December 2020, subject to the necessary Government guidance being received before that time, that it is appropriate to hold such a meeting; and
- (2) as a consequence of (1) above, all current appointments for Lord Mayor, Deputy Lord Mayor, Committee Chairs and Deputy Chairs, continue until the meeting identified in paragraph (1) above takes place.

OFFICIAL COMMUNICATIONS

The Lord Mayor passed on his condolences, and those of Council Members, to Councillor Morse, whose Aunty, Mary Long, a former City Councillor and Mayoress, had passed away. She was the widow of former Alderman Norman Long, a Mayor of the City in 1978.

The Lord Mayor welcomed Councillor Ian Quance who, because of his recent illness, was amongst those identified as being shielded in the current situation and thanked him for his attendance. The Lord Mayor wished Councillor Quance well in his recovery.

The Lord Mayor also:-

- referred to a letter from the Mayor of Yaroslavl, wishing the City of Exeter well in the current coronavirus crisis;
- on behalf of all Members thanked officers of the City Council for their hard work during the ongoing pandemic, ensuring that the critical business of the Council carried on, whilst responding to the pressures of the current situation; and
- congratulated Councillor Robert Lamb and his wife Sarah, on the birth, the previous week, of their son Lawrence Lucas Lamb.

PUBLIC QUESTIONS

The Lord Mayor reported that no questions had been received from members of the public.

AUDIT AND GOVERNANCE COMMITTEE - 11 MARCH 2020

The minutes of the Audit and Governance Committee of 11 March 2020 were presented by the Chair, Councillor Wardle, and taken as read.

In respect of **Minute No. 14 (Code of Corporate Governance 2020/21)**, the Chair moved and the Deputy Chair seconded the recommendation and it was carried unanimously.

In respect of **Minute No. 15 (Review and Update of Whistleblowing Policy)**, the Chair moved and the Deputy Chair seconded the recommendation and it was carried unanimously.

RESOLVED that the minutes of the Audit and Governance Committee held on 11 March 2020 be received and, where appropriate, adopted.

EXECUTIVE - 10 MARCH 2020

The minutes of the Executive of the 10 March 2020 were presented by the Leader, Councillor Bialyk, and taken as read.

In respect of **Minute No. 33 (Skills Strategy for Exeter)**, and in response to a query from a Member, the Leader stated that the Council was leading on, and supporting, a number of initiatives in response to the current crisis, referring in particular to its "City of Apprenticeships" status and confirmed that the Council would continue to review its policies and commit as much as possible of its resources to support the recovery of the city, its businesses and residents.

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

In respect of **Minute No. 34 (Port Marine Safety Code – Pathway to Compliance)**, Councillor Leadbetter, speaking as a group leader, welcomed and supported the recommendations.

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

In respect of **Minute No. 36 (Lord Mayoralty)**, it was noted that because of the coronavirus pandemic it was the intention for the 2020/21 Lord Mayoralty to commence from the December Council meeting (Min. No.16 above refers).

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

RESOLVED that the minutes of the Executive held on 10 March 2020 be received, and where appropriate, adopted.

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EXECUTIVE - 7 APRIL 2020

The minutes of the Executive of the 7 April 2020 were presented by the Leader, Councillor Bialyk, and taken as read.

In respect of **Minute No. 40 (Update on the Council's response to the Coronavirus Pandemic)**, and in response to a query from a Member, the Leader stated that the City Council was one of the first Council's in Devon to set up a Community Wellbeing hub in response to the many needs of the citizens of Exeter. This hub was being publicised as widely as possible through social media and the distribution of 50,000 advisory leaflets in the city. He was aware that some areas of the city were yet to receive the leaflets and that this was being addressed by the Portfolio Holder and officers.

In respect of **Minute No. 41 (Overview of General Fund Revenue Budget 2019/20 – Quarter 3)**, the Leader moved and the Deputy Leader seconded the recommendations and they were carried unanimously.

In respect of **Minute No. 42 (General Fund Capital Monitoring Statement 2019/20 – Quarter 3)**, the Leader moved and the Deputy Leader seconded the recommendation and it was carried unanimously.

In respect of **Minute No. 43 (HRA Budget Monitoring Report 2019/20 – Quarter 3)**, the Leader moved and the Deputy Leader seconded the recommendations and they were carried unanimously.

In respect of **Minute No. 45 (Urgent Changes to the Scheme of Delegation to Officers)**, Members discussed the proposed changes to the scheme.

Whilst welcoming the commitment to continue to allow public speaking and the submission of petitions at Council meetings, some Members were concerned that the proposals in respect of delegated powers were too extensive and should be examined further in greater detail. Two Members also expressed reservations relating to the suspension of Articles 14 and 15 and certain Standing Orders as proposed in recommendation 4.

The Leader and another Member stated that the recommendations were a responsible and appropriate response to the coronavirus crisis.

Councillor D. Moore moved and Councillor K. Mitchell seconded that recommendations 1, 2, 3 and 5 be voted on together and that a separate vote be undertaken in respect of recommendation 4.

The Leader moved and the Deputy Leader seconded the recommendations, to be voted upon separately as set out above.

Recommendations 1, 2, 3 and 5 were voted upon and carried unanimously.

Recommendation 4 was voted upon and carried by majority.

In respect of **Minute No. 47 (Repatriate Chief Crowfoot's Regalia to the Siksika Nation, Canada)**, and in response to a Member, the Leader confirmed the positive publicity resulting from the proposed repatriation.

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

RESOLVED that the minutes of the Executive held on 7 April 2020 be received, and where appropriate, adopted.

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

A In accordance with Standing Order No. 8, the following question was put by Councillor Sills to the Leader.

Question

Can the Leader update Members on the loss of revenue because of the virus, and what the Government's support package means to Exeter City Council?

Leader's response:-

The restrictions put in place to protect the public and the NHS have had a significant impact on the Council's income. Car Park income has reduced from £170,000 to around £1,000 a week. This is income that we will be unable to recover. On top of that, our visitor attractions, entertainment venues, Museum and Livestock Centre are all closed. Income for our statutory services is also heavily impacted and we expect there to be a negative effect on the collection of Council Tax, Business Rates, Commercial Rent and other debts. The Council sent its return to the Government last week outlining an estimated loss of income totalling £0.315m for March and £1.584m for April. It is also projected that there is a risk of losing an additional £0.681m in Council Tax and Business Rates bad debts in April alone based on current payments received compared to last year.

To date, the Government has provided £23,400 to support rough sleepers and £72,737 in general grant. The additional cost of providing emergency accommodation for rough sleepers has itself amounted to £193,000, far in excess of the grants received. In total, it is estimated that the Council has spent an extra £0.238m in March and April over and above the amounts provided by Government.

The additional £1.6bn is welcome, but the Government are yet to announce how this will be allocated to individual Councils. I will ensure that the Section 151 Officer provides the allocation as and when the Government announce it.

Councillor Sills asked a supplementary question as to whether it was the intention to discuss issues with Leaders of other authorities to ensure a concerted response to the current problems.

The Leader confirmed that the Chief Executive & Growth Director was in regular contact with his counterparts in other authorities and that the Devon Districts, together with other authorities, continued to lobby the Government through the Local Government Association seeking the necessary financial commitment to local Councils who were in the best position to support their communities through the crisis.

B In accordance with Standing Order No. 8, the following question was put by Councillor Martin to the Leader.

Can the Leader update Members on what actions have been taken in regards to the travellers currently in the city and what is, and can be done to resolve the situation to everyone's satisfaction?

Leader's response:-

Firstly I would like to thank the residents of Lakeside Avenue for their patience. I understand their frustration and I have spent a significant amount of time with officers trying to resolve the concerns.

It is critical at this time to reduce the spread of coronavirus by minimising non-essential travel in line with Government rules. The Government guidance for dealing with travellers during the current outbreak is very clear in that we should not be moving groups on. Instead we should be tolerating them where they currently are, or offering alternative sites with improved sanitary facilities. This unique situation, combined with the suspension of our usual route to regain possession via the courts, has provided unique challenges.

Two alternative sites, with facilities, were offered to the group of travellers and both were declined. Following a productive meeting yesterday with our colleagues at Devon and Cornwall Police, a direction was issued yesterday evening, ordering the travellers to move and relocate to one of the more appropriate sites that we had proposed. All travellers have now left Lakeside but decided not to use the sites provided and have left the city. Our Public and Green Spaces Teams started the clean-up of the site this morning and I thank them for their work and commitment in response to this difficult situation. I have spoken to the Director and options are now being considered on the best means to secure the site in consultation with the local community.

C In accordance with Standing Order No. 8, the following question was put by Councillor D. Moore to the Leader.

While schools remain shut the Department of Education launched a national scheme on 31 March for schools in England providing free school meals, whereby weekly shopping vouchers are available worth £15 to spend at a limited number of supermarkets including Sainsbury's, Waitrose and M&S Food. The Department for Education and their contractor, Edenred, chose not to include the Co-op, other supermarkets, small and independent retailers and other local food supplier's

example local suppliers of fresh vegetables when they launched the scheme. It is vital that families can access affordable food, including fresh food, as close to home as possible.

Please can the Council write to the Department of Education as a matter of urgency and ask them to review the scheme.

Leader's response:-

I agree that it is vital that families can access affordable food - especially at this time.

Prior to the national scheme you talk about, our colleagues at Devon had put in place a scheme to provide free school meals to certain children.

For those now based at home, schools had used a variety of strategies including pack lunch collection from schools, food hamper deliveries, gift cards for local stores and online vouchers for bigger stores.

The National scheme was designed to support families and schools by putting in place a simpler system which schools/families could use as an alternative to the local provision.

However, over the Easter holiday period, there were some issues with the national vouchers not arriving with parents in a timely manner. In these cases schools have intervened to try and ensure children still received the meal to which they were entitled.

Devon County Council along with other Local Authorities have already escalated this to the Department of Education and we understand these initial problems have now been resolved. It was also asked that more local and budget shops could be included. It was agreed that this would be looked into and it is understood that both Aldi and Tesco have now joined the scheme.

It will now be important for the Leaders of all Devon Districts and the Leader of Devon County Council to work in unison to ensure that mechanisms continue to be in place to ensure appropriate delivery of meals to those children in need.

(The meeting commenced at 6.00 pm and closed at 7.19 pm)

Chair

PLANNING COMMITTEE

Monday 16 March 2020

Present:-

Councillor Lyons (Chair)

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

Apologies

Councillor Sparkes

Also Present

Director (BA), Principal Project Manager (Development) (MD), Principal Project Manager (Development) (PJ) and Democratic Services Officer (Committees) (HB)

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MINUTES

The minutes of the meeting held on 10 February 2020 were taken as read, approved and signed by the Chair as correct.

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DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

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PLANNING APPLICATION NO. 19/0650/OUT - THE OLD COAL YARD, EXMOUTH JUNCTION, MOUNT PLEASANT ROAD, EXETER

The Principal Project Manager (Development) (MD) presented the outline application for the construction of 400 residential dwellings (Class C3), 65 senior living with care units (Class C2), new public open and green spaces, access road, refurbishment and extension of locally listed former water tower, and associated works (Landscaping reserved for future consideration).

The Principal Project Manager (Development) advised of two late objections from the Chair of the Railfuture Devon and Cornwall Branch and the Chair of SERUG (Salisbury to Exeter Rail Users Group) which is affiliated to Railfuture, requesting that the new buildings be pulled back by 25 metres from the railway line to facilitate any identified future railway improvements. He reported that Network Rail had been asked to respond and that it had confirmed that it had no objection to the application as it had sold the land to Eutopia Homes in 2018, and had carried out consultation revealing no impact on future rail projects.

The Principal Project Manager (Development) presented the scheme in detail highlighting the following:-

- provision of a mixed housing scheme comprising 465 units in total, meeting a variety of housing needs and to create a balanced community. The scheme included a five storey apartment block with 66 apartments near to Mount Pleasant Road, 104 four-bed townhouses, a 'Village Green', two blocks of 230 Build to Rent apartments, a hard landscaped square, referred to as 'Pump House Square', a converted and extended water tower building to contain a

- management suite and social hub for the Build to Rent apartments and a part 4/5 storey block containing 65 'senior living with care' apartments;
- details of vehicular access to the site from the road serving Morrisons and making the existing access to/from Mount Pleasant Road a pedestrian/cycle access point only, except for emergency vehicles;
- low car parking to encourage more sustainable modes of travel, including walking, cycling and public transport, as well as reducing the dominance of cars in the street-scene with a total of 192 car parking spaces across the scheme as a whole. Over 1,000 cycle parking spaces would be provided across the scheme;
- a package of affordable housing provision of 105 units; and
- the following financial contributions:-
 - £1,051,421 education contribution;
 - £500,000 towards Stoke Hill Roundabout improvements;
 - £333,139 towards allotment link option two;
 - £25,000 towards Traffic Regulation Orders; and
 - £134,767 to expand Mount Pleasant Surgery.

With reference to the allotment link option two, Members referred to the objections received including from the management committee of the Prince Charles Road Allotment Association against Devon County Council's request as Local Highway Authority to secure funding to provide a pedestrian/cycle shared footpath link to the development site through the Prince Charles Road allotments site. The Principal Project Manager (Development) advised that the design details of this access would be the subject of a separate planning application, however acceptance of the contribution would indicate support in principle.

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

- support from the community for the development of this brownfield site but object to the density of the development which will accommodate some 1,500 people as well as the scale of the buildings;
- despite the aim to reduce the dependency on cars, such as the Co-Car scheme, the number of parking spaces will be inadequate to serve the total number of people accommodated and will lead to parking in surrounding streets including the car park of St. James Church which is well used by the wider community;
- the height of the buildings will impact adversely on the neighbourhood and cast shadows over the adjacent allotments which are important for the health and well-being of the community;
- concerns that the dwellings could be occupied by students and change the balance of the community;
- the Mount Pleasant Health Centre has already expanded its foot print and may not have the resources to staff a further expansion;
- concerns that the properties will not be sufficiently insulated to reduce noise and that the play area is not adequate enough and with an area also needed for teenagers; and
- a more proportionate development should be sought.

The Principal Project Manager (Development) advised that the development had been designed in accordance with national planning policy/guidance to make efficient use of land in regard to density. Also, a management plan would be secured as part of the Section 106 legal agreement to control car parking on the

site and that Traffic Regulation Orders would help mitigate parking issues off site. He advised that the scale of the buildings was considered appropriate and a further condition could be added to restrict occupation by students on the site. Also, Condition 21 required sound insulation schemes to be submitted and details of the children's play area would be covered by the application(s) for reserved matters details of landscaping.

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

- speaking on behalf of the Prince Charles Road Allotment Association. These Council owned allotments provide some 300 people direct and indirect benefits furthering social wellbeing. There was a current occupancy rate of 95%;
- the County Council require a pedestrian/cycle path through the allotment site to link the development with Prince Charles Road which would divide the allotment community into two parts, separated by new gates and fences;
- the proposal utilizes the existing track beside the Trading Hut and would mix cars, pedestrians and cyclists on the path travelling in different directions, a recipe for accidents;
- the Trading Hut is the focal point of the allotment community acting as a sale and function room and the path will impact on these activities;
- vandalism and theft, against the Trading Hut, will increase because of increasing public access;
- environmentally, the site is a valuable corridor and haven for wildlife in an urban environment, a value which will increase as the development proceeds covering more land and buildings with hard surfacing; and
- the negative impact of this short cut across the allotment site is significant and will outweigh any benefits of saving cyclists and pedestrians a longer journey.

He responded as follows to Members' queries:-

- the alternative access site near the boundary fence of St James Church was discussed with County and City officers but rejected;
- potentially three plots will be affected one of which currently houses a number of bee hives. Keeping of bees on this plot may become unviable if the hives are too close to the public; and
- other community facilities such as rural pubs have been retained through the designation of "asset of community value"

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

- Eutopia Homes are seeking to provide a quality development with a high level of amenity and providing environmental sustainability;
- aim is to encourage sustainable modes of transport with car parking provision for only 50% of dwellings, car sharing opportunities, electric charging points and 1,000 cycle parking spaces;
- 75% of the site is green space;
- the scheme was supported by the Design Review Panel;
- 105 affordable homes will be delivered and provision for the elderly;
- the access point through the allotments was requested by the County Council and if the link is not supported the financial contribution will stand and can be used for other purposes; and
- Eutopia Homes believe the development will be a benchmark for Exeter.

Members made the following comments:-

- high density developments of this nature help meet the shortage of homes in the city and such developments are popular on the continent. The development offers a good mix of living units;
- reduction of car parking spaces welcome, particularly given the City Council's commitment to a Carbon Neutral city;
- pedestrian links important to further encourage sustainable travel modes to local facilities; and
- development of this brownfield site protects green space from development elsewhere in the city.

One Member voiced their support for the proposal, but not the pedestrian/cycle shared footpath link through the Prince Charles Road allotments required by Devon County Council and asked the Principal Project Manager (Development) to clarify the implications of approving the application on provision of this link. The Principal Project Manager (Development) advised that the link would need to be the subject of a separate planning application and the Section 106 legal agreement could allow for the contribution to be used for the provision of offsite affordable housing should this link, or any other link through the allotments site, prove to be unfeasible to deliver.

Members commented as follows:

- given the objections raised by the allotment holders to the proposed access point a full consultation should take place with them on the County's proposal and subsequent planning application. Should it not proceed, the financial contribution set aside for the access should be utilised in accordance with the Principal Project Manager's advice; and
- the site is adjacent to an Article 4 area and to control the potential occupation by students an additional condition should be added to remove permitted development rights in respect of the change of use of Class C3 use (Dwellings) to Class C4 use (Houses in Multiple Occupation (HMOs)).

The recommendation was for approval subject to the provisions set out in the Additional Information Sheet.

The recommendation was moved and seconded, with a further condition to remove permitted development rights allowing the change of use of Class C3 use (Dwellings) to Class C4 use (Houses in Multiple Occupation (HMOs)) and for the Section 106 legal agreement to allow for the contribution for allotment link option 2 to be used for the provision of offsite affordable housing should this link or any other link through the allotments site not be feasible to deliver.

RESOLVED that subject to:-

- a) the Service Lead City Development being granted delegated authority to determine the updated highways drawings/technical information requested by the Local Highway Authority in its consultation response dated 1 November 2019 and revised drawings showing an additional 'accessible for all' path traversing the wooded slope, subject also to prior consultation with the Chair and the Local Highway Authority over these matters; and
- b) the completion of a Section 106 Agreement under the Town and Country Planning Act 1990 securing the following package of affordable housing and listed contributions:-

- 33 affordable units from Block A (that is half the building) and 15 affordable townhouses (pepper potted) (equating to 28% of 170 units for sale) - 70% of each to be social rented in accordance with Policy CP7 and three socially rented flats to be wheelchair accessible in accordance with Part M4(3)(2)(b) of the Building Regulations;
- 57 affordable Private Rent units (25% of 230 Build to Rent units) in Blocks B and C; affordable private rent units to be at least 20% less than the private market rent (inclusive of service charges);
- £1,051,421 education contribution (including £759,854 secondary contribution towards the new school at South West Exeter);
- £500,000 towards Stoke Hill Roundabout improvements;
- £333,139 towards allotment link option two or offsite affordable housing should this link or any other link not be feasible to deliver;
- £25,000 towards Traffic Regulation Orders;
- £134,767 to expand the Mount Pleasant Health Centre; and
- CIL liability on 295 open market sale/buy to rent units (with CIL liability not applying to Block D or affordable units).

and restricting the use of Block D to Use Class C2 only, as well as securing a management plan with respect to the Build to Rent units (Blocks B and C) and car parking within the development;

planning permission for the construction of 400 residential dwellings (Class C3), 65 senior living with care units (Class C2), new public open and green spaces, access road, refurbishment and extension of locally listed former water tower, and associated works (Landscaping reserved for future consideration) be **APPROVED**, subject also to the following conditions, a new condition 41 in respect of permitted development rights and to the Service Lead City Development being granted delegated authority to add/amend conditions if necessary following the completion of a) above: -

1. Reserved Matters

Details of the landscaping (hereinafter called "the reserved matter") 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 matter. This information is required before development commences to ensure that the development is properly planned with appropriate regard to the reserved matter.

2. Standard Time Limits – Outline Planning Permission

Application for the approval of the reserved matters relating to the development hereby permitted in outline shall be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development hereby permitted in outline shall be begun before the expiration of five years from the date of this 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.

3. Approved Plans and Documents

The development hereby permitted shall be carried out in complete accordance with the approved plans and documents listed below, unless modified by the other conditions of this consent:

(To be confirmed following completion of a) above)

Reason: To ensure the development is constructed in accordance with the approved plans.

4. Boundary with Network Rail

The reserved matter details shall include a fence adjacent to Network Rail's boundary and provisions for its maintenance and renewal in accordance with the comments submitted by Network Rail on 23.07.2019. The fence shall be provided prior to the occupation of any part of the development and maintained/renewed in accordance with the approved details. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way.

Reason: In the interests of public safety, the safe operation of the railway and the protection of Network Rail's adjoining land.

Pre-commencement Details

5. Construction and Environmental Management Plan (CEMP)

No development (including demolition and ground works) or vegetation clearance works shall take place until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall be prepared in accordance with specifications in clause 10.2 of BS 42020:2013 (or any superseding British Standard) and shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
- d) The location and timing of sensitive works to avoid harm to biodiversity features. This includes the use of protective fences, exclusion barriers and warning signs.
- e) The times during construction when specialist ecologists need to be present on site to monitor works to ensure compliance with the CEMP, and the actions that will be undertaken.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

The approved CEMP shall be adhered to and implemented throughout the construction period of the development strictly in accordance with the approved details.

Reason: To protect the biodiversity of the site including protected species, taking into account the recommendations of the submitted protected species reports. A CEMP is required before any development begins to

ensure that appropriate mitigation measures are identified and carried out during the construction phase.

6. Precautionary Working Method Statement for Reptiles

The Precautionary Working Method Statement for Reptiles (PWMSR) appended to the submitted Reptile Report (Wardell Armstrong, July 2019) shall be implemented in full. Prior to the commencement of the development hereby permitted, the details of the suitably qualified ecologist or Ecological Clerk of Works who will be responsible for implementing the PWMSR shall be submitted to and approved in writing by the Local Planning Authority together with a timetable for the implementation of the PWMSR. The approved ecologist shall inform the Local Planning Authority in writing the results of each stage of the timetabled PWMSR, including any further measures carried out to protect reptiles.

Reason: To ensure that reptiles on the site will not be harmed by vegetation clearance works or other construction activities. These details are required pre-commencement as specified to ensure that the Precautionary Working Method Statement for Reptiles is carried out appropriately to the satisfaction of the Local Planning Authority.

7. Invasive Non-Native Species Mitigation

The mitigation measures in section 4.4 of the submitted Invasive Non-Native Species Report (Wardell Armstrong, August 2019) for Three-Cornered Garlic, Montbretia and Cotoneaster Species shall be implemented in full. Prior to the commencement of the development hereby permitted, the details of the suitably qualified ecologist or Ecological Clerk of Works who will be responsible for implementing the mitigation shall be submitted to and approved in writing by the Local Planning Authority together with a timetable for the implementation of the mitigation. The approved ecologist shall inform the Local Planning Authority in writing the results of each stage of the timetabled mitigation, including any further measures carried out to prevent the spread of these plant species.

Reason: To prevent the spread of the invasive non-native species on the site. These details are required pre-commencement as specified to ensure that the mitigation is carried out appropriately to the satisfaction of the Local Planning Authority.

8. 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: 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. 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 and Network Rail. 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 submitted Flood Risk Assessment and Drainage Strategy Report (AECOM, April 2019) (Revision 04, 16.10.2019). 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 lifetime of the development.

Reason: To ensure that surface water runoff from the development 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.)

10. 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 and Network Rail. 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 downstream, negatively affecting water quality downstream or negatively impacting on surrounding areas and infrastructure.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

11. 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 and Network Rail. The development shall be carried out in accordance with the approved details.

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. These details are required pre-commencement as specified to ensure the development is designed and constructed safely with respect to the exceedance pathways and overland flow routes.

12. 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.

13. Detailed Survey of Culvert

No part of the development hereby permitted shall be commenced until a detailed survey of the culvert within the site 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 survey shall confirm the location, levels, diameter and condition of the culvert.

Reason: To determine whether the historical culvert is a feasible receptor for the disposal of surface water from the site. These details are required pre-commencement as specified to inform the design of the permanent surface water drainage system and to ensure that surface water can be safely managed at the site without increasing the risk of surface water flooding either on the site or downstream.

14. Capacity Assessment of Culvert

No part of the development hereby permitted shall be commenced until a capacity assessment of the culvert within the site 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 capacity assessment shall confirm the contributing area draining to the culvert.

Reason: To determine whether the historical culvert is a feasible receptor for the disposal of surface water from the site. These details are required pre-commencement as specified to inform the design of the permanent surface water drainage system and to ensure that surface water can be safely managed at the site without increasing the risk of surface water flooding either on the site or downstream.

15. Energy 1

Any individual dwelling hereby approved shall achieve Code for Sustainable Homes (CSH) Level 4 in respect of Energy and CO₂ Emissions including a 44% CO₂ emissions rate reduction from Building Regulations Part L 2006 as a minimum, in accordance with the requirements of the Code for Sustainable Homes 2006, the Code for Sustainable Homes Technical

Guide November 2010 and the Code Addendum May 2014 (or such equivalent standard that maybe approved in writing by the Local Planning Authority) and Exeter Core Strategy Policy CP15.

Reason: In the interests of sustainable development.

16. Energy 2

Prior to the commencement of the development hereby permitted, the developer shall submit to the Local Planning Authority an assessment to show how the requirements of condition 15 above will be met. The measures set out in that assessment shall subsequently be implemented on site in relation to each individual dwelling prior to the first occupation of that dwelling.

Reason: To ensure that the proposal complies with Policy CP15 of Council's Adopted Core Strategy and in the interests of delivering sustainable development. This information is required before development commences to ensure that a sustainable design is finalised before any irreversible element of the construction process takes place.

17. Phasing Plan

Prior to the commencement of the development hereby permitted a phasing plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved phasing plan.

Reason: To ensure all parts of the development, including infrastructure, are delivered in an appropriate order. A phasing plan is required before development begins to confirm the order the development will be carried out.

Pre-commencement Details – Phases

18. Construction Method Statement

Prior to the commencement of development in any approved phase (including ground works and vegetation clearance works), a Construction Method Statement for that phase shall be submitted to and approved in writing by the Local Planning Authority. The Statements shall provide for:

- a) The site access point(s) of all vehicles to the phase during the construction period.
- 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 within the phase.
- 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 Statements shall be strictly adhered to throughout the

construction period of the phase 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.

19. Waste Audit Statements

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

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.

20. Tree Protection 1 – Service Runs

Prior to the commencement of development in any approved phase, plans shall be submitted to and approved in writing by the Local Planning Authority showing the routeing of underground apparatus within the phase.

Reason: In the interests of protecting the trees to be retained on and around the site. These plans are required before development commences to ensure that these aspects of the development do not adversely affect the health of the trees.

21. Sound Insulation Schemes

Prior to the commencement of development in any approved phase, a scheme for sound insulation to protect occupants of the phase from external noise shall be submitted to and approved in writing by the Local Planning Authority. The approved schemes shall be implemented in full prior to occupation of the phases and shall be maintained as agreed thereafter.

Reason: To protect the residents from noise caused by neighbouring land uses taking into account the submitted Noise and Vibration Report (AECOM, April 2019) (Revision 2, 29.03.2019). These details are required pre-commencement as specified to ensure that noise mitigation measures are included in the development.

Pre-commencement Works

22. Tree Protection 2 – Tree Protective Fencing

No materials shall be brought onto the site or any development commenced, until the tree protective fencing indicated on drawing numbers TH/A279/0219 Rev 1.0 ('Tree Protection Plan (West)' and 'Tree Protection Plan (East)') within the submitted British Standard 5837:2012 Arboricultural Survey (Tom Hurley, 12th April 2019) has been installed and inspected by

an officer of the Local Planning Authority. The developer shall maintain the fencing 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 areas, nor shall trenches for service runs or any other excavations take place within the fenced areas except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.
Reason: To ensure the protection of the trees to be retained during the carrying out of the development. These measures are required pre-commencement as specified to ensure that the health of the trees to be retained are not harmed by building operations.

Pre-tree and Vegetation Clearance Works

23. Bird Nesting 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 nesting 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 previously been submitted to and approved in writing by the Local Planning Authority, including the date of the intended works and the name and contact details of the ecologist. If nesting birds are found or suspected during the works, the works shall cease until the ecologist is satisfied that the nest sites have become inactive.

Reason: To protect nesting birds in accordance with saved Policy LS4 of the Exeter Local Plan First Review and paragraph 175 of the NPPF.

During Construction

24. Tree Protection 3 – Arboricultural Method Statement

The Arboricultural Method Statement and Arboricultural Method Statement Plan (drawing number TH/A279/0219 Rev 1.0) within the submitted British Standard 5837:2012 Arboricultural Survey (Tom Hurley, 12th April 2019) shall be implemented in full and strictly adhered to during the construction phase of the development.

Reason: To ensure the protection of the trees to be retained during the carrying out of the development.

25. Unsuspected Contamination

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for an amended investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of

the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority.

Reason: 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.

26. Ecological Mitigation

Overnight all excavated holes associated with the construction of the development shall be covered and all trenches shall have sloping planks placed in them.

Reason: To avoid trapping animals and to provide a means for escape.

Pre-Specific Works

27. Materials

Prior to the construction of any buildings within an approved phase of the development (not including the foundations), samples and/or product specification sheets, including confirmation of colour, of the external facing materials and roof materials of the buildings within the phase shall be submitted to and approved in writing by the Local Planning Authority. The buildings shall be constructed in accordance with the approved materials.

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

28. Nesting and Roosting Boxes

Prior to the construction of any buildings within an approved phase of the development (not including the foundations), details of the provision for nesting birds and roosting bats in the built fabric of the buildings within the phase shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented as part of the development and retained thereafter.

Reason: To enhance biodiversity on the site in accordance with the Residential Design Guide SPD (Appendix 2) and paragraph 175 of the NPPF.

29. Biodiverse Roofs

Prior to the construction of any buildings indicated as having a biodiverse roof on page 51 of the Design and Access Statement (Darling Associates Architects, April 2019), detailed plans and maintenance arrangements of the biodiverse roofs shall be submitted to and approved in writing by the Local Planning Authority. The biodiverse roofs shall be constructed and maintained as approved.

Reason: In the interests of good design and biodiversity.

30. External Lighting

No external lighting shall be installed on the site unless details of the lighting have previously been submitted to and approved in writing by the Local Planning Authority, in consultation with Network Rail, (including location, type and specification). The details shall demonstrate how the

lighting has been designed to minimise impacts on local amenity, wildlife and the operation of the railway (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, wildlife and the operation of the railway.

31. Vehicle Barriers

The vehicle barriers shown on the approved plans shall not be installed until design details of the barriers have first been submitted to and approved in writing by the Local Planning Authority.

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

Pre-occupation

32. Landscape and Ecological Management Plan (LEMP)

Prior to the first occupation or use of the development hereby permitted, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall be prepared in accordance with the specifications in clause 11.1 of BS 42020:2013 (or any superseding British Standard) and shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) On-going monitoring and remedial measures for biodiversity features included in the LEMP.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(s) responsible for its delivery. All post-construction site management shall be undertaken in accordance with the LEMP.

Reason: In the interests of biodiversity and good design in accordance with Policy CP16 of the Core Strategy, saved Policies LS4 and DG1 of the Local Plan First Review and paragraphs 127 and 175 of the NPPF. Also taking into account the operational mitigation recommended in the submitted protected species surveys.

33. Lighting Design Strategy – Dark Areas

Prior to the first occupation or use of the development hereby permitted, a Lighting Design Strategy to maintain “dark areas” on the site shall be submitted to and approved in writing by the Local Planning Authority. The

Strategy shall include:

- a) A map showing the “dark areas” that will be maintained on site.
- b) An evidence based assessment of light levels of the proposed development, including buildings, vehicle headlamps and street lighting, comprising a written report and accompanying drawings of the site with the levels of predicted illuminance and light spill in and adjacent to the “dark areas” shown by appropriate isolines.
- c) Evidence to demonstrate that a light spill no higher than 0.5 lux will be achieved within the “dark areas”.
- d) Where c) is achieved either fully or in part through landscaping, details of the landscaping and its management to ensure it will maintain the “dark areas” in perpetuity. These details shall be incorporated into the details of landscaping and Landscape and Ecological Management Plan (LEMP) where applicable.

The Lighting Design Strategy shall be implemented and maintained as approved.

Reason: To prevent disturbance to bats in accordance with the recommendations of the submitted Bat Report (Wardell Armstrong, October 2019).

34. Travel Plan 1

No part of the development shall be occupied (not including the ‘senior living with care’ apartment block) 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 saved Policy T3 of the Local Plan First Review and the Sustainable Transport SPD.

35. Travel Plan 2

No part of the ‘senior living with care’ apartment block shall be occupied until a Travel Plan (including recommendations and arrangements for monitoring and review) for this element of the scheme 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 saved Policy T3 of the Local Plan First Review and the Sustainable Transport SPD.

Pre-occupation – Phases

36. Cycle Parking

Prior to the first occupation or use of the buildings in any approved phase,

the cycle parking within that phase, as shown on the approved drawings and within the Design and Access Statement (Darling Associates Architects, April 2019), shall be provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

Reason: To encourage cycling as a sustainable mode of transport in accordance with saved Policy T3 of the Exeter Local Plan First Review and the Sustainable Transport Supplementary Planning Document (March 2013).

37. Car Parking

The buildings in any approved phase shall not be occupied until all of the car parking spaces and access thereto within the phase 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.

Post Occupancy

38. Plant Noise Levels

Mechanical building services plant shall not exceed the levels stated in Table 6.4 of the submitted Noise and Vibration Report (AECOM, April 2019) (Revision 2, 29.03.2019). Plant noise levels shall be measured as a rating noise level in accordance with BS4142:2014.

Reason: In the interests of the amenity of the locality.

39. Build to Rent Facilities

The facilities shown on page 110 of the submitted Design and Access Statement (Darling Associates Architects, April 2019) shall be used as ancillary facilities for the residential development within the site only.

Reason: To ensure that the development reflects the complexion of the proposals upon which the application was assessed.

40. Removal of PD Rights

Notwithstanding the provisions of Article 3 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 1, Class A – enlargement, improvement or other alteration of a dwellinghouse

Part 1, Class B – additions etc. to the roof of a dwellinghouse

Part 1, Class C – other alterations to the roof of a dwellinghouse

Part 1, Class D – porches

Part 1, Class E – buildings etc. incidental to the enjoyment of a dwellinghouse

Part 1, Class F – hard surfaces incidental to the enjoyment of a dwellinghouse

Part 1, Class G – chimneys, flues etc. on a dwellinghouse
Part 1, Class H – microwave antenna on a dwellinghouse

Reason: To ensure minimum garden sizes are maintained in accordance with chapter 7 of the Residential Design SPD and to maintain the principles of the Design and Access Statement (Darling Associates Architects, April 2019) in the interests of good design in accordance with Policy CP17 of the Core Strategy, saved Policy DG1 of the Exeter Local Plan First Review and paragraph 127 of the NPPF.

41 Removal of PD Rights 2

Notwithstanding the provisions of Article 3 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 type described in the following Class 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 L – small HMOs to dwellinghouses and vice versa

Reason: To control the provision of houses in multiple occupation (HMOs) for student housing given the proximity of the site to the University of Exeter, in order to provide a mixed community and meet housing needs in accordance with Policy CP5 of the Core Strategy.

The meeting was adjourned at 7.00 pm for ten minutes for the Senior Management Board to update Members on the latest position in respect of the Coronavirus crisis.

27 **PLANNING APPLICATION NO. 19/1676- FUL - ST. ANDREWS YARD, WILLEYS AVENUE, EXETER**

Councillor Bialyk was not present in the meeting for the consideration of this item.

The Principal Project Manager (Development) (PJ) presented the application for the demolition of existing single storey business premises and construction of a new nine dwelling residential apartment block

The Principal Project Manager (Development) stated that the revised scheme was essentially similar to that previously submitted. It largely addressed only one of the two previous reasons for refusal agreed at the July meeting of this Committee, that is, the scheme's poor design in relation to the character of the area. The other reason for refusal, namely the scale, massing and height of the building remained unchanged. The Principal Project Manager (Development) considered that the intention to now pursue a more traditional elevational approach was more appropriate. Consequently, it was considered that the applicant had addressed the

second reason for refusal relating to design. The Principal Project Manager (Development) stated that a planning judgement was necessary to decide whether the changes made to the design of the building outweighed the unchanged height, scale and massing of the proposed building. The recommendation was for approval, subject to the conditions as set out in the report.

The Principal Project Manager (Development) referred to an email objecting to the development received from Councillor D. Moore including the following points:-

- revised development only addresses one of the reasons for refusal. The height and mass of the development remains out of keeping on both the plot and in its location in Willey's Avenue. The whole three story block adjacent to the terrace row is oppressive in its design and mass;
- the design and access statement shows the building in relation to other properties, cited as apartments opposite, but these are at the end of Willey's Avenue, not adjacent to the property; and
- as parking is on site and in a sustainable location, if permission is granted a condition should be added that no on street parking provision be allowed in order to reduce the potential for conflict for car parking on street spaces.

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

- the community does not object to the development of the site but to the current plans. The revised scheme does not address the majority of the previous concerns, particularly size, scale and massing. It is an oppressive, domineering development;
- the design has been altered but not the bulk of this building and it feels like the developer is trying to shoehorn as many people as possible;
- the building still does not fit into the existing street scene. The mass and scale remain excessive, overbearing and visually intrusive. It does not relate well to the adjacent terraced properties and has a poor relationship with the existing neighbourhood;
- this development has a mansard roof which is out of character as most buildings in the local area have a pitched roof;
- the scale and massing of this design will have a huge impact on existing neighbours on three streets and have a detrimental effect on the amenities currently enjoyed and there will be a significant impact upon the sunlight in homes and gardens; and
- although the developer stated that he wished to consult with neighbours and was committed to the local community he had not made any subsequent contact, nor taken up a request from Councillor D. Moore for a community meeting.

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

- there were three/four storey residential buildings in St Thomas as well as Willeys Avenue itself and, as such, the development was not out of character with the area;
- a development in New North Road had been approved even though it was a modern building set within a Grade II Listed Georgian Terrace and did not therefore relate to the context of the neighbourhood;
- no off street parking proposed as part of the development;
- four separate sets of drawings had been prepared responding to issues raised; and

- have responded in great detail to the issues raised by the Councillor.

A number of Members noted that there had been no change to the scale and massing, that the proposal remained oppressive and it was also suggested that an improved quality in design was required to better reflect the setting of the neighbourhood. One Member requested the future proofing of arrangements for bin storage.

The recommendation was moved and seconded.

RESOLVED that the application for the demolition of existing single storey business premises and construction of a new nine dwelling residential apartment block be **REFUSED** as the proposal would be contrary to Paragraph 127 (a, b, c, and d) and Paragraph 130 of the National Planning Policy Framework (2019), objective 9 and Policy CP17 of the Exeter Local Development Framework Core Strategy (2012), Policies DG1 (b, g, and h) of the Exeter Local Plan First Review (2005) and the Residential Design Guide SPD (2010) because:-

- 1) by virtue of its scale and massing this apartment block would be dominant and visually intrusive within the streetscene, unsympathetic with and detrimental to the character of this established residential area; and
- 2) the proposed development represents poor design that would fail to take the opportunities to improve the character or quality of the area, would not contribute positively to the visual richness and amenity of the townscape and would not raise the quality of urban living through excellence in design.

28 **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 redevelopment with a four storey building comprising of a ground floor retail unit (Class A1), purpose built student accommodation development (71 bed-spaces) above, one wardens's flat and associated private amenity space, secure cycle storage and landscaping.

The Principal Project Manager (Development) advised that the scheme considered at the previous meeting of this Committee had been amended by:-

- removing the second floor cluster flat to the rear and replacing with a mansard roof setting the highest point 1.3 metres in from the boundary;
- reducing the number of bed-spaces from 72 to 71;
- changing the materials of one of the new units at the front from render to brick with dormer windows reduced in size and plinths added to the base of the walls and cappings added to the top; and
- a commitment, following comments of the Fire and Rescue Service, to provide a dry riser in the main staircase.

Responding to Members' queries he advised that:-

- it would be for the applicant to discuss with a neighbour the issue of a boundary wall in respect of the part demolition of a building which was not a planning matter;
- the student management plan could make reference to ensure that the light from a stairway would not become intrusive to neighbours; and

- the applicant had undertaken to provide cycle parking within a secure courtyard and that some cycle parking spaces would also be provided outside the retail unit.

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 a financial contribution of £3,000 towards a Traffic Regulation Order, planning permission 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 (71 bed-spaces) above, one warden's flat and associated private amenity space, secure cycle storage and landscaping be **APPROVED**, subject also to the following conditions:-

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
Reason: To ensure compliance with sections 91-92 of the Town and Country Planning Act 1990.
2. The development hereby permitted shall not be carried out otherwise than in accordance with the submitted details received by on 17 January 2020 (dwg no. AS18.64 L.02.00 rev 05 & L.02.01 rev 05) and 26 February 2020 (dwg nos. AS18.64 L.01.02 rev 05; L.02.02 rev 06; L.02.03 rev 06; L.02.04 rev 06; L.04.00 rev 05; L.04.02 rev 05; L.04.01 rev 06; L.03.03 rev 02 & L.03.02 rev 02) the Local Planning Authority on as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
3. Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority. No external finishing material shall be used until the Local Planning Authority has confirmed in writing that its use is acceptable. Thereafter the materials used in the construction of the development shall correspond with the approved samples in all respects.
Reason: To ensure that the materials conform with the visual amenity requirements of the area.
4. No development (including ground works and demolition) 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.

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.

For the avoidance of doubt, this condition allows for the submission and approval of separate Construction Method Statements for the demolition and construction phases of the proposed development, and for development to proceed on each phase following the approval of the Construction Method Statement for that phase.

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

5. 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 such as to provide reasonable confirmation that no unacceptable risks remain.

Reason: In the interests of amenity of the occupants of the buildings hereby approved.

6. Pre commencement condition - Prior to commencement of the development a noise assessment shall be undertaken and submitted for approval in writing by the LPA. This assessment shall consider the impact of noise from the development on local receptors and shall include noise from plant and equipment as well as future site users. If, following the above assessment, the LPA concludes that noise mitigation measures are required, the applicant shall then submit a scheme of works to ensure that the development does not have a significant negative impact on local amenity. These measures shall be agreed in writing by the LPA and shall be implemented prior to and throughout the occupation of the development.

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

7. Pre-commencement condition - No development related works shall take place within the site until a written scheme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include both on-site work, and subsequent assessment, 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.

8. Pre-commencement condition: Unless otherwise agreed in writing by the Local Planning Authority the building hereby approved shall achieve a BREEAM 'Excellent' standard as a minimum. Prior to commencement of the development, excluding demolition, any works required to facilitate demolition and ground re-profiling work, the developer shall submit to the Local Planning Authority a BREEAM design stage assessment report to be

prepared by a licensed BREEAM assessor which shall set out the evidence to confirm that the minimum standard can be achieved. 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 twelve 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 for pre-commencement condition: To ensure that the proposal complies with Policy CP15 of Council's Adopted 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.

9. Prior to the first occupation of the development hereby permitted a student management scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include securing student only occupation; employment of a warden/student liaison representative to manage student behaviour; on-site CCTV management, lighting and restriction of student parking within the area. The plan shall be implemented in accordance with the agreed details thereafter unless other agreed in writing by the local planning authority.
Reason: In the interests of the amenity of local residents and the character and appearance of the area.
10. Prior to occupation of the building hereby approved place until details of provision for nesting swifts has been submitted to and approved in writing by the Local Planning Authority in consultation with the RSPB. Upon written approval of the details, the scheme shall be fully implemented as part of the development and retained thereafter.
Reason: In the interests of preservation and enhancement of biodiversity in the locality.
11. No part of the development hereby approved shall be brought into its intended use until the seven cycle spaces, as indicated on *Drawing No. 19091 - 010 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 provide adequate facilities for sustainable transport
12. Prior to commencement of the development, details shall be submitted to the Local Planning Authority of secure cycle parking provision for the student element of the development. Development shall not be commenced until such details have been agreed in writing by the Local Planning Authority, and prior to occupation the cycle parking shall be provided in accordance with the submitted details.
Reason: To provide adequate facilities for sustainable transport
13. No part of the development hereby approved shall be brought into its intended use until details of the parallel space within the existing car park as indicated on *Drawing No. 19091 - 010 Rev C* have been approved in writing by the Local Planning Authority. No part of the development shall be occupied until the parallel space lining 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 in accordance with Paragraph 108 of the NPPF

14. Management Plan/Travel Plan measures including the provision of sustainable transport welcome packs and details of the arrangements of how student pick up/drop off will be managed, shall be provided in accordance with details agreed in writing by the Local Planning Authority and Local Highway Authority in advance of occupation of the development.
Reason: To promote the use of sustainable transport modes and in the interest of highway safety, in accordance with paragraphs 111 of the NPPF.
15. Notwithstanding condition no 2, no work shall commence on site under this permission until full details of the following have been submitted to and approved in writing by the Local Planning Authority and the following shall thereafter be provided in accordance with such details:
- a) natural slate and timber windows within the public house front elevation;
 - d) onsite external lighting;
 - e) boundaries treatment within rear courtyard;
 - f) boundary treatment retail and student refuse area;
 - g) refuse storage facility on Spinning Path;
 - h) recording and retention of internal architectural features within the public house;
 - i) refuse management plan for the retail unit.
- Reason:** Insufficient information has been submitted with the application and in the interests of visual amenity
16. Prior to commencement of the development, details shall be submitted to the Local Planning Authority of programme of works including where necessary structural reports for the demolition and construction process in respect of the Sorry Head public house which shall be implemented and adhered to all times unless otherwise agreed in writing.
Reason: To protect the structural element of the building identified for retention.

Informatives

- 1) In accordance with paragraphs 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. A Liability Notice is attached to this permission.

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.

29

LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS

The report of the Service Lead City Development was submitted.

RESOLVED that the report be noted.

30

APPEALS REPORT

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

31

SITE INSPECTION PARTY

RESOLVED that the scheduling of the next Site Inspection Party for Tuesday 7 April 2020 at 9.30 a.m., with Members listed as Councillors Branston, Foale and Williams be noted. Update - site inspection cancelled.

(The meeting commenced at 5.30 pm and closed at 7.44 pm)

Chair

PLANNING COMMITTEE **(HELD AS A VIRTUAL MEETING)**

Monday 27 April 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), Principal Project Manager (Development) (MD), Principal Project Manager (Development) (PJ), Project Manager (Planning), Project Officer (KF), Democratic Services Officer (MD) and Democratic Services Officer (HB)

32

MINUTES

The minutes of the meeting held on 16 March 2020 were taken as read, approved for signing by the Chair as correct at the earliest possible convenience.

33

DECLARATIONS OF INTEREST

Councillor Morse declared an interest and did not participate in the meeting during consideration of Min. No. 34 below.

34

PLANNING APPLICATION NO. 20/0194/ECC - THE NIGHT SHELTER, MAGDALEN STREET, EXETER

Councillor Morse declared an interest because of her involvement as a Portfolio Holder and did not participate in the meeting during consideration of this item.

The Project Manager (GM) presented the application for the amendment to reference 18/1031/ECC to include all year round Night Shelter and Community Facility (Sui Generis) for homeless people.

Mrs O'Farrell spoke against the application. She raised the following points:-

- hope the vulnerable and traumatised who are now being housed will not be put back on the streets when Lockdown is over, however the shelter should be a good neighbour;
- the management scheme for the winter night shelter is not being followed and issues are likely to proliferate to a year-round problem. Anti-social behaviour and noise is continuous throughout winter with customers congregating at the entrance before opening hours as well as late arrivals denied access who end up sleeping rough outside;
- Police are called out once or twice a week and only for cases where disputes escalate and the staff are unable to deal with them;
- in Spring and Summer the noise and anti-social behaviour will make the lives of residents miserable when seeking to use their gardens etc.;
- CCTV both outside and inside the property is required, window treatments should block out internal activity and the terrace on the first floor should remain unused; and

- as the management scheme has not protected the local community, the application should not be allowed. Residents have put up with anti-social behaviour on the understanding that it is temporary but should not be expected to deal with these issues throughout the year when they will be amplified in the Spring and Summer

Members supported the application and recognised the issues raised by the public speaker. Members therefore stressed that the management plan should be strictly adhered to.

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

The recommendation was moved and seconded.

At this point in the meeting, as a result of a nationwide outage of Virgin Media broadband which had interrupted the live streamed coverage via Facebook, it was moved and seconded to adjourn the meeting for this and the remaining items on the agenda (Min. No. 35 below refers) to be considered at a re-convened meeting of this Committee to be held on Monday 4 May 2020 at 5.30pm.

35

ADJOURNMENT OF MEETING

As a result of the nationwide outage, the following items would be considered at a re-convened meeting of this Committee to be held on Monday 4 May 2020 at 5.30pm.

Planning Application No 19/0962/FUL - Land off Pulling Road, Pinhoe
Planning Application No 19/1767/FUL - Quay Gardens, Monmouth Avenue, Topsham
Planning Application No. 20/0013/FUL – 37 Argyll Road, Exeter
List of Decisions Made and Withdrawn Applications
Appeals Report

(The meeting commenced at 5.45 pm and closed at 6.40 pm)

Chair

PLANNING COMMITTEE **(HELD AS A VIRTUAL MEETING)**

Monday 4 May 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), Assistant Service Lead (Planning) City Development, Principal Project Manager (Development) (MD), Principal Project Manager (Development) (PJ), Project Manager (Planning), Project Officer (KF) Democratic Services Officer (MD), Democratic Services Officer (HB)

36

DECLARATIONS OF INTEREST

Councillor Morse declared an interest and did not participate in the meeting during consideration of Min. No. 37 below.

37

PLANNING APPLICATION NO. 20/0194/ECC - THE NIGHT SHELTER, MAGDALEN STREET, EXETER

Councillor Morse declared an interest because of her involvement as a Portfolio Holder and did not participate in the meeting during consideration of this item.

The Chair reported that it had not been possible to determine the application for the amendment to reference 18/1031/ECC to include all year round Night Shelter and Community Facility (Sui Generis) for homeless people at the meeting of this Committee on 27 April 2020 due to its adjournment as a result of a nationwide outage of Virgin Media broadband which had interrupted the live streamed coverage of the meeting via Facebook. Because of this, it was necessary to re-affirm the decision taken on this application considered at that meeting.

The recommendation to re-affirm the decision of this Committee made on 27 April to approve the application was moved, seconded and carried unanimously.

RESOLVED that planning permission for the amendment to reference 18/1031/ECC to include all year round Night Shelter and Community Facility (Sui Generis) for homeless people 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 and use hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 12 February 2020 as modified by other conditions of this consent.

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

- 3) Occupation shall be managed in accordance with the hereby approved Management Plan (16-04-2020_Annex_D) submitted with the application and not commence until the agreed measures have been put in place. Any future amendments of this Management Plan shall be approved in writing by Local Planning Authority and include the following: A) details of the management arrangements for the property, including procedures for dealing with (i) management problems, (ii) anti-social behaviour, (iii) noise and (iv) fires or other emergencies; and, B) the maximum number of bed spaces to be occupied at any one time.

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

38

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

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) advised that the application had been deferred at the February meeting of this Committee for the applicant to consider changes sought by Members. He reported the following:-

- an increase in affordable housing provision from 6 to 10 out of 40 units, that is, from 15% to 25%, including six socially rented units;
- parking spaces reduced by four to 82 spaces in respect of two of the larger units and the number of visitor spaces increased to allow for greater flexibility;
- Verto Homes did not wish to pursue a car free development; and
- additional electric vehicle charging points were not considered necessary as, where there were two or more cars at a particular property, a requirement for two charging points was unlikely.

The Principal Project Manager (Development) also reported three additional letters of objection reiterating previously reported concerns. He further reported proposed amended conditions relating to landscaping on the southern boundary (condition 6) as requested by a neighbour and more specific use defined for the north east emergency access (condition 17). In respect of the latter, concern had been expressed about its suitability, but the Highway Authority had not objected, subject to its minimal use. Verto Homes, who had the right of access, were consulting land owners on this matter.

The Principal Project Manager (Development) responded to Members' queries:-

- the sole access to the site was in the south west corner and the removal of the suggested access for emergency vehicles in the northeast corner of the site could be achieved; and
- the Pinhoe Area Access Strategy was a Devon County Council Highways document.

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

- would welcome a zero carbon development if it was not in Pinhoe;
- Pinhoe suffers from increasing traffic congestion and decreasing air quality, both will be exacerbated by developments currently being built including Pinhoe Quarry which has planning permission for 340 houses. Vehicle access for The Quarry is off Harrington Lane. All traffic for Verto Homes will also need to go along Harrington Lane, to reach the vehicle access off Bourne Rise. The need to encourage sustainable travel options is vital in this location;
- the resubmitted plans have reduced the overall number of parking spaces by 4, which still leaves 29 of the 40 houses with two parking spaces. Pinhoe has co cars available, which reduces the need for households to own a second car. Suggest that 20 of the 40 houses need to be limited to one parking space, to reduce the negative impact of the development on Pinhoe's environment; and
- the Coronavirus Lockdown has emphasised the need for additional affordable housing and, as such, the affordable housing provision should be increased to 30%.

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

- would support development if in an appropriate location but cannot support a further development in Pinhoe in this location;
- this area of Pinhoe has a limited road infrastructure and a further development on the same side of Harrington Lane as the Church Hill and Pinhoe Quarry developments will lead to increased traffic problems and congestion;
- the traffic problems from the 340 new houses at the Quarry could have been alleviated by the provision of an Exhibition Way Link Road but this is not going ahead and additional traffic will have to be absorbed by the existing, overworked traffic network;
- individual developments across Pinhoe have been assessed as not having an impact on traffic but, taken together, the impact will be aggregated and the effect severe. Traffic now exceeds capacity;
- the location and design of the site is poor;
- developments are to be mitigated by contributions to a Pinhoe Area Access Strategy but the status and consultation process on this strategy is unclear and further information is necessary to understand how mitigation measures can reduce the impact on Harrington Road; and
- uncertainty over the need for an emergency access requires clarification.

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

- further information and objections have come forward since the Planning Committee meeting on 10 February 2020;
- the loss of the Exhibition Way Link Road has increased pressure on the road network and the volume of traffic on Harrington Lane which will be compounded by some 380 dwellings at the Pinhoe Quarry site;
- Pinhoe suffers from severe traffic congestion and the Primary school has parking and traffic issues which the new development will compound;
- access is convoluted and will be exacerbated by a one way passing point so emergency access is needed to the north east of the site along a third party private driveway to Church Hill. However, there is no guarantee that this access will be maintained as it is beyond the control of the developer;
- traffic on Harrington Lane will be compounded by the Pulling Road and Quarry developments and is not addressed by the County Council's proposed Pinhoe Area Access Strategy;
- reduced air quality even though the public are encouraged to use

- sustainable transport;
- developer must adhere to the correct number of affordable houses;
- further investigation required on drainage arrangements from the Quarry site; and
- the green belt around Exeter and the ecosystem must be protected.

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

- Verto is adapting to a very different set of circumstances and wishes to continue to make a significant contribution to the economy;
- affordable housing increased to 25% as a reduced profit margin has been accepted. The Council's consultant has agreed that there is a clear case for reduced levels of provision. Any premium achieved for these homes will effectively be eroded by the additional building costs which are significant and which are recognised by the consultants;
- the development reflects Verto's desire to deliver zero carbon homes in Exeter;
- the inclusion of additional EV charging points has been explored and the number of parking spaces reduced;
- confirm that the rights of access for adjoining landowners will not be impeded. The applicant was not able to reach an agreement with the landowner for the Bourne Rise access;
- the applicant has made a number of significant concessions and the proposal now strikes a much better balance;
- much needed market and affordable homes will be provided; and
- the development reflects the City Council goal of becoming carbon neutral by 2030.

He responded as follows to Members' queries:-

- contributions by the developer include £700,000 towards abnormal ground works, £215,000 towards infrastructure and access, £408,000 for cut and fill, £158,000 towards other abnormal costs, £208,000 towards education provision and costs for split level housing and engineering; and
- discount market sale housing and general mix reflects advice received from the Council's consultant in line with the 2019 National Planning Policy Framework guidelines, the detail of delivery to be agreed through the Section 106 Agreement.

Members expressed the following views:-

- disappointment that affordable housing provision was less than the City Council policy compliant level of 35% and 30% could be a better compromise as well as concern regarding the high specification which mitigates against additional housing provision;
- concerns regarding access arrangements including the one way system and with only one access for 40 properties as well as additional traffic on Harrington Lane;
- question requirement for the emergency access which will only be used by pedestrian and cyclists to cut through the estate onto Church Hill which will create dangerous traffic conditions;
- Pinhoe Area Access Strategy is flawed and has not been properly considered by the County Council, particularly in respect of future bus service provision;
- welcome 40 new zero carbon homes in a difficult location which represents

approximately 6% of total house provision at the Pinhoe Quarry, Home Farm and Brickwork sites; and

- high quality zero carbon accommodation suitable for edge of city development and provision of further homes is welcomed.

The Principal Project Manager (Development) (MD) advised that the number of discounted market sales housing was policy compliant and reminded members that the independent valuer appointed by the Council had concluded that 15% affordable housing was acceptable, whereas the developer was offering 25%. Further, should the application be refused due to insufficient affordable housing, this may result in a lower proportion of affordable housing being achieved should it go to appeal. The Principal Project Manager (Development) (MD) also advised that Devon County Council as Local Highway Authority had not objected to the application and read out paragraph 109 of the National Planning Policy Framework (2019) advising when local planning authorities should refuse applications on highways grounds. He advised that members should clarify which parts of the local highway network they had specific concerns about if they refused it on this basis.

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

A proposal to remove the emergency access from the development, as covered by condition 17, was moved, seconded and carried on the casting vote of the Chair.

The recommendation, as amended, was moved, seconded and carried by majority.

RESOLVED that, subject to the completion of a Section 106 Agreement under the Town and Country Planning Act 1990 in respect of affordable housings, a financial contribution towards highway (£130,000), educational contribution (£178,995) and open space/children play facilities in the area to be agreed, planning permission for residential development for 40 dwellings with associated access, landscaping, open space and infrastructure be **APPROVED**, subject also to the following conditions:-

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
Reason: To ensure compliance with sections 91-92 of the Town and Country Planning Act 1990.
- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 15 January 2020 as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 3) Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority. No external finishing material shall be used until the Local Planning Authority has confirmed in writing that its use is acceptable. Thereafter the materials used in the construction of the development shall correspond with the approved samples in all respects.
Reason: To ensure that the materials conform with the visual amenity requirements of the area.
- 4) No 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, 9:00 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 occupants of nearby buildings.

- 5) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for an amended investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.
Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.
Reason: 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.
- 6) A detailed scheme for landscaping, including the planting of trees and/or shrubs (in particular in respect of the southern boundary), the use of surface materials and boundary screen walls and fences shall be submitted to the Local Planning Authority and no unit 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.
- 7) Any trees, shrubs and/or hedges on or around the site shall not be felled, lopped or removed without the prior written consent of the Local Planning

Authority.

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

- 8) 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.
- 9) No materials shall be brought onto the site or any development commenced, until the developer has erected tree protective fencing around all trees or shrubs to be retained, in accordance with a plan that shall previously have been submitted to and approved in writing by the Local Planning Authority. This plan shall be produced in accordance with BS 5837:2005 - 'Trees in Relation to Construction'. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.
Reason: To ensure the protection of the trees during the carrying out of the development.
- 10) Prior to occupation of the building hereby approved place until details of provision for nesting swifts has been submitted to and approved in writing by the Local Planning Authority in consultation with the RSPB. Upon written approval of the details, the scheme shall be fully implemented as part of the development and retained thereafter.
Reason: In the interests of preservation and enhancement of biodiversity in the locality.
- 11) Prior to the construction of any culvert supporting a new highway, a detailed Approval In Principle for the footbridge 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
- 12) No part of the development hereby approved shall be brought into its intended use until the priority access on Pulling Road, including localised widening of Pulling Road and associated footways, as indicated on *Drawing No. 100 Rev E* have been provided to the site boundary 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.
- 13) No part of the development hereby approved shall be brought into its intended use until the footpath linking the site to Pinhoe Quarry 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.

- 14) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The statement should include details of access arrangements and timings and management of arrivals and departures of vehicles. The approved Statement shall be adhered to throughout the construction period.
Reason: In the interests of highway safety and public amenity
- 15) Prior to commencement of the development, details shall be submitted to the Local Planning Authority of secure cycle parking provision for the development. Development shall not be commenced until such details have been agreed in writing by the Local Planning Authority, and prior to occupation the cycle parking shall be provided in accordance with the submitted details.
Reason: To ensure that adequate facilities are made available for cycle provision.
- 16) Prior to occupation of the development hereby permitted, a travel pack 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.
Reason - To ensure that all occupants of the development are aware of the available sustainable travel options.
- 17) Pre-Commencement Condition: Before commencement of construction of the development hereby permitted, the applicant shall submit a technical report in the form of a predicated Energy Performance Certificate (EPC) and Predicated Energy Assessment (SAP) in line with Standard Assessment Procedure (SAP) 2012 which demonstrates a net zero carbon emissions. The measures necessary to achieve this 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.
- 18) 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. 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 lifetime of the

development.

Reason: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.

- 19) 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: 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.

Informatives

1. In accordance with paragraphs 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. A legal agreement under Section 106 of the Town and Country Planning Act 1990 relates to this planning permission.
3. The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following commencement of development. A Liability Notice is attached to this permission.

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.

39

PLANNING APPLICATION NO. 19/1767/FUL - QUAY GARDENS, MONMOUTH AVENUE, TOPSHAM

The Principal Project Manager (Planning) (PJ) presented the application for the construction of a detached two bedroom house with an integral garage.

The Principal Project Manager (Planning) reported a late letter of objection that the access was of insufficient width to accommodate additional traffic. He reported changes made to the proposal since a previous refusal including the retention of trees adjoining Holman Way, provision of a boundary hedge and the removal of a first floor section of the build over the garage, which had reduced the massing allowing Quay Gardens to remain the dominant feature.

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

- welcome the retention of two mature trees but believe previous reasons for refusal still apply;
- development still has an overbearing impact on Quay Gardens House;
- effect of the proposed planting is cosmetic;
- the relocation of a large summerhouse, now used as a studio, is similar in height and footprint to the proposed double garage, and will also adversely affect the setting;
- the proposed development will tower over the junction of Holman Way and Fore Street and will impact adversely on the wider Topsham Conservation Area and have an overbearing impact on the cluster of historic buildings around the Quay and on neighbouring properties and gardens;
- the site lies at the end of a long and narrow private drive whose junction with Monmouth Avenue has poor visibility with the drive serving at least six properties and the final 30 metre section does not meet Devon County Council's Highways advice for private drives longer than 25 metre and serving up to three dwellings. It is less than three metres wide for its entire length and there are no inter-visible parking bays;
- potential damage to the boundary walls and fences of other properties during construction; and
- the only public benefit is the addition of one unit to the housing stock. The potential cost is a significant negative impact on the character and appearance of a treasured part of the Topsham Conservation Area, and the setting of some of its oldest buildings.

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

- confirmation that the new building in the garden fits with the Local Plan;
- the current design meets all relevant requirements of traffic, conservation area, listed buildings, trees, habitat, design and residential amenity;
- the Quay Gardens site has 14 properties on its boundaries with many requests from neighbours to alter the garden which have been accommodated as far as possible including the planting scheme;
- have worked with various professionals to address objections in respect of trees, hedges and impact on conservation area and listed buildings;
- the trees, mentioned in most objections, will be retained as well as the hedge;
- in respect of the impact on the conservation area and listed buildings, changes have been made which reduce the scale and massing and vertical planting provided for the redesign of the south east wall;
- of the 14 neighbours adjoining, one is supportive, one objecting which has been addressed with the retention of the hedge and one neutral; and
- the proposal does not try to replicate a pastiche of designs that have evolved in Topsham but is contemporary and fits in with narrative of changing designs over time.

Members felt that a contemporary building would not impact adversely on the Conservation Area.

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

The recommendation was moved and seconded and carried by majority.

RESOLVED that, subject to the planning permission for the construction of a detached two bedroom house with an integral garage 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 17 December 2019 (including dwg. nos. 19/003/31 Rev A; 19/003/32 Rev A; 19/003/33 Rev A; 19/003/35 Rev A; 19/003/36 Rev A received on 05 March 2020; 19/003/34 Rev B Received on 01 April 2020; 19/003/30 Rev B Received on 08 April 2020) as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 3) 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 8 am 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.
- 4) Samples of the materials it is intended to use externally in the construction of the development (including the natural stone cladding; cedar cladding; bricks and roof membrane) 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.
- 5) 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 a plan that shall previously have been submitted to and approved in writing by the Local Planning Authority. This plan shall be produced in accordance with BS 5837:2012 - Trees in Relation to Design, demolition and construction. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.
Reason 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.
- 6) A detailed scheme for landscaping, including the planting of trees and or shrubs, the planting to the southeast elevation, 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. 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: 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 development related works shall take place within the site until a written scheme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include on-site work, and off site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason for pre commencement condition: 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.

Informatives

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. 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).

3. 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_Ready_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.
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 (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

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PLANNING APPLICATION NO. 20/0013/FUL - 37 ARGYLL ROAD, EXETER

The Project Officer (KF) presented the application for the change of use from six person HMO (C4) to seven person HMO (Sui Generis) and single storey rear extension.

Members expressed the following views:-

- evidence of an increase in anti-social behaviour with increased size of Houses in Multiple Occupation;
- unacceptable scale and impact on the site itself and neighbouring properties;
- increased parking and associated congestion;
- less chance of such properties being used as a family home; and
- the addition of one person is unlikely to lead to anti-social behaviour.

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

The recommendation was moved, seconded and carried by majority.

RESOLVED that planning permission for the change of use from six person HMO (C4) to seven person HMO (Sui Generis) and single storey rear extension 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 approved details received by the Local Planning Authority on 14 April 2020 (including dwgs. *REVISED Block Plan, REVISED Ground Floor Layout and REVISED First Floor Layout*) and 15 April 2020 (*Management Statement*).
Reason: In order to ensure compliance with the approved drawings and in adherence with policies CP4, CP5, DG1, DG4 and H5.
- 3) Prior to occupation of the House in Multiple Occupation hereby approved, the extension shall be constructed and completed in accordance with the approved details.
Reason: To ensure the future occupiers have an appropriately sized living space and a good quality of residential amenity in compliance with policies with CP4, H5 and DG4.
- 4) 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 8 am 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.

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LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS

The report of the Director (BA) was submitted.

RESOLVED that the report be noted.

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APPEALS REPORT

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

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

Chair

PLANNING COMMITTEE **(HELD AS A VIRTUAL MEETING)**

Monday 1 June 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), Assistant Service Lead (Planning) City Development, Principal Project Manager (Development) (PJ), Project Manager (Planning) (LP), Democratic Services Officer and Democratic Services Officer (MD) and Democratic Services Officer (HB)

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MINUTES

The minutes of the meetings held on 21 April and 4 May 2020 were taken as read and approved as correct, for signing by the Chair at the earliest possible convenience.

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DECLARATIONS OF INTEREST

Members declared personal interests and left the meeting during consideration of the item below.

COUNCILLOR	MINUTE
Councillor Harvey	Min. No. 48
Councillor Morse	Min. No. 48
Councillor Williams	Min. No. 48

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PLANNING APPLICATION NO. 19/1713/RES - FORMER FOXHAYES INFANT SCHOOL - GLOUCESTER ROAD, EXETER

The Principal Project Manager (Development) (PJ) presented the application for the construction of 31 dwellings with associated gardens, parking and landscaping with vehicular access from Gloucester Road. (Approval of Reserved Matters of appearance, landscaping, layout and scale pursuant to planning permission reference [17/1789/OUT](#) granted on 7 January 2019.

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

- welcome the proposal, the intention always having been to develop this brownfield site and note the number of detailed conditions which address the concerns expressed on traffic and highway issues;
- the provision of affordable housing at a level of nearly 40% is welcome given the great need for social housing in the city and the number of Tree Preservation Orders is supported as is the continuous footpath through the site; and
- urge a considerate construction approach including issues around accessing the site.

Mr Adam Preece had requested to speak but was unable to do so because of technical difficulties with his phone.

Members, in welcoming the development, noted the provision of affordable housing and the access arrangements notably the joint cycleway and footpath down through Pine Avenue onto Exwick Road. It was also noted that the developer was committed to the proper management of the site and its open space.

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 31 dwellings with associated gardens, parking and landscaping with vehicular access from Gloucester Road. (Approval of Reserved Matters of appearance, landscaping, layout and scale pursuant to planning permission reference [17/1789/OUT](#) granted on 7 January 2019 be **APPROVED**, subject to the following conditions:-

1. The development hereby approved must be begun with five years from the date of the grant of outline planning permission, or two years from the final approval of the reserved matters, whichever is the longer.
Reason: To ensure compliance with section 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 5 December 2019 (dwg. nos.1831:02 rev B); 14 April 2020 (dwg nos BD1831:02 rev B; 1831:20 rev A; 21 rev A; 22 rev A & 23 rev A) and 11 May 2020 (dwg, nos 19007 100 rev E & 300 rev J) as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
3. Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority. No external finishing material shall be used until the Local Planning Authority has confirmed in writing that its use is acceptable. Thereafter the materials used in the construction of the development shall correspond with the approved samples in all respects.
Reason: To ensure that the materials conform with the visual amenity requirements of the area.
4. Notwithstanding the provisions of the Town and Country Planning General Development Order 1995 or any Order revoking and re-enacting that Order, no extension, garages or other development shall be carried out within the curtilage of the dwellings without the formal consent of the Local Planning Authority.
Reason: In order to protect the visual and residential amenities of the surrounding area and to prevent overdevelopment.
5. All conditions imposed on notice of outline approval (ref no.17/1789/OUT) 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.

6. Prior to occupation of the development, details shall be submitted to the Local Planning Authority of secure covered cycle parking provision for the development. Development shall not be occupied until such details have been agreed in writing by the Local Planning Authority, and prior to occupation the cycle parking shall be provided in accordance with the submitted details.
Reason: To provide adequate facilities for sustainable
7. No part of the development hereby approved shall be brought into its intended use until the link (including cycle ramp) to Pine Avenue as indicated by Drawing no. 100 Rev E have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times.
Reason: To provide a safe and suitable access, in accordance with Paragraph 108 of the National Planning Policy Framework
8. No dwelling shall be occupied until full details of the electric charging points have been submitted to and approved in writing by the Local Planning Authority and the following shall thereafter be provided in accordance with such details:
Reason: Insufficient information has been submitted with the application and in the interests of visual amenity.

Informatives

- 1) In accordance with paragraphs 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. A legal agreement under Section 106 of the Town and Country Planning Act 1990 relates to this planning permission.
3. The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following commencement of development.

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.

The Principal Project Manager (Development) (PJ) presented the application for the construction of 43 dwellings with associated gardens, parking and landscaping with vehicular access from Gloucester Road via Higher Exwick Hill. (Approval of Reserved Matters of access, appearance, landscaping, layout and scale pursuant to planning permission reference [17/1788/OUT](#) granted on 7 January 2019.

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

- in favour of developing a brownfield site for housing which also benefits from the relative proximity to the rural surrounds of the city accessed via Exwick Lane;
- support the landscaping proposed including the retention of trees;
- welcome the measures agreed with the Highways Authority to improve highway safety around Exwick Heights Primary School including the traffic calming measures and both the Headteacher and Chair of the School Governing body no longer have any objections; and
- seek assurance that the developers will work with the local school during the construction period, especially at the start and finish of the school day, to ensure that children and family members are kept safe.

Mr Pritchard spoke on the application. He raised the following points:-

- not opposed to use as housing;
- the proposed 1.8metre close bordered timber fence should be erected prior to any building works starting to reduce dust and noise disturbance. The construction of a new fence within the site should be made a condition;
- the sub-station construction needs to be sympathetically designed, preferably brick clad and needs to be enclosed in a building with acoustic cladding walls with a condition added to this effect;
- trees shown as being retained must not change to benefit the adjacent properties and to preserve the long view from the other side of the River Exe;
- the roots of the trees at the vehicle entrance to the site must not be damaged during the road construction;
- the tree protection barrier will need to be erected prior to any construction commencing so that vehicles and any machinery do not cause damage to this area;
- a condition is required so that construction does not take place on Saturdays, Sundays and Bank Holidays; and
- the developer should pay for the windows of adjacent proprieties to be cleaned.

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

- the trees provide a degree of screening for nearby homes and a high quality and diverse natural environment for a compact community nestled amongst them;
- the area to the south has been designed as a habitat for reptiles and that to the north, running alongside Higher Exwick Hill, managed as a woodland;
- access can only realistically be achieved via Higher Exwick Hill as the junction with Gloucester Road is problematic used as both a car park and a turning head for the school run and care will be taken not to worsen it;
- three key safety elements are reducing parking at the junction and giving pedestrians priority, reducing the risk of vehicles colliding with pedestrians and cyclists using Higher Exwick Hill and reducing local traffic by improving pedestrian and cycle connectivity through our site;
- double yellow lines will be provided to the southern side of Higher Exwick Hill to clarify that parking is prohibited with a raised table at this junction to give pedestrians priority;
- bollards on Higher Exwick Hill will be replaced with staggered barriers to slow cyclists down and define where children should wait; and

- vehicles leaving the site will be required to give way, having been forced to slow by passing through a 3 metre width restriction

Members supported the proposed development of this brown field site and acknowledged the associated improvements to the highway network to help improve safety. An additional condition to brick clad the sub-station was also supported.

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 an additional condition to enclose the sub-station with cladding walls, planning permission for the construction of 43 dwellings with associated gardens, parking and landscaping with vehicular access from Gloucester Road via Higher Exwick Hill. (Approval of Reserved Matters of access, appearance, landscaping, layout and scale pursuant to planning permission reference [17/1788/OUT](#) granted on 7 January 2019 be **APPROVED**, subject to the following conditions:-

1. The development hereby approved must be begun with five years from the date of the grant of outline planning permission, or two years from the final approval of the reserved matters, whichever is the longer.
Reason: To ensure compliance with section 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 5 December 2019 (dwg. nos.1832:01); 12 March 2020 (dwg nos 19006 101 rev D 110 rev A & 300 rev H); 14 April 2020 (dwg nos BD1832:02 rev B; 1832:20 rev A; 21 rev A; 22 rev A; 23 rev A; 24 rev B; 25 rev A & 26 rev A) as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
3. Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority. No external finishing material shall be used until the Local Planning Authority has confirmed in writing that its use is acceptable. Thereafter the materials used in the construction of the development shall correspond with the approved samples in all respects.
Reason: To ensure that the materials conform with the visual amenity requirements of the area.
4. Notwithstanding the provisions of the Town and Country Planning General Development Order 1995 or any Order revoking and re-enacting that Order, no extension, garages or other development shall be carried out within the curtilage of the dwellings without the formal consent of the Local Planning Authority.
Reason: In order to protect the visual and residential amenities of the surrounding area and to prevent overdevelopment.
5. No dwelling shall be occupied until full details of the electric charging points have been submitted to and approved in writing by the Local Planning Authority and the following shall thereafter be provided in accordance with such details:
Reason: Insufficient information has been submitted with the application

and in the interests of visual amenity.

6. All conditions imposed on notice of outline approval (ref no.17/1788/OUT) 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.
7. Prior to occupation of the development, details shall be submitted to the Local Planning Authority of secure covered cycle parking provision for the development. Development shall not be occupied until such details have been agreed in writing by the Local Planning Authority, and prior to occupation the cycle parking shall be provided in accordance with the submitted details.
Reason: To provide adequate facilities for sustainable
8. No part of the development hereby approved shall be brought into its intended use until the access arrangements into the site as indicated on drawing no. 101 rev D have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times
Reason: To ensure that a safe and suitable access to the site is provided for all users, in accordance with Paragraphs 108 and 110 of the NPPF
9. Prior to occupation of the development, details shall be submitted to the Local Planning Authority of the staggered barriers on Higher Exwick Hill for the development. Development shall not be occupied until such details have been agreed in writing by the Local Planning Authority, and prior to occupation the staggered barriers shall be provided in accordance with the submitted details.
Reason: To ensure that a safe and suitable access to the site is provided for all users, in accordance with Paragraphs 108 and 110 of the NPPF
10. No part of the development hereby approved shall be brought into its intended use until the pedestrian/cycle access arrangements into the site as indicated on drawing no. 110 rev A have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times
Reason: To ensure that a safe and suitable access to the site is provided for all users, in accordance with Paragraphs 108 and 110 of the NPPF.
11. No development shall commence until the design, including details of materials, of the electricity substation enclosure has been submitted to and approved in writing by the Local Planning Authority and implemented in accordance with these details thereafter.
Reason: In the interests of visual and residential amenity.

Informatives

- 1) In accordance with paragraphs 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. A legal agreement under Section 106 of the Town and Country Planning Act 1990 relates to this planning permission.

3. The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following commencement of development.

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.

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**PLANNING APPLICATION NO 20/0284/FUL - EXISTING CAR PARK D,
UNIVERSITY OF EXETER (EAST OF AMORY BUILDING), EXETER**

The Principal Project Manager (Development) (PJ) presented the application for the construction of a six storey research and education building.

The Principal Project Manager stated that the development met the requirements of Development Planning Policy and was included within the University of Exeter Masterplan. Permission would include construction to a BREEAM excellent standard and he referred to a minor amendment in condition 11 relating to noise levels during construction.

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

- project will accommodate 627 academic colleagues in six research institutes including core research themes in the Government's Industrial Strategy and help drive the local economy in the post Covid recovery phase by supporting the LEP's Local Industrial Strategy;
- will support 4,000 students;
- will help challenges in recruiting foreign students, the Government is to allow 105% of predicted growth for 2020/21 to come from Home/EU students. Nursing and allied health places are excluded from the 105% cap and the University's College of Medicine and Health is well placed to benefit from this;
- an additional demand of 300,000 Higher Education places is predicted through to 2030;
- the University's Research activity this year will be circa £97million projected to expand to £120-125million over next five years;
- continued investment by the University together with Further Education Partners has seen recent successful projects for research and education including the South West Institute of Technology, with a focus on Computer Science, Big Data and Artificial Intelligence; and
- the project is required to ensure the University will continue to be a "Forever Destination Institution" to help ensure it is in a position to realise our Core Strategy of being a Top 10 UK and Top 100 Global Research Intensive University.

Responding to a Member, he advised that the 400 seat auditorium was flexible and could be divided into two areas of 200 seats each as well as being able to move all seating back to create a single standing space. This would be of value in view of the current COVID 19 crisis.

A Member made the following comments:-

- welcome the contribution the research facility will bring to the local economy;
- because of the dominant nature of the building in relation to the surrounding residential area, regard should be given to its impact on the wider community. As such, similar mitigation measures, as introduced for the adjoining East Park development on the campus, are necessary including the need to ensure that noise levels are kept to a minimum during construction and that floodlighting is kept to appropriate hours; and
- seek the updating of the University's Traffic Management Plan prior to the opening of the building, particularly to ensure that car parking does not occur in neighbouring residential areas. Suggest also that the University could consider becoming a car free University.

The recommendation was for approval, subject to the conditions as set out in the report and additional conditions in respect of drainage and landscape.

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 for a highway contribution of £30,000, planning permission for the construction of a six storey research and education building 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) 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.
- 3) 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 8 January 2020 (dwg nos. UoE-ASL-IT-01-DR-A-1001 rev P09; 1002 rev P07; 1003 rev P03; UoE-ASL-IT-ZZ-DR-A-1050 rev P04; UoE-ASL-T-01-DR-A-1011 rev P03; UoE-ASL-IT-ZZ-DR-A-9905 rev P02; UoE-ASL-IT-ZZ-DR-A-1080 rev PO4; 1081 rev P02 & 1082 rev P02) as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
4. 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.
- l) Lighting detail/timings during construction phase.

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

5. 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: Insufficient information has been submitted with the application and in the interests of future amenity
6. Prior to occupation of the building hereby approved place until details of provision for nesting swifts has been submitted to and approved in writing by the Local Planning Authority. Upon written approval of the details, the scheme shall be fully implemented as part of the development and retained thereafter.
Reason: In the interests of preservation and enhancement of biodiversity in the locality.
Reason: Insufficient information has been submitted with the application and in the interests of future amenity
7. Unless otherwise agreed in writing by the Local Planning Authority the building hereby approved shall achieve a BREEAM excellent standard. A BREEAM design stage assessment report has been submitted confirming that the uses will achieve a BREEAM Excellent Standard. The building must now be completed fully in accordance with any approval given. A BREEAM post completion report of the building shall 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 Council's Adopted 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.
8. Prior to commencement of the development, details shall be submitted to the Local Planning Authority of sheltered secure covered cycle parking provision for the development. Development shall not be commenced until

such details have been agreed in writing by the Local Planning Authority, and prior to occupation the cycle parking shall be provided in accordance with the submitted details

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

9. Prior to commencement of the development, details shall be submitted to the Local Planning Authority of changing facilities/lockers for the development. Development shall not be commenced until such details have been agreed in writing by the Local Planning Authority, and prior to occupation the changing facilities/lockers shall be provided in accordance with the submitted details.

Reason: To provide adequate facilities for sustainable transport

10. A comprehensive Travel Plan/Management Plan for the site shall be submitted to and approved in writing by the Local Planning Authority in advance of occupation of the development. The approved travel plan measures will be implemented to the satisfaction of the Local Planning Authority. A review of travel patterns for the site shall be undertaken within 3 months of occupation of the development and updated on a basis as agreed in writing with the Local Planning Authority thereafter.

Reason: To promote the use of sustainable transport modes, in accordance with paragraph 111 of the National Planning Policy Framework

11. Noise from mechanical building services plant shall not exceed a rating noise level (measured in accordance with BS4142:2014) of 38dB (07:00 to 23:00) and 37dB (23:00 to 07:00) at 1m from the façade of any residential receptor.

Reason: In the interest of amenity.

12. An operational noise impact assessment shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development. Any noise mitigation required shall be agreed in writing with the Local Planning Authority and implemented in full prior to occupation and maintained thereafter.

Reason: In the interest of amenity.

13. Pre-commencement condition - No development shall commencement until an air quality assessment based on the AECOM brief dated 7 May 2020 has been submitted and approved in writing by the Local Planning Authority. Any mitigation measure required following the completion of the assessment shall be agreed in writing and implemented in full prior to occupation and maintained thereafter.

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

14. 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 of buildings 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 earth works required together with the timing of the implementation of the scheme. The landscaping shall thereafter be implanted 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.

- 15: 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 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.

16. 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. 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 Tech Note Drainage Strategy (Ref. PNP-ACM-XX-XX-TN-CE-000001-P01; dated 18th May 2020). 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 lifetime of the development.

Reason: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.

17. 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.

Reason: To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development.

18. 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. 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: 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.

48

PLANNING APPLICATION NO. 19/1776/OUT - LAND TO THE REAR OF 26 HARRINGTON LANE, EXETER

Councillors Harvey, Morse and Williams declared personal interests and left the meeting during consideration of the item.

The Assistant Service Lead City Development presented the application for the construction of three dwellings (Approval sought for details of access and layout, all other matters reserved for future consideration).

He advised that the Local Highways (Devon County Council) officer had no objection subject to a financial contribution towards suitable infrastructure as part of the Pinhoe Area Access Strategy and that the Environment Agency were supportive of the drainage arrangements.

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

- land was historically part of an orchard that was half developed in the mid 1970's at which time there was outline planning for the whole orchard including this plot with the second part of the orchard developed in the late 1990's but the plot at the bottom of the garden of 32 Harringcourt Road retained by the family who now wish to secure planning consent for the plot as always intended;
- the land was maintained as a garden by the family but is now overgrown;
- two trees out of nine will have to be removed as they are within the footprint of the proposed houses with the others not of significant value;
- an ecology survey has not found any protected species and there are no significant plants with the site described as scrub land;
- the proposed sewage treatment plant can be dealt with under a condition and will not be a nuisance to neighbours;
- parking has been provided for each dwelling in accordance with Council guidelines and secure cycle parking and bin storage will be provided for each dwelling; and
- all concerns raised by objectors have been taken into account.

Responding to a Member, the Assistant Highways Development Management Officer (Exeter) outlined the measures to mitigate additional housing developments in the Pinhoe ward as set out in the Pinhoe Area Access Strategy and which had been used as evidence in respect of the Exeter Core Strategy, the East Devon Local Plan and for an inquiry into a development site in East Devon.

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 completion of a Section 106 Agreement under the Town and Country Planning Act 1990 to secure a contribution of £9,750 to Devon County Council to provide suitable infrastructure to mitigate the impact of the development planning permission for the construction of three dwellings (Approval sought for details of access and layout, all other matters reserved for future consideration) be **APPROVED**, subject also to the following conditions

- 1) 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 this permission and the development hereby permitted must be begun not later than two years from the final approval of the last of the reserved matters to be approved.
Reason: To comply with Section 92 rule 2 of the Town and Country Planning Act 1990 as amended.
- 2) Pre-commencement condition: Details of the appearance, landscaping and scale, (hereinafter called the reserved matters) shall be submitted to and be approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
Reason for pre-commencement condition: 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) 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.

- 4) Details of all building services plant, including sound power levels and predicted sound pressure levels at a specified location outside the building envelope, to be submitted to and approved in writing by the LPA. The predicted noise levels shall be submitted prior to commencement of the development and shall be demonstrated by measurement prior to occupation of the development.
- 5) No part of the development hereby approved shall be brought into its intended use until the access via Bourn Rise and vehicular parking spaces, as indicated on *Drawing No. 108.002* 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
- 6) Prior to commencement of the development, details shall be submitted to the Local Planning Authority of secure cycle parking provision for the development. Development shall not be commenced until such details have been agreed in writing by the Local Planning Authority, and prior to occupation the cycle parking shall be provided in accordance with the submitted details.
Reason: To provide adequate facilities for sustainable transport.
- 7) Pre commencement condition: Construction during the period March to August shall not commence until bird nesting habitats are thoroughly inspected for nesting birds, by a suitably qualified person and written evidence confirming this has been submitted to and approved in writing by the Local Planning Authority. If nesting birds are found, all activities likely to

damage or disturb the nesting area should be delayed until the chicks have fledged.

Reason for pre commencement condition: To ensure nesting birds are not killed or otherwise harmed by building operations. These details are required pre-commencement as specific to ensure that the pre-works check recommended in the Ecological Appraisal.

- 8) 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 a plan that shall previously have been submitted to and approved in writing by the Local Planning Authority. This plan shall be produced in accordance with BS 5837:2012 - Trees in Relation to Design, demolition and construction. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.
- Reason 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.

- 9) Prior to occupation of any dwelling hereby approved a Wildlife Plan which demonstrates how the proposed development has been designed to enhance the ecological interest of the site, and how it will be managed in perpetuity to enhance wildlife has been submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out and managed strictly in accordance with the approved measures and provisions of the Wildlife Plan.
- Reason: In the interests of protecting and improving existing, and creating new wildlife habitats in the area.

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 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).

- 3) 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.

49

PLANNING APPLICATION NO. 20/0293/FUL - 89 MOUNT PLEASANT ROAD, EXETER

The Assistant Service Lead City Development presented the application for the change of use from dwelling (Class C3) to House in Multiple Occupation (HMO).

The Assistant Service Lead explained that the dwelling had previously been an HMO, the applicant having bought the property to convert it back into a Class C3 dwelling but now wished to sell as it was located in an area that was surrounded by other HMO dwellings. Although in an Article 4 Area, permission could be granted to convert to a HMO if there was a demonstrable difficulty in selling - one of four criteria under the Exceptional Circumstances section of the Council's Supplementary Planning Document on HMOs. There was an acknowledgment that two of the other four criteria had been met inasmuch as there was relatively little local interest in the proposal and the property was surrounded by a large number of HMOs. The property remained on the market, the asking price having been recently reduced.

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

- house was previously a student let and was not in a great condition and much renovation work had been undertaken;
- houses on both sides are HMOs, one for students, the other a Salvation Army halfway house;
- have always been noise and other issues but now affect the family's children more include shouting and swearing, drug use and loud music. The managers of the halfway house are very helpful but as residents change every few months, the problems recur;
- has been on the market for nine months but no offers, feedback including no HMO planning, parking, but mainly concern about adjoining HMOs;
- estate agent initially did not reduce price because of the high level of interest, and several other three beds sold quickly for similar prices;

- almost the entire terrace and the terrace opposite are HMOs or flats; and
- situation is exceptional because of the Salvation Army property, and the manager supports the application.

Members noted that the reduction in price had only occurred recently at a time when the market had been adversely affected by the COVID 19 crises.

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

A motion to defer the application was moved and seconded.

RESOLVED that the application for the change of use from dwelling (Class C3) to House in Multiple Occupation be **DEFERRED**.

50

LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS

The report of the Director (BA) was submitted.

RESOLVED that the report be noted.

51

APPEALS REPORT

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

(The meeting commenced at 5.30 pm and closed at 7.28 pm)

Chair

PLANNING COMMITTEE

Monday 29 June 2020

Present:-

Councillor Rachel Lyons (Chair)
Councillors Williams, Bialyk, Branston, Foale, Ghusain, Harvey, Mrs Henson, Mitchell, M, Morse, Sheldon, Sparkes and Sutton

Also Present

Director (BA), Principal Project Manager (Development) (MD), Principal Project Manager (DC), Democratic Services Officer (MD) and Democratic Services Officer

52 MINUTES

The minutes of the meeting held on 1 June 2020 were taken as read and approved as correct, for signing by the Chair at the earliest possible convenience.

53 DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

54 PLANNING APPLICATION NO, 20/0581/TEL - ST THOMAS CENTRE, COWICK STREET, EXETER

The Director (BA) reported that the application had been removed from the agenda to allow the applicant to work with the Council on issues raised by Historic England.

55 PLANNING APPLICATION NO 15/0640/OUT - ALDENS FARM EAST, LAND BETWEEN CHUDLEIGH ROAD AND DAWLISH ROAD, ALPHINGTON

The Principal Project Manager (Development) (MD) presented the application for outline planning permission for residential development of up to 234 dwellings with accesses onto Chudleigh Road and Dawlish Road, associated landscaping, public open space, drainage and infrastructure with all matters reserved except for access. (*Amended Scheme*)

The Principal Project Manager (Development) advised that, following previous applications from Devon County Council which had been deferred, revised proposals had been received from Redrow Homes at Aldens Farm East and Burrington Estates at Aldens Farm West. The latter application would be reported to the Planning Committee later in the year.

The application for Aldens Farm East comprised revised parameter plans in accordance with urban design principles and the proposal was in line with the principles of the Strategic Allocation. The Principal Project Manager (Development) referred to a series of planning obligations required as part of a Section 106 Agreement. He referred to the objections received from the Alphington Village Forum, notably the reference to the need for community facilities. An updated Transport Assessment had been provided by the applicant.

Responding to Members' queries, he advised that:-

- conditions would include the need to have regard to the 10% policy requirement of public open space, not including the boundary hedgerows;
- the South West Exeter Development Brief was an adopted Supplementary Planning Document and therefore a material consideration although, not all elements within the Brief were necessarily brought forward;
- no approach was made by the Clinical Commissioning Group for health facilities as part of this development;
- the payments due as part of the Section 106 Agreement in respect of the number of dwellings was index linked up to the time payment was made; and
- the site was located adjacent to Alphington Village and therefore there were a number of existing services and facilities close to the site. The site was served by the existing road network, a number of bus services and was located adjacent to an existing pedestrian and cycle path network.

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

- welcome the proposed level of affordable housing of 30%, including 70% social rented to help young families;
- traffic issues are being addressed through the Exeter Transport Strategy which seeks to reduce reliance on the car through encouraging greater bus usage and with the scheduled opening in 2022 of the Marsh Barton Rail Halt;
- recent "pop up" changes in the traffic network as part of the response to Covid-19 will further encourage more cycling and walking and use of public transport;
- the contribution towards transport infrastructure improvements will help towards securing safer access to the developments in South West Exeter;
- welcome the focus on permeability through the site and beyond into the developments in the Teignbridge District as well as the cycle/walking link into the Riverside Valley Park;
- welcome biodiversity provision, more than 10% public open space and linkage to the District Heating system;
- the City Council has previously supported the provision of community facilities in Alphington Village, including the Village Hall; and
- overall, this, and the other developments, are a significant improvement on original proposals.

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

- concerns of Exeter residents regarding potential purchasers of new properties as part of a view that the south west would be a safer area in light of the Covid-19 crisis. Providing for social housing for local people and addressing local housing need is therefore a relevant issue and, as such, a 30% provision may be regarded as inadequate;
- reference to a gateway development highlights this area as one which is adjacent to a main commuter route into the city with its associated problems of congestion and pollution;
- the Hydrock 2019 Transport assessment does not fully consider the proximity of the A30 and the M5, nor future traffic arising from the rest of the south west Exeter developments as part of the Bovis, Barrett's and Burlington Barrett estates;
- a condition is needed to minimise construction traffic through Alphington village;
- Highways England have no plans to improve the Devon Motel roundabout;
- insufficient evidence from the County Council on the likely impact of the additional cars from the 234 houses proposed on travel patterns;

- Dawlish Road is effectively a country lane;
- concern that the proposed cycle and walkways will not materialise and, if they do, will lack an integrated approach to other developments; and
- traffic build-up, traffic jams and gridlock have been evident on many occasions, suggesting a need for an independent traffic assessment.

The Highways Development Management Officer advised that the South West Exeter Access Strategy within the South West Exeter Masterplan provided for the delivery of safe and sustainable highway conditions including improved access arrangements onto the A379 and enhanced walking, cycling and public transport provision. These were being brought forward as part of the overall package of housing and community developments in the Teignbridge district. He also stated that the Construction Management Plan would ensure that traffic was directed away from Alphington Village and that, following the previous deferral of the application, Hydrock had provided an updated report.

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

- in addition to the extremely serious issues around excessive future traffic caused by the massive South West Exeter development comprising 2,500 new houses, the Alphington Village Forum objects to these outline plans on the specific point of the lack of any new community facilities;
- the Hydrock 2019 Transport Assessment produced for the County Council does not fully consider the future traffic arising from the rest of the South West Exeter developments, comprising an additional 1,000 new houses being built on the northern side of the A379. The Tempro 2024 calculations are based on trip rates from a 2011 National Travel Survey and are therefore inaccurate;
- all traffic heading from the A379 towards Exeter on Dawlish and Chudleigh Roads joins Church Road at the church junction, a designated conservation area, and ends in a bottleneck at Alphington Road. This is the junction near Sainsbury's, with more traffic from the A30 joining but is not mentioned in the Hydrock's Manual Traffic Survey;
- there will be six new accesses on to Chudleigh Road and two on to the old Dawlish Road, a narrow country lane regularly blocked at rush hour;
- transport infrastructure enhancements are required for South West Exeter as stated in the Exeter Core Strategy Policy CP19 and regard should be had to the Core Planning Principle of enhancing the natural and local environment;
- there will be an adverse impact on residents' present quality of life;
- the South West Exeter Development Brief produced in 2014 requires an area of 0.11 hectares as a local centre, comprising a site of 0.1 hectare for the future provision of a health centre or doctor's surgery which should be on the eastern side of Chudleigh Road, but has been omitted from the Redrow development;
- the new Local Centre of Matford Barton Garden Neighbourhood Centre although 400 metres away is on the other side of the A379. Few people will be willing to walk or cycle there and carry back all their shopping;
- there are limited parking spaces and dangerous narrow roads; and
- facilities in the village are already over-subscribed, the primary school is full and the surgery has 8,000 registered patients, with lengthy waiting times for appointments.

Responding to a Member, she also remarked that the location of the new school on the other side of the A379 was inappropriate as children from Alphington Village would have to walk across the proposed bridge over the road and extra traffic would occur when parents drove their children to school.

Jenny Miitter spoke in support of the application. She raised the following points:-

- 30% affordable housing, with 70% social rented and 30% intermediate is proposed which is supported by a detailed viability assessment accepted by the Council's independent viability assessor;
- although there had been discussions to increase the affordable housing provision to 35% there was also a request for a substantial education contribution. Redrow had agreed to contribute an additional £1.5 million in education contributions through the Section 106 Agreement. This additional financial burden would impact on the scheme's viability and the ability to provide a policy compliant level of affordable housing which was not achievable. Therefore, the proposed affordable provision should be considered acceptable; and
- the development supports the Council's five year housing land supply position and the imperative to deliver housing growth in line with the plan led system.

She responded as follows to Members' queries:-

- the Section 106 Agreement contributions for traffic improvements are significant;
- a local centre is proposed for the Bovis development in the Teignbridge District and there are adequate shop facilities in Alphington Village; and
- Redrow were guided by the Development Brief which identified the Bovis site as the best for the provision of the new school and agreed a substantial contribution towards the school.

Members expressed the following views:-

- concerned that developments within the boundary of Exeter, both at Alphington and Pinhoe, allied to the other housing developments in the neighbouring authorities of Teignbridge and East Devon, create huge pressures on the infrastructure and existing community facilities and question the overall sustainability going forward;
- proposal fails to meet Council policy of 35% affordable housing provision, does not address need to enhance health or education provision for the Alphington Village area and lacks an archaeological site evaluation and should be re-thought
- additional biodiversity features could be appropriate and a report on noise assessment during and after construction is suggested; and
- developments in this area are being brought forward after prolonged discussions between local authorities seeking to provide the best infrastructure, education and community provision for both Exeter and Teignbridge District and to deliver much needed housing.

The Principal Project Manager (Development) confirmed that the provision of community facilities including education conformed to policy requirements. He advised that the Clinical Commissioning Group were seeking a financial contribution in respect of the Aldens Farm West site but had not made a request in relation to this site.

The recommendation was for approval, subject to the completion of a Section 106 Agreement and the conditions as set out in the report.

The recommendation was moved and seconded and carried.

RESOLVED that, subject to the completion of a Section 106 agreement under the Town and Country Planning Act 1990 in respect of affordable housing; district heating; education; financial contribution to highway and public realm improvements and following agreement with the applicant in respect of the pre-commencement conditions, outline planning permission for residential development of up to 234 dwellings with accesses onto Chudleigh Road and Dawlish Road, associated

landscaping, public open space, drainage and infrastructure with all matters reserved except for access. (*Amended Scheme*) be **APPROVED**, subject also to the following conditions:-

1. Approval of the details of the layout, scale, appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
Reason: To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
2. 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 section 91 - 93 of the Town and Country Planning Act 1990.
3. In respect of those matters not reserved for later approval the development hereby permitted shall be carried out in accordance with the proposed access scheme shown on drawing no. *13557-HYD-XX-XX-DR-TP-0006 Rev P01 and 13557-HYD-XX-XX-DR-D-0001 Rev P02*
Reason: To ensure that an appropriate vehicular access is provided to serve the development.
4. The development hereby permitted shall not be carried out otherwise than in accordance with the submitted details contained within the parameter plans (dwg nos epd5978_d001b; 5978_d002h; 5978_d003i & 5978_d0041i) as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved plans.
5. If, during demolition/ development, contamination not previously identified is found to be present at the site then the Local Authority shall be notified as soon as practicable and no further development (unless otherwise agreed in writing with the Local Planning Authority), shall be carried out until the developer has submitted an investigation and risk assessment, and where necessary a remediation strategy and verification plan, detailing how this unsuspected contamination shall be dealt with. Prior to occupation of any part of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy, shall be submitted to and approved by the Local Planning Authority.
Reason: In the interests of the amenity of the occupants of the buildings hereby approved.
6. Pre-commencement condition: No development related works shall take place within the site until a written scheme of archaeological work has been submitted to and approved in writing by the Local Planning Authority for those works. This scheme shall include on-site work, and off-site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development.

7. Pre-commencement condition: No development shall take place until a Waste Audit Statement for waste arising from the development has been submitted to and agreed in writing by the Local Planning Authority. The statement shall include:
- a) methods to reduce the amount of waste material
 - b) methods to re-use the waste within the development
 - c) methods for the reprocessing and/or final disposal of excavated materials, including locations (which should hold appropriate planning permission, Environment Agency licences and exemptions) where such activities will take place
 - d) estimated quantities of excavated/demolition materials arising from the site
 - e) evidence that all alternative methods of waste disposal have been considered
 - f) evidence that the distance travelled when transporting waste material to its final disposal point has been kept to a minimum.
- Reason: The development shall be carried out in accordance with the approved statement.
8. Prior to first occupation a Landscape and Ecological Management Plan as recommended by the Ecological Assessment dated November 2019 produced by Tyler Grange which demonstrates how the proposed development will be managed in perpetuity to enhance wildlife, together with a programme of implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and maintained in accordance with the approved Plan and programme of implementation.
- Reason – In the interests of securing a comprehensive approach to the preservation and enhancement of the landscape and ecological interest of the site
9. Pre-commencement condition: No development (including ground works) or vegetation clearance work shall take place until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority including for those works:
- (a) the timetable of the works;
 - (b) daily hours of construction;
 - (c) any road closure;
 - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inclusive: 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
 - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
 - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
 - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;

- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) the proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) details of the amount and location of construction worker parking.
- (n) photographic evidence of the condition of adjacent public highway prior to commencement of any work.

Reason: To minimise the environmental impacts of the construction process for local residents and in the interests of amenity.

10. 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. The application for the detailed drainage should be submitted and agreed at the same time that the reserved matters for layout are submitted and agreed. 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 Alden's Farm East, Alphington Drainage Strategy Addendum Report (Report Ref. 19035 - A, Rev. A, dated 20th March 2020). 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 lifetime of the development.

Reason: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.

11. 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. 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: 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.

12. Pre-commencement condition 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.

Reason: To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development.

13. Pre-commencement condition: No development shall take place until details have been submitted and agreed in writing by the Local Planning Authority of how good design principles and best practice measures, as outlined in Chapter 5 of the IAQM/EPUK guidance Land-Use Planning & Development Control: Planning For Air Quality, will be incorporated to ensure that emissions are fully minimised. The development shall not be occupied until the agreed measures have implemented.

Reason: In the interests of residential amenity.

14. No development shall take place, until a noise 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 implemented.

Reason: In the interests of residential amenity

15. No part of the development shall be occupied until details of the open space provision (to be not less than 10% of the total site area and excluding hedgerow and associated buffer area) and children's play equipment has been submitted to and approved in writing by the local planning authority and thereafter installed to an agreed timescale and maintained in accordance with the agreed details.

Reason: In the interests of residential amenity

16. With the exception of the approved removal of the accesses for the site any trees and hedges on or around the site shall not be felled, lopped, or removed without the prior written consent of the Local Planning Authority.

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

17. The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the tree protection plans submitted as part of the Arboricultural Survey produced by Advance Arboriculture dated August 2017 before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the Local Planning Authority.

Reason: 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.

18. Prior to occupation of the development hereby approved details of provision for nesting birds shall be submitted to and approved in writing by the Local Planning Authority in consultation with the RSPB. Upon written approval of the details, the scheme shall be fully implemented as part of the development and retained thereafter.

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

19. The development shall accord with the recommended mitigation measures as stated within the Ecological Assessment dated November 2019 produced by Tyler Grange unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect and enhance the existing habitat in relation to the area's bat population.

20. The development shall accord with the recommended mitigation measures as stated within the dormouse mitigation method statement dated December 2012 and reaffirmed in November 2017 produced by EPS Ecology and the

Ecological Assessment in November 2019 produced by Tyler Grange unless otherwise agreed in writing by the Local Planning Authority.
Reason: To protect and enhance the existing habitat in relation to the area's dormouse population.

21. Unless it is agreed in writing by the Local Planning Authority prior to commencement that it is not viable or feasible to do so, or would unreasonably delay construction the habitable 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 low temperature hot water decentralised energy district heating network. Space shall be provided for the necessary on-site infrastructure (including pipework, plant and machinery) for connection of those systems to the network at points at the application site boundary, as agreed in writing by the local planning authority.
Reason: To ensure that the proposal complies with Policy CP13 of Councils Adopted Core Strategy and paragraph 153 of the NPPF and in the interests of delivering sustainable development.
22. The development shall achieve a 19% reduction in CO2 emissions over than necessary to meet the requirements of the 2013 Building Regulations.
Reason - In the interests of sustainable development and in accordance with Exeter Core Strategy Policy CP15.
23. No part of the development shall be occupied until a vehicular access onto Dawlish Road and Chudleigh Road with associated visibility splays (subject to the approval of a TRO in consultation with the Local Highway Authority), as indicated in *drawing Number 13557-HYD-XX-XX-DR-TP-0006 Rev P01* have been completed with details that shall have been submitted to, 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 Paragraph 108 of the NPPF.
24. No part of the development shall be occupied until further details of Pedestrian/Cycle access serving the site, as indicated in *Drawing Number edp5978_d002h* have been completed with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and the Local Highway Authority.
Reason: To ensure that a safe and suitable access to the site is provided for all users, in accordance with Paragraphs 108 and 110 of the NPPF.
25. No part of the development shall be occupied until a 2m footpath adjacent to Chudleigh Road as indicated on *Drawing Number 13557-HYD-XX-XX-DR-D-0001 Rev P02* have been completed with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and with the Local Highway Authority
Reason: To ensure that a safe and suitable access to the site is provided for all users, in accordance with Paragraphs 108 and 110 of the NPPF
26. Prior to first occupation any retaining wall within 5m of public highway, a detailed Approval In Principle for that section of retaining wall shall be submitted and approved in writing by the Local Highway Authority and implemented in accordance those agreed details.
Reason: To ensure the integrity of adjacent structures and land, and to formalise any necessary easements.

27. No more than 150 dwellings shall be occupied until a vehicular route from Chudleigh Road to Dawlish Road capable of accommodating two-way bus flow through the site have been provided to a specification agreed in writing with the Local Planning Authority and with the Local Highway Authority
Reason: To ensure the site is served by sustainable transport modes required to meet the agreed residential trip rates and to ensure that a safe and suitable access to the site is provided for all users, in accordance with Paragraph 108 of the NPPF.
28. No development shall take place, including any works of demolition, until adequate areas shall have been made available within the site to accommodate operatives' vehicles, construction plant and materials and a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority.
The statement should include details of access arrangements, measures to minimise the impact on the adjacent footpaths and timings of the proposed works. The approved Statement shall be adhered to throughout the construction period.
Reason: In the interests of highway safety and public amenity

Informatives

1. A legal agreement under Section 106 of the Town and Country Planning Act 1990 relates to this planning permission.
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. The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following commencement of development. 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.
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, 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 funding the mitigation strategy.

PLANNING APPLICATION NO. 18/1145/OUT - LAND EAST OF CUMBERLAND WAY, MONKERTON, EXETER

The Principal Project Manager (Development) (DC) presented the application for residential development of up to 80 dwellings (All matters reserved except access).

The Principal Project Manager (Development) detailed the location of this 1.88 hectare site to the east of Cumberland Way, Monkerton, bounded by the Tithebarn Link Road to the north and Cumberland Way to the west, referring to a parcel of land between the southern boundary of the site and Hollow Lane transferred to the City Council. Hollow Lane itself formed part of the cycle and footpath system serving the Monkerton area, being a strategic cycleway. The density of residential development was in-line with the Masterplan for the area and the site was part of the Monkerton/Hill Barton Strategic Allocation. The principle of development on this site was acceptable in planning policy and the development was in accordance with the adopted Core Strategy.

Devon County Council Highways raised no objection to the development, subject to a number of planning conditions and clauses within the Section 106 Agreement with the City Council also a party in order to enter into a Footway/Cycleway Agreement to enable the pedestrian/cycle link to Hollow Lane through the Ridge Line Park

The Principal Project Manager (Development) reported a late letter from the owner of Orchard Lea stating that there was no pavement adjoining the property. It was noted that the access details did not go as far as Orchard Lea.

The Highways Development Management Officer advised that the Monkerton Strategic Master Plan had been informed by a Traffic Impact Assessment and that this would have included an impact analysis of this development.

Members expressed the following views:-

- whilst supporting elements of the application being brought forward including the enhancement of the Ridge Line Park, access onto the Tithebarn Lane Link Road, connection to Pinhoe Railway station and the provision for electric co-cars, the overall principle of continued development in the wider area is a concern for local residents; and
- notwithstanding the continuing expansion of the eastern side of Exeter, the development does provide significant contributions for education and transport.

The recommendation was for approval, subject to the completion of a Section 106 Agreement and the conditions as set out in the report.

The recommendation was moved and seconded and carried.

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

- connection to District Heating Facility;
- 35% affordable housing (70% social rent, 30% intermediate);
- Financial contributions towards Devon County Council Education –
 - primary contribution of £134,079 (based on the Department of Education new build rate of £16,019 per pupil). This equates to a primary

- contribution of £1,675 per dwelling. The contributions will be used towards new primary provision at Monkerton;
- secondary contribution of £225,142 (based on the Department of Education new build rate of £24,261 per pupil). This equates to a secondary contribution of £2,814 per dwelling. The contributions will be used towards new secondary provision at South West Exeter. This new provision will release capacity at secondary schools in the East of Exeter to serve Monkerton and surrounding development;
- contribution towards Early Years provision of £20,000 (based on a rate of £250 per dwelling). This will be used to provide early years provision for pupils likely to be generated by the proposed development. The contributions will be used towards new early years' provision at Monkerton;
- £500 per dwelling to Devon County Council towards implementing a residential travel plan;
- up to £5,000 contribution to Devon County Council towards relevant traffic regulation orders
- Exeter City Council as landowner will enter into a Footway/Cycleway Agreement as reasonably requested by the County Council to enable the connection to Hollow Lane of the 3m effective width pedestrian/cycle link through Monkerton Ridge Line Park to Hollow Lane from the southern boundary of the application site.

planning permission for a residential development of up to 80 dwellings (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 this permission and the development hereby permitted must be begun not later than two years from the final approval of the last of the reserved matters to be approved
Reason: To comply with Section 92 rule 2 of the Town and Country Planning Act 1990 as amended.
2. Reserved Matters **Pre-commencement condition:** Details of the appearance, landscaping, layout, and scale, (hereinafter called the “reserved matters”) shall be submitted to and be approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
Reason for pre-commencement condition: 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 P.147/3(12) and shall not be carried out otherwise than in accordance with the plan listed below, unless modified by the other conditions of this consent including the approval of the reserved matters:
 1. Access Junction Details (HBS-DR-C(00)-760 Rev P5)
Reason: To ensure compliance with the approved drawings.
4. Site Access In respect of those matters not reserved for later approval no part of the development hereby approved shall be brought into its intended use until the site access, visibility splays and the vehicular access point, has been provided in accordance with the details as

indicated on the following approved plans: Access Junction Details (HBS-DR-C(00)-760 Rev P5).

Reason: To ensure that the means of access to serve the development (which is not a reserved matter) are acceptable from a highway safety perspective and thereby provide a safe and suitable access in accordance with paragraphs 108 and 110 of the National Planning Policy Framework and policy CP9 of the ECC Core Strategy.

5. Pedestrian/Cycleway Through Site

Pre-commencement condition: The reserved matters submissions (required by condition 2) shall show the location, details and specifications (including sections to confirm gradients) of a 3m effective width pedestrian/cycleway from the site access on the northern boundary through the site to the southern boundary linking with the Ridgeline Park (adjacent to Hollow Lane). The pedestrian/cycle 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 for pre-commencement condition: 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.

6. Tree Survey/Arboricultural Impact Assessment/Tree Protection Plans **Pre-commencement condition:** An Arboricultural Impact Assessment (AIA) and Tree Protection Plan (TPP) shall be submitted to and approved in writing by the Local Planning Authority as a part of the reserved matters submissions required by condition 2. The TPP shall be produced in accordance with BS 5837:2012 - Trees in Relation to Design, demolition and construction. The AIA and TPP will be based on and accompanied by a Tree Survey covering the site of the reserved matters application carried out within the 12 month period preceding the submission of the application. The approved TPP shall be implemented throughout the construction of the development approved by the reserved matters application.

Reason for pre-commencement condition: To protect the trees to be retained on or adjacent to the site of the reserved matters application in accordance with saved Policies LS4 and DG1(c) of the Exeter Local Plan First Review, and the Trees in Relation to Development Supplementary Planning Document (September 2009). These details are required pre-commencement as specified to ensure that the detailed design of the development has full regard to arboricultural impacts.

7. Tree/Hedgerow Protection Measures **Pre-commencement condition:** No materials shall be brought onto the site, 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. The level of the land within the fenced areas shall not be altered without the prior written consent of

the Local Planning Authority. No vehicles, plant or materials shall be driven or placed within the areas enclosed by the fences, 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 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.

8. Cycle Parking **Pre-commencement condition:** The reserved matters submissions (required by condition 2) shall show the location and design of secure cycle parking facilities for each dwelling in accordance with the standards set out in the Sustainable Transport Supplementary Planning Document. Prior to the occupation of each dwelling, the cycle parking facilities shall be provided in accordance with the agreed details. The cycle parking facilities for each dwelling shall be retained for that purpose at all times.
Reason for pre-commencement condition: To promote cycling as a sustainable mode of travel and to accord with the Sustainable Transport SPD. These details are required pre-commencement as specified to ensure that acceptable cycle parking facilities are designed for the site before the development is built.
9. Landscaping Details **Pre-commencement condition:** A detailed landscaping scheme for the site shall be submitted to the Local Planning Authority as part of the submission of reserved matters as required by condition 2. The scheme shall include details of hard and soft landscaping, including all boundary treatments together with a programme of implementation. Where applicable, it shall specify tree and plant species and methods of planting. The development shall be implemented and maintained in accordance with the approved landscaping scheme and programme of implementation. 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 for pre-commencement condition: 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. These details are required pre-commencement as specified to ensure that acceptable landscaping is designed for the site before the development is built.
10. Acoustic Design Statement **Pre-commencement condition:** An Acoustic Design Statement shall be submitted to and approved in writing by the Local Planning Authority as a part of the reserved matters submissions required by condition 2. 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 for pre-commencement condition: To ensure that the occupiers of the dwellings enjoy an acceptable level of amenity with respect to noise from adjacent roads. These details are required pre-commencement as specified to ensure that any necessary noise mitigation measures are designed for the site before the development is built.

11. Unsuspected Contamination If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for an amended investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with. Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.
- Reason:** 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.

12. Construction Method Statement **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 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.
- k) No driven piling without prior consent from the LPA.
- l) Measures to minimise the impact on the adjacent footpaths and timings of the proposed works.

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

Reason for pre-commencement condition: 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.

13. 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.

14. Ecological Survey **Pre-commencement condition:** Prior to the commencement of development, an Extended Phase 1 Habitat Survey shall be carried out and the results of the survey shall be submitted to and approved in writing by the Local Planning Authority, unless the Ecological Appraisal (Sunflower International, 16 October 2018) was dated in the preceding three years. The recommendations of the Extended Phase 1 Habitat Survey shall be implemented in full, including any recommended further survey work in which case no development shall take place until the further survey work has been carried out and the results have been submitted to and approved in writing by the Local Planning Authority. The recommendations of the further surveys shall be implemented in full.
Reason for pre-commencement condition: To ensure that the implications of the development on biodiversity are fully understood based on up-to-date survey and any measures necessary to mitigate the impact of the development on protected species are identified and carried out at the appropriate time in accordance with saved Policy LS4 of the Exeter Local Plan First Review and paragraph 175 of the NPPF. Natural England's Standing Advice states that Local Planning Authorities can ask for extra surveys to be done as a condition of planning permission for outline or multi-phased developments to make sure protected species aren't affected at each stage. These details are required pre-commencement as specified to ensure that protected species are not killed or otherwise harmed by building operations.
15. Biodiversity Mitigation and Enhancement Plan **Pre-commencement condition:** Prior to the commencement of development a Biodiversity Mitigation and Enhancement Plan (BMEP) which demonstrates how the proposed development has been designed to enhance the biodiversity value of the site and how it will be managed in perpetuity to enhance biodiversity, together with a programme of implementation, shall be submitted to and approved in writing by the Local Planning Authority. The BMEP shall take into account the mitigation and enhancement assessment of the submitted Ecological Appraisal (Sunflower International, 16 October 2018) and the results of survey required by planning condition 14. Thereafter, the development shall be carried out and managed strictly in accordance with the approved measures and provisions of the Wildlife Plan.
Reason for pre-commencement condition: In the interests of protecting and improving existing, and creating new wildlife habitats in the area.
16. 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:
 1. a raised crossing at the access of the development onto Tithebarn Link Road (shown on drawing number HBS-DR-C(00)-760 Rev P5)
 2. a pedestrian/cycleway along site frontage (3m effective width, 3.5m wide) of Tithebarn Link Road/Cumberland Way

The works shall be implemented prior to the occupation/use of the development.

Reason: To ensure that a safe and suitable access to the site is provided for all users, in accordance with Paragraph 108 of the NPPF and CP17 of the ECC Core Strategy

17. Car Parking Provision No dwelling shall be occupied until the associated car parking for the dwelling 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.

18. Programme of Percolation Tests **Pre-commencement condition:** 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 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. If infiltration proves viable then groundwater monitoring will be required (in accordance with Devon County Councils Flood and Coastal Risk Management Teams Groundwater Policy) to demonstrate that infiltration devices will be located at least 1 metre above the highest recorded groundwater level.

Reason for pre-commencement condition: 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.

19. Detailed Permanent Surface Water Drainage Scheme **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 informed by the programme of approved BRE Digest 365 Soakaway Design (2016) percolation tests and in accordance with the principles set out in the Flood Risk Assessment Addendum (Ref.140276/FRA1/ADD/RevB; dated 6th February 2019). The approved permanent surface water drainage management system shall be implemented prior to the occupation of the development.

Reason for pre-commencement condition: 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.

20. Surface Water Drainage Management System (Construction) **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. The approved surface water drainage management system shall be implemented and maintained throughout the construction period.
Reason for pre-commencement condition: 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 downstream, negatively affecting water quality downstream or negatively impacting on surrounding areas and infrastructure.
Advice: Refer to Devon County Council's Sustainable Drainage Guidance.
21. Adoption and Maintenance Arrangements **Pre-commencement condition:** 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 maintained as approved.
Reason for 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.
22. Archaeological Work **Pre-commencement condition:** No development related works shall take place within the site until a written scheme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include on-site work, and off-site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.
Reason for pre-commencement condition: 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.
23. Energy and CO2 Emissions **Pre-commencement condition:** Prior to the construction of the dwellings hereby permitted, including construction of the foundations of the dwellings but excluding other site works, the developer shall submit a SAP calculation for the dwellings which demonstrates that a 19% reduction in carbon dioxide emissions from that required to meet the 2013 Building Regulations can be achieved. The measures necessary to achieve this carbon dioxide saving shall thereafter be implemented on site

and within 3 months of practical completion of any dwelling the developer shall submit a report to the Local Planning Authority by a suitably qualified consultant to demonstrate compliance with this condition.

Reason for pre-commencement condition: To ensure that the proposal complies with Policy CP15 of Council's Adopted Core Strategy and in the interests of delivering sustainable development. These details are required pre-commencement as specified to ensure that a sustainable design is finalised before any irreversible element of the construction process takes place.

24. Waste Audit Statement **Pre-commencement condition:** 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 statement template appended to Devon County Council's Waste Management and Infrastructure Supplementary Planning Document. The development shall be carried out in accordance with the approved statement.

Reason for pre-commencement condition: 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.

Informatives

1. 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).

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. 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.

4. A legal agreement under Section 106 of the Town and Country Planning Act 1990 relates to this planning permission.

57

LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS

The report of the Director (BA) was submitted.

RESOLVED that the report be noted.

58

APPEALS REPORT

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

(The meeting commenced at 5.30 pm and closed at 7.32 pm)

Chair

LICENSING COMMITTEE
(HELD AS A VIRTUAL MEETING)

26 May 2020

Present:

Councillor Keith Owen (Chair)

Councillors Buswell, Begley, Branston, Henson, D, Mitchell, K, Newby, Oliver, Vizard, Warwick, Wood and Wright

Apologies:

Councillor Quance, I

Also present:

Solicitor, Principal Licensing Officer, Licensing Officer (JW), Democratic Services Officer (MD) and Democratic Services Officer (SLS)

5 Minutes

The minutes of the meeting held on 4 February 2020 were taken as read, approved and signed by the Chair as correct.

6 Declarations of Interest

No declarations of interest were made by Members.

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

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

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

8 Application for Consent to Engage in Street Trading at Cofton Road

The Chair introduced the Committee. The Solicitor set out the procedure, the Council's policy and the requirements under the Local Government (Miscellaneous Provisions) Act 1982.

The Principal Licensing Officer, presented the report which advised the Committee that the applicant was seeking approval to engage in street trading on Cofton Road, selling a selection of foods including, breakfasts, burgers and jacket potatoes, for a three month period. The Applicants had specified Cofton Road as the only suitable location for trading and had applied for a consent to trade Monday to Saturday between 07:30 and 15:00 hours.

The Applicants had submitted a photograph of the proposed purpose-built food trailer and had registered the business with Environmental Health for food hygiene purposes, which had been inspected in August 2019 receiving a 5 out of 5 rating.

The Applicants were attendance and spoke in support of the application, stating that they were familiar with the Marsh Barton area and had a good understanding on running a catering business. They had a passion for providing healthy food, using local produce and confirmed they had received a five star rating for food hygiene excellence. The food would be served in biodegradable boxes and the Applicants confirmed that the signs on the van, had been removed.

In response to questions from Members and the Legal Advisor, the Applicants responded:-

- The food van had removed all signage and was now a plain white vehicle which would be selling locally sourced produce;
- They were aware that the food trade was currently in low demand because of the coronavirus but were optimistic that the trade would pick up again;
- They would be advertising through various using social media platforms, rather than delivering flyers;
- The type of biodegradable packaging was being finalised, but there would be 10% discount to customers who returned food boxes or cups as an incentive;
- Safety measures during the coronavirus pandemic, would include the use of a set entrance and exit queuing system for customers to ensure they kept two metres apart, payments would be taken through a card machine and hand sanitizer would be provided to customers and staff. There was also the option for delivering food to customer homes;
- They were aware of the increase in dietary requirements for celiac and gluten intolerant customers and dietary requirements for food allergies would be catered for and advertised accordingly;
- They were looking to get permission to leave the van parked onsite or arrive early each day to ensure there was a suitable location to trade from;
- Quotes had been provided from insurance companies for public liability insurance but could only be issued once the street trading licence was granted;

The Principal Licensing Officer explained that the catering van would not be able to remain on a public highway overnight and would need to be taken away each day. The Applicants could contact the Council's Estates team to discuss the option of using vacant Exeter City Council owned land as a possible storage site. It was also explained that providing the business does not change, then the Applicants could speak with the Licensing department about extending the licence beyond three months.

A proposal to add and amend the following conditions were moved, seconded and carried by majority for:-

- Condition E to state - In the event that any issues do arise from this consent, then this consent may be revoked by the Service Lead Environmental Health

and Community Safety in consultation with the Chair of the Licensing Committee; and

- Condition G - The Consent holder shall take all reasonable steps to ensure compliance with Guidelines on Social Distancing published by the Government from time to time.

RESOLVED that the application be approved with the following conditions:

- (a) That all of the conditions contained within Appendix A of the Street Trading Policy dated 2015 be included in the consent;
- (b) That the consent holder will provide a bin for customer use and that the consent holder will ensure that any rubbish in the vicinity (within 100m of the business), emanating from the business is cleared away at regular intervals;
- (c) The use of A boards and flags be prohibited;
- (d) The consent holder will not conduct fly posting;
- (e) In the event that issues do arise from this consent, then this consent may be revoked by the Service Lead Environmental Health and Community Safety in consultation with the Chair of the Licensing Committee;
- (f) That, in line with the Council's resolution of 24th April 2018, any cutlery, food/ drink containers, and drinking straws used should not be made from single use plastics; and
- (g) The Consent holder shall take all reasonable steps to ensure compliance with Guidelines on Social Distancing published by the Government from time to time.

9 **Application for Consent to Engage in Street Trading at various locations**

The Chair introduced the Committee. The Solicitor set out the procedure, the Council's policy and the requirements under the Local Government (Miscellaneous Provisions) Act 1982.

The Principal Licensing Officer, presented the report which advised the Committee that the applicant was seeking approval to engage in street trading at:-

- St Leonards Road, Exeter, EX2 4LS (Location 1, Wednesday's between 17:00 and 21:00 hours);
- Collins Road, Exeter, EX4 5DE (Location 2, Friday's between 17:00 and 21:00 hours);
- Isleworth Road , Exeter, EX4 1QU (Location 3, Tuesday's between 17:00 and 21:00 hours); and
- Prince Charles Road, (This was a proposed site if sites 1-3 were not available for any reason.) (Location 4)

The Principal Licensing Officer, presented the report which advised the Committee that the applicant was seeking approval to engage in street trading, selling Wood fired baked Pizza, desserts and soft drinks and had applied to trade for a six month period and had submitted a photographs of the proposed purpose-built food trailer. A small generator would be used and the Applicants were in the process of registering the business with Exeter City Council Environmental Health Department for food hygiene purposes,

The Applicant was attendance and spoke in support of the application, stating that because they had been unable to operate their wedding catering business during the coronavirus outbreak, the new business had been set up to allow the Applicants to continue using their existing trailer. A business plan had been setup during the lockdown period and having considered the locations originally proposed, the Applicant confirmed that Isleworth Road would not be suitable. St Leonards Road was a wider road and a more favourable location to place the trailer and maintain social distancing. Collins Road had been considered because a fish and chip van had once operated there. The Applicant explained that he had been in correspondence with Environmental Health, who had no issues about the Applicant also operating from his private home address.

The Applicant stated that the business would be selling wood fire pizzas, using locally sourced ingredients and using no single use plastics or condiments.

In response to questions from Members and the Legal Advisor, the applicant responded:-

- That there would be no use of polystyrene and that research into biodegradable packing had been undertaken for food safety products;
- The van would use a petrol generator only when the vehicle was not in use and the windows were open to vent fumes. The van would also use LED lighting on the ceiling and in the fridge unit;
- The school on St Leonards Road had not been approached, but the business would be operating outside of school hours and he would speak to the school;
- The wood burning oven would be used to produce the final products, having prepared the pizza dough and ingredients in a kitchen. The wood used for the oven would be purchased from a local farm and burned at 400 degrees;
- Customers would be informed if any pizzas were unsuitable for persons with gluten intolerance;
- The roads which would be operated from, would be St Leonards Road, Collins Road and Prince Charles Road on the days and times stated in the report;
- To ensure proper social distancing was maintained, there would only be one person near the van at all times, who would also be distanced from the team. The business would also encourage the use of online and telephone ordering for a click and collect system using card payments only. The Applicant would also consider using bikes to deliver pizzas in the immediate area of where they would be operating from.

The Principal Licensing Officer commented when asked about smoke control areas, that in the event that smoke was emitted, it would be a defence for the consent holder to either be using a Defra (Department for Environment Food & Rural Affairs) approved appliance, or a Defra approved fuel source. He commented that there was no issue from the Licensing team in regards to the Applicant using private property to operate from, which Environmental Health had also stated having no issue with.

A proposal to add the following condition was moved, seconded and carried by majority for:-

- Condition G - The Consent holder shall take all reasonable steps to ensure compliance with Guidelines on Social Distancing published by the Government from time to time.

RESOLVED that the application be approved with the following conditions:

- (a) That all of the conditions contained within Appendix A of the Street Trading Policy dated 2015 should be included in the consent;
- (b) That the consent holder will provide a bin for customer use and that the consent holder will ensure that any rubbish in the vicinity (within 100m of the business), emanating from the business is cleared away at regular intervals;
- (c) The use of an A frame board and flags is prohibited;
- (d) The consent holder will not conduct fly posting;
- (e) In the event that any issues do arise from this consent, then this consent may be revoked by the Service Lead Environmental Health and Community Safety in consultation with the Chair of the Licensing Committee;
- (f) That, in line with the Council's resolution of 24th April 2018, any cutlery, food/ drink containers, and drinking straws used should not be made from single use plastics; and
- (g) The Consent holder shall take all reasonable steps to ensure compliance with Guidelines on Social Distancing published by the Government from time to time.

The meeting commenced at 5.30 pm and closed at 7.20 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.

10 **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

CUSTOMER FOCUS SCRUTINY COMMITTEE (HELD AS A VIRTUAL MEETING)

25 June 2020

Present:

Councillor Matthew Vizard (Chair)

Councillors Mitchell, M, Foggin, Mrs Henson, Mitchell, K, Oliver, Martin, A, Quance, I, Sheldon, Sparkes, Wardle and Warwick

Apologies:

Councillors Begley and Pattison

Also present:

Director (BA), Corporate Manager Democratic and Civic Support, Democratic Services Officer and Democratic Services Officer (MD)

In attendance:

Councillor Emma Morse
Councillor Laura Wright

- Portfolio Holder for Supporting People
- Portfolio Holder for Council Housing Development and Services

Councillor Diana Moore
Councillor Jemima Moore

12 **Apologies**

These were received from Councillors Begley and Pattison.

13 **Minutes**

The minutes of the meeting of the Customer Focus Scrutiny Committee held on 6 February 2020 were taken as read, approved as correct, for signing by the Chair at the earliest possible convenience.

14 **Declarations of Interest**

No declarations of interest were made by Members.

15 **Questions from the Public Under Standing Order No. 19**

No questions from members of the public were received.

16 **Presentation on Covid-19 by Portfolio Holders and Questions from Members and Answers**

The Chair invited the two Portfolio Holders to present their respective briefing notes.

The schedule of questions from Members submitted in advance of the meeting, together with the answers provided at the meeting are set out in the appendix to these minutes. The supplementary questions and answers given at the meeting are set out below for each Portfolio.

Portfolio Holder for Supporting People - Councillor Morse - in presenting her briefing note referred to the necessary closure of the Customer First area and the on-going support for vulnerable people made possible by the continuing commitment and hard work of Customer First, Housing, Public Health and HMO Licensing staff.

Responses to supplementary questions arising from the original questions from the Committee Members indicated.

- 1 Councillor K. Mitchell - Are there any additional initiatives planned in respect of rough sleeping due to the Covid-19 outbreak?

Is the funding anticipated from the Government ring fenced?

- *Regular contact is made with the Homelessness Advisory Support Team for updates on when the additional funding recently announced, as well as the previous funding for the Rough Sleeper initiatives, can be expected, details of which will be circulated when known. Both funds are ring fenced.*

- 2 Councillor K. Mitchell - What initiatives are to be taken with regard to rough sleepers particularly in the City Centre and will other Members be involved? Is priority given to rough sleepers from the Exeter area?

- *although every effort was made to house rough sleepers at the Great Western Hotel, not all agreed to be housed and some who were accommodated did not remain. Robust outreach work with this cohort continues to offer alternative accommodation and all Members will be appraised of progress;*
- *contact is made with the respective local authorities and their local agencies regarding those sleeping rough in Exeter who are not from this area in order to seek their return to their local connection. Regard is had to avoid unnecessary travel during the crisis and to help disease control;*
- *highly experienced staff work with the homeless, often with a detailed knowledge of an individual's particular circumstances, including potential risks to those cases of domestic abuse. In these circumstances, contact is made with the relevant agencies to ensure the safe return of the individuals when the time is appropriate;*
- *figures will be provided on homeless numbers; and*
- *it would have been helpful for the Government to have followed its announcement on the availability of extra funding with detailed information on the scheme including the timing of the release of funds.*

- 3 Councillor K. Mitchell and Councillor M. Mitchell - Should any future guidance to private sector landlords come from the City Council rather than a range of other agencies who also offer guidelines in respect of this sector?

Given the existence of some particularly poorly managed properties will discussions, including a roadshow, be held with the University prior to its re-opening later this year for lessons to be learnt and good practise reinforced?

- *the City Council is not in a position to provide guidance on Covid-19 related matters to the University in respect of private sector landlords but regular meetings are held with those who wish to engage;*
- *the Government has prevented evictions during the present crisis; and*
- *funding for a private sector "renting minefield" roadshow came from a one-off Government grant and it is not possible to support a further roadshow from the Council's current budget. Accept the existence of poorly managed accommodation which the City Council, through its HMO licensing powers, seeks to address.*

- 4 Councillor K. Mitchell - Can local Members be regularly updated on meetings held with the University of Exeter on student related issues in the community?

- *officers will be requested to ensure this occurs.*

- 5 Councillor K. Mitchell - Can arrangements be made for a virtual meeting with the Exeter St. James Forum regarding issues arising from the COVID Lockdown?

- *there is regular dialogue with the St. James Forum both by myself and other agencies such as the Police and the University on the issues that have arisen during the Lockdown.*

- 6 Councillor M. Mitchell - Is there a specific recovery plan to assist those business tenants within the City Council's property portfolio?

- *there is a specific recovery plan for businesses.*

Responses to supplementary questions arising from the original questions from the other Council Members indicated.

- 1 Councillor J. Moore – Can a specific policy be incorporated into existing procedures to guarantee that everyone is housed in case there is another Lockdown?

- *although every effort is made to support the homeless, those who are no longer in emergency accommodation and all others who found themselves in this position before this crisis, often have complex issues so it is not always possible to find suitable accommodation and, as such, a written policy would not be practical. The City Council works within its own local policy but this is in the context of national legislation. A legislative change would be necessary to seek to ensure no one is homeless in the event of a further Lockdown.*

- 2 Councillor J. Moore - can all debts of those vulnerable people housed temporarily at the Great Western Hotel be written off?

Can the City Council write off any debt incurred through failure to pay the service charge?

- *on providing accommodation at the Hotel, all those re-housed were advised of the nature and re-payment staging of the service charge. The charge was not backdated;*
 - *all received three meals a day and the charge is in line with that for other temporary accommodation units across the city, so an exemption for those who stayed in the hotel would not have been equitable;*
 - *those who remained in financial difficulties were referred to the Exeter Wellbeing Hub for support and can also avail themselves of the money management advice through the Council and its partners;*
 - *any remaining debt would not prejudice future options for housing in move-on accommodation;*
 - *whilst benefitting financially, the Great Western Hotel, unlike some Hotel chains, was prepared to assist. An agreement was reached with the hotel on its, and the Council's, respective responsibilities to make good any damage etc.; and*
 - *the Council has a debt recovery policy.*
- 3 Councillor D. Moore - When will the additional funding be provided and when does the accommodation in the Great Western Hotel end and the move to the Junction of those accommodated there commence?
As Portfolio Holder can you highlight what has gone well in response to the Covid-19 pandemic and what lessons can be learnt for the future (asked by Councillor K Mitchell)?

- *accommodation costs until the end of August are budgeted for within the service, thereafter other budget options will be assessed to seek to continue the housing of this cohort which may therefore impact on other areas of the service. It is hoped that there will be a smooth transition into alternative accommodation. It is hoped that the Government funding will be made available before the end of August but it is not expected to be sufficient to meet the significant additional costs incurred by local authorities during the Covid-19 crisis;*
- *a move on plan for each individual is being developed with community and voluntary sector partners and others to identify, creatively, alternative means of accommodation;*
- *this local authority has done all that has been asked of it and has responded in an exemplar fashion, developing its response even before central Government guidance had been provided. Significant additional work was taken on, particularly by the Customer Service staff who had been moved across to welfare support at the Exeter Wellbeing Hub and the private sector rental team. A greater lead in time was necessary in preparing a secure business support grant system.*

Portfolio Holder for Council Housing Development and Services – Councillor Wright – in presented her briefing note highlighted the following:-

- continuing development work to meet the target of the 500 new homes delivery target for the Housing Revenue Account;
- work had commenced on the Laings development site; and

- good progress was being made on the Extra Care scheme/Bovemoors Lane development

Responses to supplementary questions arising from the original questions from another Council Member indicated.

1 Councillor D. Moore - Can the Council guarantee that there will be continued support to all vulnerable individuals when the Government's current initiatives during the Covid-19 crisis such as preventing evictions by landlords are lifted? What is the current level of income recovery?

- *the City Council remains committed to continuing its support to all those who are vulnerable at this period guided by its existing policies with clear practices to assist those who become homeless and/or fall into debt;*
- *support for the homeless needs to be considered within the context of the severe financial pressure the Council now faces to ensure that services continue as efficiently and cost effectively as possible; and*
- *the Council's overall financial position, including rate of incoming income, will be presented at a Members' briefing on 1 July 2020.*

The Chair, Portfolio Holders and Committee Members asked that their thanks be passed on to staff for their commitment, hard work and significant efforts during the current crisis.

The meeting commenced at 5.30 pm and closed at 7.13 pm.

Chair

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CUSTOMER FOCUS SCRUTINY COMMITTEE

25 JUNE 2020

ITEM 6: QUESTIONS FROM MEMBERS ON COVID-19 AND ANSWERS

Questions to the Portfolio Holder for Supporting People – Councillor Morse

Questions from Committee Members

- 1 **Councillor K. Mitchell** - In January Exeter received an allocation of £917,850.00 for 20/21 from the Rough Sleeping Initiative allocations - please can you confirm if Exeter will still receive that amount in this financial year?

Yes. The senior advisor of the Homelessness Advisory Support Team (HAST) from MHCLG has stated that there is no intention to withdraw funding. HAST has agreed our plans for ensuring the 3 of the 10 project strands that were delayed as a result of covid now proceed without any financial clawback (including one which may be repurposed but the monies recycled into one of the other RSI projects, probably the night shelter).

- 2 **Councillor K. Mitchell** - Has any multi-agency planning occurred to develop a recovery strategy so that those currently staying in emergency accommodation are not faced with a return to the streets when the immediate risk from this first wave of the virus recedes?

Yes. Housing Needs managers lead on the first multi-agency responses to covid setting up partner meetings and a daily information reporting process. This was then built into a governance structure based on the Groundswell planning model and lead passed to the Exeter Homelessness Partnership co-ordinator. Weekly meetings and feedback loops on lead areas of the model have been in place since April involving a range of homelessness sector partners plus public health, various DCC commissioners, local businesses and people with lived experience. ECC leads on accommodation and step-down plans and has set up a system for tracking and reviewing all individuals in emergency accommodation recording critical needs including health and shielding and other primary and secondary care information. This information is shared with partner agencies involved in the delivery of care and support to clients and the planning for transition of key support services for successful move-on. Housing services have sight of the planning proforma (an initial assessment of accommodation and support needs) and are attending a series of co-design meetings in the next 2 weeks to assess feasibility for a bid to capital and revenue funds to be imminently released by Homes England.

- 3 **Councillor K. Mitchell and Councillor M. Mitchell** - Has the City Council issued any guidance to Private sector HMO landlords during the COVID lockdown and what financial and other support linked to the present crisis has been allocated to supporting private sector landlords, HMO properties and PBSA?

Landlords were sent information referring them to government guidance as part of a regular electronic newsletter circulation on 3 May 2020. We are not aware of any specific government COVID 19 funding for private sector landlords, HMO properties

or Purpose Built Student Accommodation. No financial support has been provided to private sector landlords, HMO properties or purpose built student accommodation by Exeter City Council.

- 4 **Councillor K. Mitchell** - Has the City Council had any meetings with the University of Exeter to discuss the safe movements of its students to and from private sector HMOs within communities during the COVID lockdown?

Yes, we regularly meet with university in a variety of multi-agency fora as part of "business as usual". In addition there has been additional joint working as a result of the pandemic. The Emergency Planning structure established through Local Resilience Fora has been in operation and continue to be. Therefore Council officers have been involved in weekly operational meetings throughout the Covid-19 pandemic, of which the University have been an invitee. These meetings form part of the emergency response system and are chaired by senior officers from Devon and Cornwall Police. There are strategic and tactical meetings and the issue of student movements has been noted at the Strategic Command Group with the local operational tactic group having more detailed multi-agency discussions with the university.

- 5 **Councillor K. Mitchell** - Is the Portfolio Holder/Senior Officer aware of the concerns expressed by the Exeter St James Forum regarding concerns about Private HMOs during the COVID lockdown?

Yes senior officers are aware of these concerns, Environmental Health and Community Safety officers continue to investigate noise nuisance complaints when they are reported to the service, in line with normal practice and procedure. It should be noted that the Council does not have any enforcement powers with respect to regulation 6 (Restrictions on Movement) or regulation 7 (Restrictions on gatherings) of the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020.

- 6 **Councillor M. Mitchell** - To what extent has the current crisis impacted since March 2020 upon the level of business rate income received by the council and what number of businesses are still making business rate payments?

Below is the comparison between April 2019 and April 2020:

Date	Net collectable debit for the year	% collected	£ collected
April 2019	£83,087,579.43	12.3%	£10,249,328.00
April 2020	£41,274,786.78	11.3%	£4,795,387.82

The net collectable debit has been halved for this year due to the introduction of the Covid-19 Nursery discount (value = £312,202) and Covid-19 Expanded Retail, Leisure & Hospitality Discount (value = £41,875,445). This puts us in a more

favourable position because the costs of those two reliefs are met in full by the government and we also now have far less to collect in year.

The % collection is down 1% in comparison to the same time last year but this will be due to a) not having taken any recovery action yet, and b) to assist businesses, when requested, we deferred the start date of payments for 3 months, therefore those businesses will not start making payments until July.

There are 5,030 properties rated for business rates of which 2,843 receive 100% relief so they have nothing to pay. That leaves 2,187 businesses with business rates to pay however some of those businesses will have less to pay than others through getting some form of relief. For example, there are 230 businesses getting 80% mandatory charitable relief meaning they only have 20% to pay.

Questions from Non-Committee Members

1 **Councillor J. Moore** – After the 'Everyone In' policy in March we saw the housing of people sleeping rough. Were there instances of people presenting as homeless but not meeting the requirements of this policy? No. All persons the service had a reason to believe were homeless (i.e. they had no available accommodation including following any caseworker mediation attempts) were offered accommodation. In particular,

a. How many people presented as homeless after the initial 'Everyone In' period and were they housed?

A total of 376 households have presented to the service since 24th March including those known rough sleepers at the time. Of those 334 had either a relief or prevention duty accepted; the remaining were advice and assistance cases only. All persons who were owed a housing duty were offered housing. Only 1 rough sleeper declined accommodation.

b. How many people who presented as homeless during the period of the lockdown ([from March 24th](#) to date) did the council not offer support to because the council identified that they had no statutory duty or no recourse to public funds. What alternative services were offered to these people?

Of 11 persons with no evident recourse to public funds 7 persons were not accommodated due to either not being habitually resident in the UK or failing to exercise their treaty rights (seeking meaningful employment). Referrals to embassies, Home Office, DCC (in cases of suspected social care need) and offers to repatriate were made in a cases. 4 persons were accommodated under discretionary duty; 2 of whom have moved on positively; 2 remain in ECC accommodation at present.

c. How many people presented as homeless as a result of domestic violence? What safe accommodation/support was offered?

35 households presented since March 24th with domestic abuse listed as the reason for loss of settled home. 22 were accommodated in Council temporary accommodation with support from the accommodation provider and either or both Sanctuary floating support staff and Splitz (commissioned DV support

service) staff. The remaining 13 were either supported into alternative accommodation (friends, family etc.) or supported to return home with safeguarding provisions and other support put in place.

- 2 **Councillor J. Moore** - Councillor Morse has confirmed that when people were moved into hotels they were not made aware that there would be any service charges made to them. What will happen if, having been unaware that they needed to budget for it, homeless people are unable to pay the charge of £21 a week? Will it be accrued as debt?

Service charge arrears are recorded but are not being taken into account for move-on eligibility purposes (i.e. will not act as a barrier to move-on where an option can be found) and will also be written off in terms of debt recovery.

Service charges are a debt to the council and are recoverable. Anyone struggling financially can be assisted through the Exeter Wellbeing Support Fund.

- 3 **Councillor D. Moore** – what long term changes will be made to the Junction to ensure that proper social distancing can be maintained; what provision will there be for people needing to self-isolate because of suspected or actual cases of Covid 19; and, how many people will the Junction accommodate after these changes have been made?

We are still working on options for remodelling the service and preferably to deliver it at more than one location. This would ideally develop the service into a dispersed model whereby specific needs such as gender specific accommodation need could be better addressed. However this will be dependent upon available resource i.e. properties for repurposing / leasing and remodelling of support service. We are working with the provider BCHA assessing current lettings opportunities in the private rented and estates markets and also assessing options for installing self-contained pod accommodation within the Junction premises. We are targeting an increase to 13 spaces asap and increasing to 26+ by 1st October.

Provision for suspected covid cases is relatively well established in that priority testing is being implemented by Public Health Devon at the outset of notification by sector staff. The Clocktower surgery has also been supporting the reporting of cases as well as providing emergency testing. To date there have been approximately 2 dozen suspected client cases across emergency and supported housing over the last 13 weeks and none have resulted in positive tests. Self-isolation for suspected and actual cases is predominantly achievable across the majority of emergency and TA accommodation with the exception of a few rooms in various locations that have shared bathroom and or cooking facilities. The latter has been successfully addressed to date by delivery of food provisions. In the absence of en-suite toilet and bathroom facilities in a few of the accommodations communal management processes have been implemented typically involving cleansing stations, individual towels, regular disinfectant cleaning, and clear protocols for residents and staff. In cases where residents are non-compliant with social distancing and related hygiene measures a series of warnings and behaviour modification agreements are used. There is an outbreak management plan in place across all homelessness accommodation and rough sleeping settings which Public Health Devon is leading on.

Questions to the Portfolio Holder for Council Housing Development and Services – Councillor Wright

Questions from Non-Committee Members

- 1 **Councillor D. Moore** - What assessment of changes of tenants' circumstances will be undertaken to better understand their needs now and enable access to support to manage financial circumstances where COVID 19 has resulted in financial difficulties?

In homelessness settings we have been proactively reviewing the needs assessments of all those persons in emergency covid accommodation. This includes reviewing financial circumstances, income and debt management and involves referrals for specialist support from Homemaker Devon (under sub-contract from CAB) for those who need support to maximise income and minimise debt.

From a Housing Management perspective:

Housing Officers in Tenancy Services carry out regular tenancy property inspections of all tenants. These have been restricted to desktop reviews during the pandemic but as the restrictions are reduced we are working towards returning to visiting the tenants at their homes. These inspections are given a RAG (Red/ Amber/ Green) rating depending on the level of support a tenant might need and their ability to sustain their tenancy. This rating includes financial difficulties and levels of debt owed to the Council. Working with our Payment and Collection and Benefits Team, the Housing Officers are now prioritising contacts to those tenants who are falling into rent arrears. Officers are assessing the financial difficulties tenants might have and either offering them direct support or liaising with officers with specialist knowledge in either debt collection or benefit entitlements.

From a Collection Perspective:

Formal recovery action is currently suspended. Payment & Collection staff are contacting tenants to discuss their rent position (and council tax and/or housing benefit overpayment where applicable). This may lead to helping them make a claim for benefits, signposting them to other agencies for assistance, agreeing realistic/affordable arrangements, or deferring payment whilst they wait for Universal Credit, for instance. This personal contact allows staff to draw on discretionary funds if needed including the Exeter Wellbeing Support Fund. Many customers have been complimentary about this personal touch. On 9 June, 11 staff made 1,200 outbound calls to customers with council tax to pay (including council tenants) but with no entitlement to council tax support and no arrears for previous years. This brought in over £10,000 in payments for the council but also assisted customers from falling into arrears by re-profiling payments or drawing down help from discretionary funds.

- 2 **Councillor D. Moore** - As a consequence of the Covid epidemic has or will the Council review its emergency plan for each Council service?

All services have business continuity plans, which ensure that critical activities have contingency arrangements in place to prepare for and respond to all forms of business disruption. These plans were updated in preparation for the Covid-19 outbreak, they have been updated and reviewed on a regular basis by the Strategic Management Board and they have recently been reviewed in preparation for the easing of lockdown.

To ensure that in the event of a disruptive incident, Exeter City Council:

- responds promptly and efficiently (incident management)
- ensures that critical activities are resumed as quickly as possible and/or continue to be delivered during a disruption. (business continuity)
- focuses initially on those activities that have been identified as a priority in our Business Impact Analysis
- implements contingency arrangements such as moving to a relocation site or identifying alternative working practices i.e. suspending non critical-activities is a key feature of this phase of the response
- returns to 'business as usual' (resumption and recovery)

There is an organisational-wide Emergency Plan, which covers pandemics.

STRATEGIC SCRUTINY COMMITTEE

12 March 2020

Present:

Councillor Luke Sills (Chair)

Councillors Atkinson, Lyons, Moore, D, Moore, J and Pattison

Apologies:

Councillors Newby, Buswell and Owen

Also present:

Democratic Services Officer (SLS)

In attendance:

Councillor Amal Ghusain - Portfolio Holder Equalities, Diversity and Communities

8 **Adjournment**

The Chair advised that senior officers had been directed to formulate and organise the Council's next local response to the current Coronavirus crisis and were therefore not in attendance. Members discussed whether to proceed with the meeting as officers were not able to support the business on the agenda. They discussed an adjournment of the meeting until officers were able to attend and they were able to hold a full and proper scrutiny when it was appropriate and practical to reconvene.

Councillor Sills proposed that the meeting be adjourned, which was seconded by Councillor Pattison. The proposal was put to the vote and it was carried unanimously to adjourn the meeting and the business on the agenda until at least the next scheduled meeting.

The meeting commenced at 5.30 pm and closed at 5.45 pm

Chair

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STRATEGIC SCRUTINY COMMITTEE **(HELD AS A VIRTUAL MEETING)**

2 July 2020

Present:

Councillor Luke Sills (Chair)

Councillors Newby, Atkinson, Buswell, Henson, D, Lyons, Moore, D, Moore, J and Pattison

Apologies:

Councillors Hannaford and Packham

Also present:

Director (JY), City Solicitor, Chief Finance Officer, Corporate Manager Democratic and Civic Support, Democratic Services Officer (SLS) and Democratic Services Officer (MD)

In attendance:

Councillor Philip Bialyk - Leader
Councillor Ollie Pearson - Portfolio Holder for Leisure & Physical Activity
Councillor Duncan Wood - Portfolio Holder for Support Services and Procurement

Councillor Kevin Mitchell
Councillor Michael Mitchell

9 **Apologies**

These were received from Councillors Hannaford and Packham.

10 **Minutes**

The minutes of the meeting of the Strategic Scrutiny Committee held on 16 January and 12 March 2020 were taken as read, approved as correct, for signing by the Chair at the earliest possible convenience.

11 **Declarations of Interest**

No declarations of interest were made by Members.

12 **Questions from Members of the Public Under Standing Order 19**

No questions from members of the public were received.

13 **Presentation on Covid-19 by Portfolio Holders and Questions from Members and Answers**

The Chair invited the two Portfolio Holders to present their respective briefing notes which provided an update of their area of work during the current period of the CV-19 pandemic. A schedule of questions from Members submitted in advance of the meeting, together with the responses provided at the meeting were set out on the

appendix to these minutes. The supplementary questions and responses provided at the meeting are set out below for each Portfolio.

The Portfolio Holder for Leisure & Physical Activity, Councillor Pearson presented his update. He referred to the significant impact that CV-19 had on the City Council's Leisure Services, their current closure, potential reopening and longer term future. The nature of risk had changed significantly and the re-emergence of the leisure facilities presented a number of challenges for the service, which had resulted in a proposal to bring the Leisure Services back in-house with reports to the Executive and Council. The update provided a brief update on Exeter and Cranbrook's Sport England's Local Delivery Pilot (SELDP), the ongoing build of St Sidwell's Point where work had continued safely observing social distancing measures, progress of the Playing Pitch Strategy, the Riverside Swimming Pool and Leisure Centre refurbishment, and the development plans at Exeter Arena and Wonford, the latter being part of SELDP but nevertheless the creation of much enhanced facilities for those local communities.

Responses to supplementary questions arising from the original questions from the Committee Members indicated.

- 1) Councillor J Moore – is it the intention that the in-house management will be via a Council owned private company or will it be fully incorporated in the services of Exeter City Council that we already have.
 - *that is to be determined and the best model needs to be worked out to achieve the best value for Exeter as well as making sure the service is run well and employees in the service are looked after. Initially given the timeframe, it will be necessary to transfer those staff directly into the Council.*
- 2) Councillor J Moore - our inner city green spaces have become so important over the lockdown and we need large amounts of accessible spaces to allow people to socially distance. The Clifton Hill Golf Range occupied a huge area of publicly owned inner city space which could be potentially used more widely, and if the space could be used in some other way for the public and enhanced with bio diversity. Is it possible to have a review of the Golf Driving Range at Clifton Hill?
 - *there is no review of the Strategy planned, but the Member will have seen or know the decision made on those spaces and the reference to the former Northbrook golf course and the decision to protect future use as a green space and consultation with the local residents. With regard to Clifton Hill, it is about listening to what the community wants on both spaces. With regard to the position at the Clifton Hill site, the Golf Driving Range has an ongoing lease and the green space already outlined is being kept. The Golf Driving Range still has a lease and there is no challenge to that at any time in the near future.*
- (3) Councillor D Moore - thanks to Councillor Pearson for circulating the Delivery Pilot documents but could he advise the details of the new governance system, its membership and accountability in the Council and explain the basis for the Livable Exeter Place Board to provide strategic oversight of the Sport England Local Delivery Pilot.
 - *the basis in the documents offer the most transparent oversight of this programme, with the best and most informed people around the table. If*

the Member required any more detail on the approach including the detail of the governance arrangements he would provide that information.

- 4) Councillor D Moore - the mutual aid groups across Exeter are producing a report of their experiences of the amazing community led response and if the Council would be willing to receive and consider this report and incorporate any key lessons into its future emergency plans

- *we welcome the opportunity to learn lessons where we can.*

The Chair said he would be happy to see that work.

Responses to supplementary questions arising from the original questions from the other Committee Members indicated.

Councillor K Mitchell – taking into account the response offered and looking at the services that are currently offered in the leisure services is there any review to minimise any financial risk that may occur

- *as of September the leisure service will be run in-house and there would be changes in the medium term in relation to what we do in leisure and how we provide it. In the context of coronavirus it was important to still provide the best and most cost effective leisure service for the people of Exeter. This will be taken into account in a future business case in how we run the service.*

- 2) Councillor K Mitchell – if the in-sourcing of our leisure facilities will give us lots of opportunity for joined up thinking in the future and allow different services and teams with the council to work together to ensure that all facilities work to the optimum level.

- *Councillor Pearson said he looked forward to the opportunity to make the Leisure Services the best that Exeter has ever had but it will be challenging because of the times we are in and there will be some difficult decisions ahead in relation to some of the things that we normally do in the next months.*

Councillor Pearson also responded to points of clarification from other Committee Members.

- there have been no complaints brought to his attention resulting from the building works of St Sidwell's Point.
- there were no plans with regard to the Clifton Hill Golf Driving Range when the lease expires at this time and they remained mindful as a Council that we remain fair to all parties and balance all interests of what people want taking into account representations from all bodies of the future of anything in the city.
- the Exeter and Cranbrook Sports England Local Delivery Pilot was a joint bid to improve the longer term health of both communities. Funding was for the delivery of the pilot to increase activity levels within the local population.
- the City Council was doing all it could in the support of Kier as the build contractor and delivering St Sidwell's Point Project.

- the completion of the work at the Riverside Swimming Pool and Leisure Centre was still on target for being completed in June 2021.

The Portfolio Holder for Support Services and Procurement - Councillor Wood - in presenting his update referred to the key work of the areas of work from the Finance Directorate services which provided sound fiscal direction for the Council and contributed to the city's economy through work such as the prompt payment of the Council's suppliers. He commented on the additional expenditure incurred by the Council during CV-19 and the significant loss in income, which cannot be recovered. He welcomed the prudent and good financial management by the Portfolios Holders and Directors to tackle a mid-year emergency budget which will be discussed at next week's Executive meeting. He additionally thanked the Directors working with other staff throughout the Council to identify further savings, as well as accelerating the agile and flexible working project combined, who had moved to a significantly changed working environment. He praised the teams across the Council who had responded so well.

He commented on the Council having held the first virtual Council meeting in the country and again the timely way in which Members and staff had adapted to ensure the democratic processes and the running of the Council were able to continue. He also thanked legal services for continuing and being at the forefront of ever changing legislation and being ready to continue to operate and offer guidance across all of the Council's sectors.

Responses to supplementary questions arising from the original questions from the Committee Members indicated.

- 1) Councillor K Owen - what are the arrangements for the annual canvass of those individuals who have not returned their electoral registration forms and what will be the procedures should the pandemic continue?

(to ensure political neutrality - the Corporate Manager Democratic & Civic Support offered the response)

- *existing procedures for the publication of the Register will continue including the annual canvass. The knocking on doors of those who have not returned the paperwork was the last resort and the public were reminded three times by letter of the need to register to vote as the canvass itself is a legal obligation. The advice is to carry on as normal, although further information is being sought from the Electoral Commission and the Cabinet Office to ensure staff safety.*

- 2) Councillor D. Moore –she was aware of the phenomenal job that the staff have done and continue to do as we move into a different phase of the pandemic and she asked what can the Council do to support staff's wellbeing and manage the very limited capacity to enable them to rest appropriately.

- *the Council had already introduced an Agile and Flexible system to the work place prior to the outbreak of the Covid-19 pandemic. With support from Human Resources, staff were consulted on different working patterns to help suit individual circumstances. Flexible working includes working at different hours if suitable and the opportunity to work from home has been significantly rolled out with one advantage being the removal, in most*

cases, of the need to commute. The Agile and Flexible approach has therefore increased significantly during the crisis; and

- *the Senior Management Board considers staff welfare a priority. It is important for staff to take the leave due to them to recharge batteries. Staff can also avail themselves of the counselling service offered and T-Cup, the digital tool for staff to measure and monitor their wellbeing, which had recently introduced.*
- 3) Councillor D Moore – No supplementary question was put.
- 4) Councillor D Moore – asked when this would be coming available as some businesses such as language schools and smaller hospitality operators were unable to obtain support from the first round of discretionary grants as they did not meet the eligibility criteria and how will the needs of such businesses will be reflected in the Recovery Plan?
- *the Recovery Plan was not yet finalised and is being progressed through a number of sub-groups, with the Portfolio Holder for Support Services and Procurement representing the Council on the City Centre sub group which covers retail outlets. The issues relating to the type of businesses referred to were being addressed and although he was not aware of the resolution yet and the fund had been available in a prescribed way, we are doing whatever we can to assist. He had heard of the particular businesses Councillor Moore referred to and those issues are under consideration*
 - *the second round of discretionary business rates was open although the criteria are not as strict. Businesses may therefore apply for support. The system includes robust procedures to prevent fraud. (NB This information was updated after the meeting with detail of the second round still to be advised)*
- 5) Councillor D Moore – referencing the Motion at the December Council meeting and whether the procurement approach would exclude the procurement of single use plastic unless it was required for health and safety reasons, including the production of personal protection equipment?
- *there was nothing currently in the strategy which precludes that. However, Councillor Wood said that he, Councillor Moore, and the Procurement Lead had been due to meet to discuss the issues prior to the CV-19 restrictions. This was a good addition potentially, and it was something that they can consider building into contracts, but as the Council procures so many different services and items it may not be possible to apply uniformly cross all procurement undertaken by the Council.*

Responses to supplementary questions arising from the original questions from the other Committee Members indicated.

- 1) Councillor M Mitchell - what if any financial implications were there for the Council in holding three separate elections on the same day and the implications for next year's budget given that there were no elections this year?
- (to ensure political neutrality in this matter - the Corporate Manager Democratic & Civic Support offered the response)
- *the City Council's Elections were not originally scheduled for next year as the Devon County Council Elections had been due to take place. As three*

elections are now to be held in 2021, the majority of costs are likely to be shared between the City Council, the County Council and, in respect of the Police and Crime Commissioner Elections, by the Cabinet Office. The same will apply if all postal vote elections are mandated;

- *regular contact is made with the Electoral Commission and the Association of Electoral Administrators to ensure that all elections are carried out as smoothly and efficiently as possible; and*
- *many of the issues surrounding the postal votes, are governed by legislation.*

The meeting commenced at 5.30 pm and closed at 7.07 pm

Chair

STRATEGIC SCRUTINY COMMITTEE

2 JULY 2020

ITEM 6 : QUESTIONS FROM MEMBERS ON COVID-19

Questions to the Portfolio Holder for –Leisure & Physical Activity - Councillor Pearson

Questions from Committee Members

1. **Councillor J Moore** - Will the pools and leisure centres at St Sidwell's Point and Riverside be included in the future in-sourcing of ECC leisure services?

Yes and they are crucial to that in-sourcing and part of the landmarks of the city and of the fantastic Leisure Services that we provide.

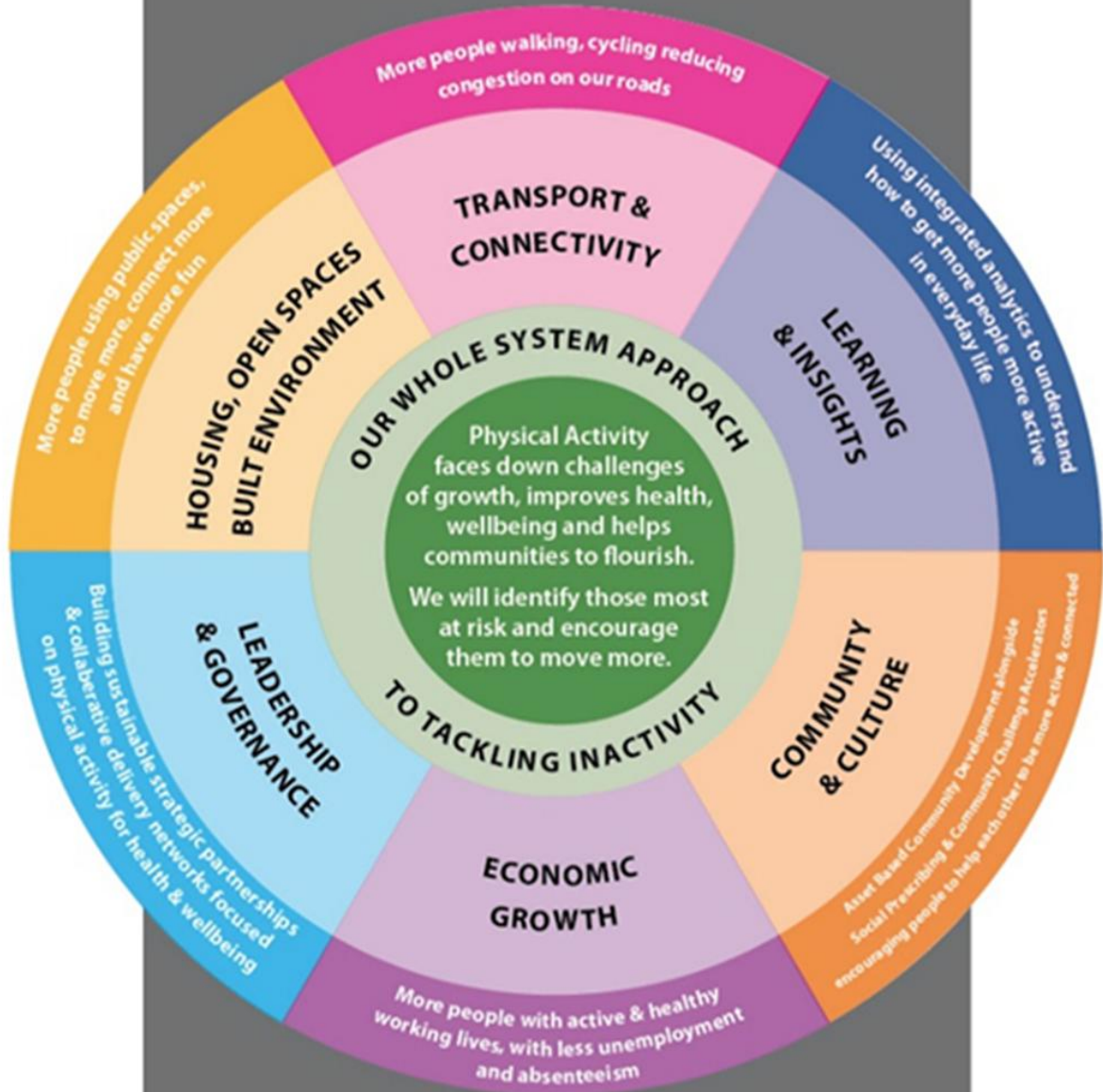
2. **Councillor J Moore** - Alongside the 2018 Draft Playing Pitch Strategy review, will there also be a review of other outdoor sports facilities?

There are no plans to review at a strategic level the Move Physical Activity and the Move More Built Leisure Facilities Strategies published in 2019 which guide the work of officers. The Parks, Play areas and Green Spaces strategy work will be led by the Portfolio Holder, Councillor Harvey and that is still under development and obviously there have been some delays due to the CV-19 pandemic. We are aware that outdoor spaces can be valuable and their value has been seen in a new light, and we have not seen anything in that strategy that did not value those outdoor spaces, and think that we need more in some cases as well as how we deliver.

3. **Councillor D Moore** - Please can the Portfolio holder expand on the second bullet point of the update of the Sport England Local Delivery Pilot and explain the new system and approach, and key outcomes from the evaluation?

A diagram (shown at the meeting and included below) illustrates the whole system approach in terms of the Sport England Local Delivery Pilot and that means bringing together aspects you may not always think of as relating to health and wellbeing. Such as transport and connectivity, our community and culture, housing, leadership and governance which all make our society work and how can they be used to improve the health outcomes of all those in our community, and particularly where health outcomes are not as good in parts of the city. The whole system approach therefore tries to effect all of those areas whether it is the work place, schools, and what we do as a Council, and not take a narrow view of health outcomes just being about sport and fitness. It was talking to the right people in schools and workplaces and making sure that we have the right relationships and trying things or taking a different approach. He would ensure that two documents referred to namely a report to the Sport England Exeter and Cranbrook Local Delivery Pilot Programme Board 15 January 2020, and Sport England Local Delivery Pilot Exeter and Cranbrook Interim Plan April – September 2020 would be circulated independently as they outline the details of the plan, the delivery and the challenges that we face and how they can be overcome. The whole system approach was about winning hearts and minds but they needed to make sure that they engaged with the right people in organisations in a positive way to bring it altogether to make it work. Coronavirus has had an impact on us doing that over the last couple of months and things have not progressed as you might have expected with resources going into making Exeter Community Wellbeing work.

Exeter & Cranbrook theory of change



Long term Impacts:

- Narrowing health inequality
- Improving inclusivity & sense of community
- Reducing congestion & improving air quality
- Embedded analytical approach

4. **Councillor D Moore** - For some people the experience of shielding or self-isolation has led to or increased anxiety and frailty. How will this change the Local Delivery Pilot priorities and /or approach to delivery?

There had been a great deal of learning and putting resources towards support for people with coronavirus. It was important to recognise about the delivery pilot that even before the coronavirus pandemic, the aim was to target groups in that category who have those issues and difficulty getting into that first step of physical exercise. Those things are the focus of the delivery pilot and he did not think that the approach would change drastically, but there was a lot of learning having said that, from what they have been doing over the last couple of months.

Questions from Non-Committee Members

1. **Councillor K Mitchell** - Social distancing measures are likely to be in place in the medium to long term as part of the new norm. Has this been factored into the revised likely income from the new St Sidwell's Point Leisure Centre (SSP) and our other leisure facilities?

No revisions have yet been made on the business case for SSP. The key issues in relation to this are set out in the Leisure Services Recovery Plan committee paper due to be considered by the Executive and Council in July. It was early days with regard to the Council's response to the challenges of the Coronavirus pandemic and the implications of living with this for a while but the realisation that the implications are still just starting, and we need to evaluate.

2. **Councillor K Mitchell** - Are there any plans to use our parks and open spaces over the summer months to provide exercise classes which would normally be offered within our leisure centres?

No there no plans although it has been gratifying to see people during the CV-19 pandemic finding really innovative ways to keep on with their activities on various platforms, but currently it is outside of the Government guidance to bring people together and important to note that and although we are coming out of it, but we still need to make people safe. We are working with people offering great things such as free movement in parks, but we are not making plans to offer traditional classes back in our leisure centres as we need to make sure that people are safe and can use our parks safely.

Questions to the Portfolio Holder for Support Services & Procurement – Councillor Wood

Questions from Committee Members

1. **Councillor K Owen** - An important piece of work carried out by the Council is ensuring that the maximum number of people are on the electoral register every year. The postponement of the May 2020 elections means that we will have city council, county council and police and crime commissioner elections next year. Can you please tell us what work on this (if any) has had to be postponed due to the pandemic and what plans are being made for the months ahead to maximise the numbers on the electoral roll.

To uphold the political neutrality of the Members in this matter the Corporate Manager Democratic & Civic Support responded –

Although the elections due in May 2020 were postponed, electoral registration work has continued. Those members of the public who wished to register to vote have continued

to be able to do so, and the ability for new applicants to register on line has continued unhindered. Only those new applicants who wish to register by way of paper application have had a slower response time since some members of the election team have been furloughed. Full staffing will resume from week commencing 6 July.

The annual canvass will be carried out from the end of July and during the autumn, with the intention of publishing a revised register on 1 December. The Cabinet Office have indicated that there may be legislation which allows a delay to publication of the electoral register until 1 February 2021. Plans for the canvass are in hand and on time and it is ultimately for the Electoral Registration Officer to decide when the Electoral Register will be published.

2. **Councillor D Moore** - What consultation with the Union has been held to enable their input to the redesign of safe working practices?

The decision was made some time ago to have a full time UNISON Secretary which has meant that we have daily contact with UNISON who help both staff and management teams in the redesign of the safe working practice across the organisation. Unison's involvement has been both invaluable and very welcome.

Indeed Stuart Ward, the UNISON Secretary actually walked the floors of the Civic Centre with Officers to ensure we have as safe a working environment as we can in line with the current Government Guidelines.

3. **Councillor D Moore** - Before Operation Shield ends, vulnerable people may need some support to make alternative arrangements for safe and timely access to food supplies. What Council notification and liaison will there be with charities, registered social landlords and other organisations to help people make these alternative arrangements?

Legal Services have worked extremely quickly and effectively analysing a huge range of regulations and legislation and providing advice and support on the interpretation as they apply to the full range of Council Services. This included the regulations and responsibilities involved in Operation Shield.

However, the operational implementation and service implications fall outside of my Portfolio and under the Equalities, Diversity and Communities Portfolio under Cllr Amal Ghusain. On enquiring I have been ensured that the Exeter Community Wellbeing network will remain in operation to provide support and lines of information and guidance being developed that will go on our web site and social media to provide information and support. If more information is required it would be better to approach the appropriate Portfolio Holder.

4. **Councillor D Moore** –What identification has been made of businesses that have fallen through the gaps of the various government financial schemes?

There have been a range of different grants coming through and there have been weekly meetings with Exeter Chamber, Exeter Federation of Small Businesses and InExeter; in which discussion takes place on the types of businesses that have fallen through the gaps from the financial support that has been available from central government. We also receive communications direct from businesses that feel they have not received financial support.

In developing the Exeter Discretionary Business grant, Exeter City Council followed national guidelines in developing this grant, which supports four types of businesses

listed within national guidelines, which fell through the gaps from the original business grants. As some funds remain, a second round of funding will be open to any business within Exeter, as long as they meet the mandatory eligibility criteria:

- Were trading on 11 March 2020 and will continue to trade*
- Need to be classified as a small to medium business*
- Are not eligible for cash grants from any central government Covid-related scheme (apart from Self Employed Income Support Scheme (SEISS) or Coronavirus Job Retention Scheme (CJRS)*
- Are not in administration, insolvent or a striking-off notice hasn't been made*

This second round of funding of the Exeter Discretionary Business Grant will support the remaining businesses that have not received any financial support to date.

5. **Councillor D Moore** - Will the emerging Exeter procurement policy set out measures to prioritise local employment by supporting local businesses and social enterprises, and contribute to Exeter's 2030 net zero carbon target as part of the city's recovery plan?

Exeter City Council has approved Devon District Councils Procurement Strategy and procures all contracts and work in line with this strategy.

The current Procurement Strategy has four key themes:

- Contract Management*
- Social Values*
- Engagement with SMEs and Local Businesses*
- Behaving Commercially*

The two elements which relate to this question are Social Value and Engagement with Small and Medium Enterprise (SMEs) and Voluntary and Community Social Enterprise (VCSE).

The relevant actions set out in the strategy are to include social value and sustainability in all tenders both with a minimum weighting of 5%. Which means that an advantage is given to those suppliers who can demonstrate that they contribute to these twin aims.

In advance of developing our own additional elements to the Procurement strategy our Contract procedure rules require that the Real Living Wage is paid by all contractors.

We are committed to work with our Public Sector partners through the Devon and Cornwall procurement partnership. Exeter University has been successful in securing funding under the heading of Partnership and Collaboration. Part of which, is to work with partners such as the RD&E, DCC and ECC to work together to improve investment in the local economy through targeting our individual and collective procurement, and where activity and collaboration occur due to similar requirements in the contracts that we seek.

Questions from Non-Committee Members

- 1 **Councillor M Mitchell** - Arising from the likely continuation of restrictions related to the current pandemic does the council have the resources to support either 100 percent postal vote elections or a massive increase in voters requesting postal votes for the three elections being held on the same day in May 2021.

To uphold the political neutrality of the Members in this matter the Corporate Manager Democratic & Civic Support responded –

AS you would expect all aspects of next year's Elections are currently being looked at by the Cabinet Office and all in the Electoral profession, and the possibility of an all postal vote elections in 2021 is currently being explored. However, legislation would be required to enable this to happen. He wished to set a bit of context on the level of postal votes and what that would mean at the moment.

- At last year's City elections, ECC issued 13,806 postal votes
- At the European election 13,996 postal votes were issued

The number of electors in the city already requiring a postal vote was 14.5% of the electorate. If demand increased a 10% would add an additional 1400 to the postal vote numbers and as in the graph, a 200% increase would mean a 42,000 postal vote figure or 44% of the total electorate.

We are about to start on the annual canvass and the number of postal numbers may increase and also likely the number of postal votes required increases when any Election is called

<i>% increase</i>	<i>Additional Amount</i>	<i>New Total</i>	<i>% of electorate</i>
10	1400	15400	16%
20	2800	16800	17.5%
30	4200	18200	19%
40	5600	19600	20.5%
50	7000	21000	22%
100	14000	28000	29%
200	28000	42000	44%

We are about to start on the annual canvass and the number of postal votes required may increase, as it does when any Election is called. It is likely that any increase in demand will be sudden, and will be triggered by the issue of poll cards about 5-6 weeks prior to polling day and probably peaking at about 2-3 weeks prior to polling day. A 10% increase would be manageable but a 50% per cent increase would have significant impact. Much will depend on how the CV-19 situation develops over the next few months. An assessment of the prevailing circumstances will need to be made at a national level, in sufficient time as to ensure the smooth conduct of the relevant elections.

It may also be worth mentioning that as the questioner has also said that we are due to have three elections on the same day on the first Thursday in May 2021, the City Council, the scheduled Devon County Council and the Police and Crime Commissioners Election.

There is also a strong possibility that, due to the combination of elections next year, we may need to issue two sets of postal votes. One for the City and County and one for the Police and Crime Commissioner elections. This will be due to the physical problem of fitting them all into one envelope and the different voting systems which will be in place.

If all postal elections were mandated, we need to issue 96,000 postal votes.

STRATA - JOINT EXECUTIVE COMMITTEE

TUESDAY, 16 JUNE 2020

Present:

Councillors Arnott, Hassan, Williams, Shears, Bialyk and Dewhirst

Non-Voting Members:

Karime Hassan, Phil Shears, Mark Williams

Councillor in Attendance:

Councillor C Clarence

Officers in Attendance:

Sarah Selway, Democratic Services Team Leader & Deputy Monitoring Officer

Robin Barlow, Head of Security & Compliance

Simon Davey, Strata Board Director

David Hodgson, Strata Service Director

Martin Millmow, Head of Document Centres

Christopher Morgan, Trainee Democratic Services Officer

Paul Nicholls, Strata Board Director

David Sercombe, Head of Business Systems & Business Intelligence

Adrian Smith, Head of Infrastructure & Support

Laurence Whitlock, Strata IT Director

13. APOLOGIES

None received.

14. ELECTION OF A CHAIR

Councillor Paul Arnott of East Devon District Council was elected Chairman for the 2020/21 Municipal Year.

15. MINUTES

The minutes of the meeting held on 27 January 2020 were approved as a correct record and signed by the Chairman.

16. DECLARATIONS OF INTEREST

None.

17. IT DIRECTORS REPORT

The Strata IT Director presented the report on activity from 1 January to 31 May 2020, identifying key activities, successes and areas for improvement (presentation attached to minutes). [View the presentation, questions and responses.](#)

He brought members attention to the resilience and the adaptability of Strata during the current crisis. There was a rapid move to remote working over a nine day period from 25% of staff to 82% of staff. Strata had supported the three councils in their response to the pandemic this included virtual committee meetings.

During discussion members raised questions regarding the suitability and compatibility of different communications platform for both officers and members and the performance of the global desk top (questions and responses attached to minutes).

RESOLVED that the report be noted.

18. STRATA BUDGET MONITORING 2019/20

The Finance Director presented the report advising on the financial position of Strata at the end of 2019/20, including both revenue and capital spend. He highlighted that Strata had delivered £1,073,529 of revenue savings in 2019/20 and had refunded £573,529 to the three councils.

RESOLVED that the report be noted.

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

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

20. FINANCIAL MANAGEMENT SYSTEM - CONVERGENCE - BUSINESS CASE APPROVAL

The Head of Business Systems & Business Intelligence presented the report advising on the convergence of the Financial Management Systems used by the three authorities which was highlighted as a potential project in the Strata Business Case 2014/24.

Members recognised the need to move this project forward although due to the impact of COVID 19 could have on budgets and the tender process, consideration of the project should be deferred to the next meeting of this committee.

RESOLVED that the Financial Management System - Convergence - Business Case report be brought back to the next meeting of Strata Joint Executive Committee for consideration.

21. STRATA BUSINESS PLAN 20/21 AND BEYOND

The Strata IT Director presented the report to explain the Strata Business Plan 20/21 and beyond.

Members felt that the Business Plan should be taken to the respective councils for formal ratification.

RESOLVED that the report be noted; and

RECOMMENDED that the three Councils formally ratify the Strata Business Plan 20/21 and beyond.

22. STRATA - COMMERCIALISATION REPORT

The Strata IT Director presented the report which was undertaken into the commercialisation findings.

RESOLVED that the report be noted.

The meeting started at 4.05 pm and finished at 5.20 pm.

Chairman

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EXECUTIVE
(HELD AS A VIRTUAL MEETING)

Tuesday 2 June 2020

Present:

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

Apologies:

Councillor Wood

In attendance

Councillors Leadbetter, K. Mitchell and D. Moore

Also present:

Chief Executive & Growth Director, Director (DB), Director (J-PH), Chief Finance Officer, Corporate Manager Democratic and Civic Support, City Surveyor, Museums Manager and Cultural Lead, Democratic Services Officer (MD) and Democratic Services Officer (HB)

Councillor in attendance under Standing Order No. 44.

Councillor D. Moore speaking on items 8, 9, 10 and 11 (minutes 59, 60, 61 and 62 below).

52

COUNCILLORS ATKINSON AND WOOD

The Chair passed on his and Members' condolences to Councillors Atkinson and Wood, whose fathers had recently passed away.

53

MINUTES

Subject to the removal of Councillors Leadbetter, K. Mitchell and D. Moore from the list of those present and the inclusion of Councillor D. Moore in the list of those in attendance, the minutes of the meeting held on 7 April 2020, were taken as read and approved as a correct record, to be signed by the Chair at the earliest possible convenience.

54

DECLARATIONS OF INTEREST

No declarations of disclosable pecuniary interests were made.

55

GEORGE FLOYD AND THE COVID 19 PANDEMIC

The Chair referred to the recent tragic death in Minneapolis of George Floyd and the ongoing Covid-19 pandemic across the world and the impact both were having on those directly affected. He urged all to pause and reflect on these awful events and to respond in the appropriate manner, with respect for everyone.

QUESTIONS FROM MEMBERS OF THE PUBLIC

A member of the public, Mr Keith Lewis (not in attendance) had submitted the following question, relating to Minute No. 60 below, which was read out in his absence.

Question

The Net Zero Exeter 2030 Plan is very welcome, but it contains some aims that will be either impossible to achieve or are undesirable (examples 7.4 and 8.8 - this should be the case now; 9.4 - impossible within two years; 12.8 - Section 106's are not a general taxation). Will the Executive agree to review the aims to ensure that it does not adopt a Plan that is unlikely to be achievable?

Response

The Council Leader responded that the Council had set the question of how it sought to achieve a net zero Exeter by 2030. Many places had set an ambitious goal but few had mapped out what it will take to achieve the goal. A report by 'We Are Liminal', published this month, featured Exeter as one of only a handful of towns and cities to map out this journey. The Net Zero Plan was produced by Exeter City Futures and contained dozens of actions that needed to be pursued if the city wished to realise the goal in the time frame declared. Some of the issues raised were relatively minor in terms of their contribution to carbon. The scale of the challenge in delivering a net zero Exeter in a decade was massive. It was proven with Government policy that things which were deemed to be impossible can be achieved very quickly, e.g. seat belts, dog fouling, smoking in pubs, all show the power of policy led change.

Seeking to find a solution through the planning obligation mechanism for contributions to carbon off setting had some merit even if today this may not be the obvious route. For example, a CIL contribution towards the same purpose may be a route in the short term. Likewise whilst there may be practical considerations that challenge us in ensuring rainwater was recycled on all properties, the goal was still meaningful. Today nobody should think litter is a problem, but it was and that, when it came to Ultra Low Emission Vehicles, at some point choices would need to be made on the challenges faced.

The Greater Exeter Strategic Plan was confronting the reality that 2,600 homes a year had to be built in the Greater Exeter sub-region over the next twenty years. The highway network could not cope, and residents should not have to put up with the air pollution consequences of continuing with the current approach. Somethings had to give and the Plan was saying, that to achieve the goal we may have to pursue a policy of all vehicles being ULEV. This seemed an unrealisable goal in the next ten years, however the blueprint, would indicate what had to change and what issues should be prioritised to realise the goal.

COLLECTIONS DEVELOPMENT POLICY RAMM (2020–25)

The Museums Manager and Cultural Lead presented the report which set out the requirement to approve a new Collections Development Policy for the Royal Albert Memorial Museum and Art Gallery to cover the years 2020 to 2025. It was explained that, due to the Covid-19 pandemic and lockdown, the policy had not

undergone the customary period of consultation with professional colleagues and may be subject to later amendment. Future amendment might also cover any necessary revisions arising from Arts Council England's current work to produce new guidelines for museums on restitution and repatriation.

RESOLVED that the new Collections and Development Policy be formally adopted by Exeter City Council.

58

MEMBERS' ALLOWANCES AND EXPENSES PAID 2019/20

The Corporate Manager Democratic & Civic Support presented the report on the allowances paid to elected Members in 2019/20, the Council having a statutory obligation to publish all allowances paid and expenses claimed by Members each financial year.

RESOLVED that Executive Committee note the allowances paid and the expenses claimed by Members in 2019/20.

59

EXETER'S RECOVERY PLAN

Councillor K. Mitchell declared an interest as an employee of the RD&E Hospital.

The Chief Executive & Growth Director presented the report which outlined the work that was being progressed to produce a recovery plan as the city emerges from the crisis stage of Covid-19 to ensure a co-ordinated response to the challenges the local economy would be facing.

In addition to the Council's involvement in strategic initiatives through the Devon County Council Local Resilience Forum including its Business and Economy Recovery Task Group and the Heart of South West Local Enterprise Partnership Recovery Plan, a City Council led place based response would be vital to be co-ordinated through the recently created Liveable Exeter Place Board, under the Chairmanship of the Vice Chancellor of the University, Sir Steve Smith. The Board would bring together all the major organisations in the city as well as private and community sector figures. The following seven key themes had been identified, details of which were set out in the report:-

- Construction and development;
- City Centre;
- Visitor economy;
- Transport;
- Education;
- Business Support; and
- Community wellbeing.

In addition to the overarching, place-based recovery plan for the city, the Council would also focus on a number of internal priorities to ensure support for communities and the effective recovery of its operations, the key areas being:-

- Individual financial support;
- Homelessness;
- Council financial strategy;
- Council reinstatement; and
- Organisational change.

The Liveable Exeter Place Board would work through a number of themes and work streams some of which would be led by non-council members of the Board through sub groups such as the City Centre Group, chaired by John Laramy of Exeter College and the Visitor Economy Group chaired by Lord Courtenay as well as the Business Support Group. These work streams would help ensure there was one single recovery plan for the city and that it would be aligned to the regional work.

Councillor D. Moore, having given notice under Standing Order No. 44, spoke on this item.

The response of the Council Leader is attached as an appendix to the minutes.

Councillors Leadbetter and K. Mitchell, speaking as group leaders, welcomed the report. Councillor K. Mitchell asked for an assurance that all communities across the city would be involved in the recovery plan.

The Council Leader emphasised the role of the City Council in using its convening power to galvanise the key stakeholders and engage individuals, organisations and businesses to contribute to the plan of action to work collectively in putting together a plan. He also highlighted Exeter's strong place-making record with ambitious plans and programmes already in place to support the city and its communities. These included strong strategic and multi-sector collaboration, a garden City designation - Liveable Exeter, St Sidwell's Point, an UNESCO City of Literature designation, one of Sport England's twelve Local Delivery Pilots and the carbon neutral city roadmap.

He confirmed that all Members would be fully informed via Executive and Council through further reports and that there remained appropriate mechanisms for the plan to be considered through the Council's scrutiny process.

The Chief Executive & Growth Director concluded that, whilst the support for the recovery programme would need to have regard to the Council's financial position in light of the Covid-19 crisis and the income loss being experienced, the Council was in a position to build on longer term visions already established through the Exeter Vision 2040, Greater Exeter Strategic Plan, Liveable Exeter Transformational Housing Programme and Net Zero Exeter 2030, backed by the city's organisations working together to support all sectors. He referred to the important role of Members in bringing the city together and to the part to be played by Exeter on behalf of the region as a key driver of the wider economy and as an important advocate in seeking innovative funding mechanisms.

RESOLVED that:-

- (1) the draft recovery plan be approved and the work of council officers providing leadership and support to the recovery initiative be supported;
- (2) the progress made and the role of the City Council in the recovery programme through direct interventions in support of the Liveable Exeter housing programme and the Council's own development company Exeter City Living be reported back to Executive;
- (3) the request to the Liveable Exeter Place Board to adopt the Recovery Plan on behalf of the city as a whole be noted; and

- (4) Exeter City Council Officers leading on the recovery plan work and continuing to provide support to progress the individual work streams be noted.

60

NET ZERO EXETER 2030 PLAN

The Chief Executive & Growth Director presented the report which set out how the city of Exeter could achieve its ambition to be net-zero carbon by 2030. The Plan set out ways in which people could support in achieving the net zero ambition, and provide engagement across the city to support organisations, individuals and institutions in taking responsibility and contribute to achieving this goal.

The Chief Executive & Growth Director made the following points:-

- the Council had committed itself to a very ambitious carbon neutral goal before the Covid-19 crisis and lockdown and there was a need to build the Council's recovery plan around the net zero ambitions;
- during the last recession, goals for addressing global warming had been relaxed and, as such, it was important to ensure the highest standards would be incorporated within future policies, to include a significant shift away from global to local resourcing;
- given the unprecedented financial challenge, with a forecast loss of £10 million for the year against a £13.5 million net budget and the Council lacking sufficient organisational resources, a staged approach with alternative and innovative options was necessary to respond to the climate emergency, such as retrofitting of housing and initiatives around transport and mobility, as examples of a necessary mainstream approach; and
- it would be a city wide endeavour, Exeter City Futures having already established a network across the city with the Liveable Exeter Place Board identified as the appropriate body to adopt the plan on behalf of the city of Exeter as a whole. The Board had already amended the Exeter Vision 2040 with its commitment to a carbon neutral Exeter by 2030.

Councillor D. Moore, having given notice under Standing Order No. 44, spoke on this item.

The response of the Council Leader is attached as an appendix to the minutes.

During the discussion, the following points were raised:-

- report of Exeter City Futures welcomed as an accessible road map for the public and stakeholders towards achieving carbon neutrality;
- regardless of Covid-19, it would be important to build on earlier consultations with communities on the carbon neutral goal as well as the Council's considerable ability to build effective partnerships with the private and voluntary sector and the business community. Responsibility should also be accepted on an individual basis;
- an extensive retrofit programme for homes should be progressed as it will significantly help to contribute towards carbon savings and can also be achieved through the council housing stock. In addition, it should also be extended to the private sector. Fuel costs will be reduced, especially for families suffering fuel poverty; and
- a valuable virtual forum had been held on 20 May – an Emergency Transport and Travel Roundtable - including discussion groups from across the wider community.

RECOMMENDED that Council approve:-

- (1) the adoption of the Net-Zero Exeter 2030 Plan as Council policy to inform all policy documents, plans and corporate decision making in response to the Climate Emergency and in pursuance of the goal to make Exeter a carbon neutral city by 2030;
- (2) the Liveable Exeter Place Board as the appropriate body to adopt the Liveable Exeter Place Plan on behalf of the city of Exeter;
- (3) authorising the Chief Executive & Growth Director, in consultation with the Leader of the Council, to explore opportunities to secure investment and to create mechanisms for funding the programmes set out in the Plan; and
- (4) the Chief Executive & Growth Director reporting to Executive on how the City Council will deliver the actions set out in the section “what Exeter City Council can do”, once the financial position of the City Council has been clarified with Government financial support as a consequence of the Covid-19 crisis.

61

PRIORITY ASSET INVESTMENT PROGRAMME

The Director (DB) presented the report which contained a number of urgent asset maintenance priorities, which had been identified as a result of the ongoing asset inspection programme. The report summarised the various projects to provide an overview of the scale of the investment required. It was important to ensure that Council owned assets were safe and maintained to maximise their longevity and value, however the coronavirus crisis had significantly impacted the Council's income, and it was not possible at the current time to commit to further expenditure.

The individual schemes identified were:-

- Parks Anti-intrusion measures;
- Riverside Sports Hall Roof;
- Corn Exchange Roof Replacement;
- Exmouth Buoy Store;
- Pines Gardens Gate House; and
- CCTV.

The total cost of the schemes would be £2,723,000, the Chief Finance Officer explaining that the annual capital costs from long term borrowing would be £117,597 which would add to the medium term reductions of £3.7 million identified before the Covid-19 crisis.

Councillor D. Moore, having given notice under Standing Order No. 44, spoke on this item.

The response of the Council Leader is attached as an appendix to the minutes.

Councillor K. Mitchell, speaking as a group leader, stated that the prioritisation of schemes identified and their relative importance in relation to other needs across the city should be considered at the same time as the emergency budget to be presented to the meeting of the Council on 21 July 2020.

Members noted that all the above schemes required long term investment to address the urgent needs and it was therefore important to highlight these at an

early stage notwithstanding the requirement to balance this year's budget, the shortfall having now been significantly exacerbated by the Covid-19 crisis.

RECOMMENDED that Council:-

- (1) recognise the priorities of the programme, the importance of good asset management and approve the budgets identified for each project in the report presented to the meeting, when funds are available; and
- (2) delegate authority to the Chief Executive & Growth Director, in consultation with the Section 151 Officer (or Deputy) and Leader of the Council (or Deputy), to give final approval to proceed once the Council's financial position is secure.

62

**EXETER CITY GROUP - REQUEST FOR FUNDING FOR NEW COMPANY
BUSINESS CASES AND ADDITIONAL FINANCIAL SUPPORT**

The Chief Finance Officer presented the report which sought funding to develop three business cases to explore the feasibility of expanding Exeter City Group's range of Subsidiaries to include a Company providing market rent properties to let, a Consultancy Company and a Company to provide retro-fit solutions for existing housing. The report further sought approval for a Commercial Finance Manager to provide dedicated support to Exeter City Group and the other Council owned Companies, which would be funded by Exeter City Group along with funds received from the other Companies.

Councillor D. Moore, having given notice under Standing Order No. 44, spoke on this item.

The response of the Council Leader is attached as an appendix to the minutes.

The Chief Finance Officer explained that there was an immediate need for £300,000 to fund the creation of the business cases, to be funded from the balance left on the Business Rates Pilot and General Fund reserves. Extensive work was necessary to ensure viability prior to the establishment of the companies. The £60,000 required for the additional member of staff would ultimately be funded by the expanded Group of Companies, with the post predominantly seconded to the Exeter City Group to provide strategic financial support.

The Council Leader and another Member welcomed in particular:-

- a market rent housing company which would purchase property from Exeter City Living to provide good quality rented accommodation; and
- a company to support the Council in its ambitions to deliver retrofit solutions to existing properties and to encourage Passivhaus developments as part of the goal of becoming a carbon neutral city.

RECOMMENDED that Council approve:-

- (1) £300,000 for the development of three business cases to explore the feasibility of creating the new subsidiaries as set out in the report;
- (2) £60,000 for a new Finance Manager - Commercial to support Exeter City Group and the wider Council Companies, to be funded by the Companies themselves; and

- (3) delegating authority to the Chief Executive & Growth Director, in consultation with the Section 151 Officer (or Deputy) and Leader of the Council (or Deputy), to give final approval to proceed once the Council's financial position is secure.

63

CITYPOINT – UPDATE ON PARIS STREET AND SIDWELL STREET REGENERATION

The City Surveyor presented the report, which provided an update on the progress of plans to bring forward the comprehensive development of the CityPoint site, comprising the former Bus and Coach Station and adjoining areas of Paris Street and Sidwell Street.

Members noted the progress made in discussions with interested parties and recognised the importance of sustaining the momentum in bringing forward the Council's ambitions for this area of the city whilst recognising the changed economic circumstances and the impact on the property market.

RESOLVED that:-

- (1) the current progress for bringing forward the CityPoint site, as set out in the report, be noted;
- (2) the provisionally agreed Memorandum of Agreement with the principal land owners to facilitate the next steps towards the comprehensive redevelopment be progressed; and
- (3) the City Surveyor be authorised to explore, in conjunction with partners, potential routes for an early appointment of development partner(s) to deliver the scheme and objectives in a timely manner.

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APPENDIX

(The meeting commenced at 5.30 pm and closed at 7.33 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

Statement from Councillor D. Moore under Standing Order 44

Minute 59 – Exeter’s Recovery Plan

1. What is the purpose of the organisational change you wish to undertake within the Council?

Response

Covid-19 has profoundly challenged organisations in the way they deliver their transactional services. We have moved rapidly to support Council services through digital and agile working, therefore it is right and proper that officers and Members take the opportunity to look at organisational development for the future configuration of work during and post this crisis

2. At the Executive of July 2019 and the subsequent Council the establishment of a Board to oversee the Liveable Exeter Garden City programme was approved. The recommendation said the proposed composition of the Liveable Exeter Garden City Programme Board and the draft terms of reference be delegated to the Chief Executive & Growth Director in consultation with the Leader of the Council and be reported back to a future meeting of Executive. When will the terms of reference and membership of the Liveable Exeter Garden City Programme Board be reported back to the Executive? Is the Liveable Exeter Place Board the same or a different body or subcommittee to the Liveable Exeter Garden City programme Board and where are the minutes and work of these bodies published for the public and council to see?

Response

The Liveable Exeter Place Board is not a committee of the City Council. The original draft terms of reference agreed by Council have not been amended in any meaningful way. Hence we have not reported back to Executive. Commitments were provided at the Executive meeting on how decisions are made through the existing agreed procedures of the Council.

3. The report recognises the inequalities in the city and areas of multiple deprivation. There are now more people facing very different and challenging circumstances compared to the start of the year. What immediate work is going to be undertaken to understand and respond to immediate community needs, helping people to find new jobs, cope with reduced work and income, ensuring no one goes hungry and combatting the deep isolation that many feel as some move out of lockdown and others have to, or feel, they should remain?

Response

The small economic development team in the City Council is focused on our skills agenda and helping our residents fulfil their potential. It is important that everyone recognises the practical limitations on the City Council to respond to the scale of challenge. The recovery plan is rooted in a placed based approach that endeavours to engage the key stakeholders to collectively respond to the challenges we face.

4. The report talks about Development finance and the work that has been done on the City Development Fund with the One Public Estate - please can you explain the outcomes of this work?

Response

The One Public Estate is currently funding work on a business case to test whether a sustainable development fund could be created for the city that would be capable of providing finance for the development needs of the city to meet our ambitions for quality development and providing infrastructure to support the transformational housing agenda. This is a unique concept, a city based fund backed by assets. It comes out of work supported by the Council as a concept but it needs to be modelled to make sure it was a viable proposition. When the modelling work has been completed it will be presented to the Council.

5. Various work groups are mentioned in the report - what role will Councillors have to contribute alongside any partners in the city to this work?

Response

The Leader of the City Council sits on the Place board. Portfolio Holders have a role in the recovery work with their relevant theme, such as Councillor David Harvey on transport and the city centre, Councillor Rachel Sutton on culture and visitor destinations and Councillor Amal Ghusain on community well-being. Many of the project based work will come through the regulatory systems such as planning and licencing. Clearly Scrutiny can act as a critical friend to the various work-streams.

6. In the principles of recovery it talks about working with communities to understand needs and co-delivery of the plan, but what role will residents, community organisations, charities, social and community enterprises play in the co-production of any plan?

Response

For many parts of Devon the recovery plan will be the plan that is put in place by Devon County Council through the Local Resilience Forum. Clearly that plan will also be relevant for Exeter. The Council could simply have settled for this. However, this will not be sufficiently place based for Exeter. Therefore the City Council has used its convening power to galvanise the key stakeholders to work collectively on putting together a plan. At this stage the political engagement has been light touch. The Leader has directed the approach and it has been agile and assembled at pace. In the future the individual work streams may well identify the need to engage individuals, organisations and businesses to contribute to the plan of action.

7. What specific recommendations or requests has the City Council made to Devon County Council for measures using the new statutory guidance for highway authorities to reallocate road space to provide safe spaces of roads for pedestrians, cyclists and people with disabilities?

Response

The Leader of the City Council and the Portfolio Holder for City Management have supported the urgent measures announced by Devon County Council's cabinet.

8. Is it your view that the Net Zero Exeter 2030 Plan should drive the recovery of the city or that it is something that will be looked at once the recovery plan is finalised?

Response

We have made it clear that a principal reason for reporting the Net Zero 2030 Plan to the Executive Committee is to ensure that it informs the recovery work.

Minute 60 – Net Zero Exeter 2030 Plan

1. Which action has the Leader of the Council identified as the priority for this Council to implement?

Response

I personally believe we should be seriously considering what we can do to support an extensive retrofit programme for homes. It is both a big ticket item in terms of carbon savings and also something we can do because it relates to council housing. But I also think we should be seeing what could be done to make this happen in the private sector.

2. Recommendation 2.4 says that when clarity has emerged on the financial position of the City Council, the Chief Executive & Growth Director will bring back a report to Executive on how the City Council will deliver the actions set out in the section “what Exeter City Council can do”. The Council is preparing an emergency budget in July, do you agree with me that such a report should be presented at the same time as the budget?

Response

I think we have to get real about the massive challenge facing the City Council in making the in-year savings. An unprecedented scale of reduction that will demand the full attention of the Strategic Management Board. All Councillors received an email from the Section 151 Officer detailing the extreme problems now facing the Council. We are unlikely to get clarity from Government until much later in the year, some speculate this could come when the comprehensive spending review is published, this could be late autumn. Also, I simply do not believe the Directors have the band-width to also address within the next three weeks the management structures also required to address capacity issues associated with delivering the road map.

Minute 61 – Priority Asset Investment Programme

1. Does the cost of the replacement of roofs include the installation of solar or thermal panels on them?

Response

The cost of the replacement of roofs does not include the installation of solar or thermal panels on them. This was not a matter considered in the report.

2. What consideration of provision of short-term transit sites for Gypsies and Travellers has been undertaken in order to provide proper alternative sites to public open space - the cause of the problem identified in the Equalities Impact Statement part of the report?

Response

In relation to traveller sites, we identified two temporary sites during the current crisis, Haven Banks Coach Park and Grace Road Fields. Permanent Traveller sites are being considered as part of the Greater Exeter Strategic Plan. This was not a matter considered in the report.

3. Does the CCTV replacement include facial recognition software and, if so, what assessment of the civil liberties issues associated with this has been undertaken?

Response

Facial recognition software is not included in the CCTV and was not a matter considered in the report.

4. Please can you provide an update on the funding gap for Mallison Bridge and why is this project not on that list?

Response

The target for funding Mallison Bridge has not yet been reached. There are scores of projects not included in this report. Those in the report are the highest priority in terms of preventing additional costs and those which require intervention to prevent assets degrading further.

Minute 62 Exeter City Group – Request for funding for new company business cases and additional financial support

1. When will the outcome of the business development, a report on viability and risks be presented to the Council as part of the due diligence of examining the business case?

Response

Issues of risk in relation to the business case will be addressed as part of the examination of the business case by Executive in July.

2. Will a report on the governance arrangements and appointments to the Exeter city group, dormant companies or new companies be brought to Council before any new business stream is taken forward?

Response

The intention is to bring forward a report on the governance arrangements for the Exeter City Group to the Executive meeting on the 7 July.

3. Will the Section 151 Officer comment on whether it is premature to earmark £300,000 as a priority before the emergency budget in July?

Response

The Chief Finance officer has concluded it is not premature.

EXECUTIVE
(HELD AS A VIRTUAL MEETING)

Tuesday 7 July 2020

Present:

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

Apologies:

Councillors Leadbetter and K. Mitchell in their capacities as Opposition Leaders.

Also present:

Chief Executive & Growth Director, Director (BA), Director (DB), Director (J-PH), Director (JY), Chief Finance Officer, City Solicitor, Service Lead Housing Assets, Service Lead Housing Tenancy Services, Project Officer, City Development, Principal Project Manager (Strategic Policy) (JD), Corporate Manager Democratic and Civic Support, Democratic Services Officer (SLS) and Democratic Services Officer (HB)

65

MINUTES

The minutes of the meeting held on 2 June 2020, were taken as read, and approved for signing by the Chair as correct at the earliest possible convenience.

66

DECLARATIONS OF INTEREST

No declarations of disclosable pecuniary interests were made.

67

QUESTIONS FROM THE PUBLIC UNDER STANDING ORDER NO. 19

A member of the public, Peter Cleasby, submitted the following question, related to Minute No. 68:-

- What was the total expenditure - including an estimate of staff time costs - on the tendering exercise, including preparatory studies, for the new leisure operator contract?

The Council Leader gave the following response:-

The operator procurement process has been running for a number of years, initially as an exercise for St Sidwell's Point before expanding to cover the whole leisure portfolio.

The tender process for the new operator has in itself been only a proportion of the total spend. The majority of the spend has been on ensuring an operator focus in the design decisions in relation to the St Sidwell's project and, latterly, in developing the estates strategy for the whole leisure portfolio which is essential work that holds the Council in good stead going forward.

The total cost has been £555,106 (ignoring accounting costs and this year) and has been fully funded from New Homes Bonus, not the Council Taxpayer.

Mr Cleasby asked a supplementary question:-

- given the subsequent intention now to insource the Leisure Services do you consider the above expenditure to have been appropriate?

The Leader responded that, in light of the extraordinary circumstances arising from the Covid-19 pandemic, this course of action is deemed the most appropriate and is considered to be the right decision for the city and one which it is hoped will be supported by both the Executive this evening and Council on 21 July 2020.

68

POST-PANDEMIC RECOVERY OF LEISURE SERVICES

The Executive received the report on the recovery of the Council's leisure services as a result of the impact of COVID-19 and the requirement to secure a long term future for the Council's leisure services. The report set out a proposal for permanently in-sourcing the leisure service to create a new pathway to rebuild the Council's leisure offer to ensure a viable and sustainable long term future.

The Director (JY) set out the background research, rationale and future scenarios for opting to take the service back in house. Financial modelling for the in house option had been based on the operator's 2018/19 data with particular regard given to the UKactive June COVID-19 Impact Report which, drawing on a body of research including that of Sport England, highlighted future uncertainty given the extreme volatility in the leisure sector. This was anticipated to continue for up to two years. Although there was continuing dialogue nationally within the sector, Government guidance was awaited on a pathway to the safe re-opening of facilities. A resurgence of infections would have a further impact bringing more restrictive lockdown.

With behavioural change anticipated, affecting, for example, budget gyms and a high risk associated with a procurement approach as operators were unlikely to put forward a financially viable bid, the in-sourcing model proposed provided more direct control and was considered to be a safer approach given the high level of uncertainty caused by the pandemic. Many factors had to be taken into consideration in determining a net budget figure such as additional staffing, the need for social distancing of customers and environmental factors including stringent testing of plant to industry standards. This, however was a best estimate given the ever changing dynamic.

The initial transfer of the service would take place on 1 September 2020 with staff transferring to the Council to be under the Transfer of Undertakings (Protection of Employment) Regulations (TUPE). A business case for the longer term governance options would be brought to a future meeting of Executive.

During discussion the following points were raised:-

- It is important to recognise other options but these contain a high level of risk for the Council and its finances;
- bringing the service in house was considered an exciting option which provides a greater opportunity to integrate with the Sport England Local Delivery Pilot;
- it was the best deal for the city to ensure the continuation of the service and to support staff within the service; and

- Members welcome the insourcing proposal and commend the swift action of officers in working towards opening the facilities as soon as the centres are safe and can meet Covid-19 secure guidelines.

The following responses were given to Members' queries:-

- a subsidy would be in place for an initial period during the phased opening but, because of the volatility of the sector and uncertainty over the changing landscape of Covid-19, it was not possible to estimate how long the subsidy would continue. The current model was based on an 18 month period and an update report following a detailed assessment of assumptions would be brought to the December Executive meeting;
- it was hoped to reduce subsidies by adopting innovative ideas to better meet the needs of communities; and
- the Government had not identified any specific funding to support the leisure industry but was being lobbied nationally by local authorities and operators.

The Director (JY) also stated that existing strategic work in bringing forward the Physical Activity and Built Facilities Strategies for leisure, which includes significant development plans for the Wonford and Exeter Arena sites, had been accelerated, and business cases were under development which, if successful, offer positive opportunities in the medium and long term future. Similarly, the Council had healthy partnerships with national governing bodies who are assisting in these developments and work was progressing on the flagship St Sidwell's Point Swimming Pool and Leisure Centre and the refurbishment of the Riverside Swimming Pool and Leisure Centre both of which had continued throughout the pandemic with careful control of activity on site to ensure safe social distancing. Current estimates were, in both cases, for a 2021 opening, subject to how the pandemic plays out.

RECOMMENDED that Council:-

- (1) agree to the permanent in-sourcing of the Leisure Services when the current contract terminates on 31st August 2020 and the abandonment of the procurement process;
- (2) agree to officers effecting an expedient transfer of staff and services into the Council and bringing forward a detailed business plan by 31 December 2020 setting out governance options for the future operation of the service;
- (3) support the allocation of a supplementary budget of up to £270,000 to allow the cost recovery agreement to be settled;
- (4) allocate a revenue budget of £1,542,310 to cover the costs of the transfer and the re-launch of the services;
- (5) allocate a capital budget of £330,000 towards the costs of re-opening facilities in a COVID-Secure environment, ICT systems and equipment and re-branding; and
- (6) allocate a capital budget of £1.5 million for the fitting out of St Sidwell's Point Swimming Pool and Leisure Complex.

RESOLVED that:-

- (1) the staged re-opening of leisure services take place from September 2020 when it is safe and cost-effective to do so; and
- (2) the cost recovery payment of £337,833 agreed with Parkwood Leisure which terminates the contract on 31st August 2020 be noted.

69

OVERVIEW OF GENERAL FUND REVENUE BUDGET 2019/20

The Executive received the report on the overall financial position of the General Fund Revenue Budgets for the 2019/20 financial year, which sought approval for the General Fund working balance, a number of supplementary budgets and the creation of a new earmarked reserve.

Members noted:-

- the transfer back to the General Fund Balance of £1.5 million instead of taking £780,000 from the General Fund Balance as had been reported in quarter three;
- the removal of £1.6 million of revenue contributions to capital and replaced with financing through capital receipts;
- the offsetting of statutory repayment of debt against voluntary repayments made in in previous years;
- the improved gain on the Devon Business Rates Pool;
- an increase in bad debt provision.
- transfer from earmarked reserve of £717,000 and transfer of a number of reserves into a single Earmarked Reserve 2020/21 budget to protect the Council's financial position; and
- supplementary budgets totalling £1,198,960 to be added to the 2020/21 budget, these budgets to be financed from Earmarked Reserves of £1,143,440, CIL Administration of £75,000 and the General Fund Working Balance of £118,520, offset by a reduced amount being taken from Neighbourhood CIL. The impact on the projected General Fund Working Balance would be to reduce it to £5,737,729, above the minimum requirement for the Council. Supplementary budgets of £331,670 were proposed but would be held pending certainty over the Council's financial position.

RECOMMENDED that Council notes and approves (where applicable):-

- (1) the net transfer of £717,309 from Earmarked Reserves as detailed in paragraph 8.11 of the report;
- (2) the supplementary budgets of £1,198,960 and budget transfers as detailed in paragraph 8.13 of the report;
- (3) the Earmarked Reserves at 31 March 2020;
- (4) the Council Tax account and collection rate;
- (5) the outstanding sundry debt, aged debt analysis and debt write-off figures;
- (6) the creditors payment; and
- (7) the General Fund working balance of £5,856,249 at 31 March 2020.

CAPITAL MONITORING 2019/20 AND REVISED CAPITAL PROGRAMME FOR 2020/21 AND FUTURE YEARS

The Executive received the report, which advised Members of the overall financial performance of the Council for the 2019/20 financial year in respect of the annual capital programme. The report also sought approval of the 2020/21 revised capital programme, including commitments which would be carried forward from 2019/20.

Particular reference was made to:-

- the £40,620,961 capital expenditure in 2019/20 and how it was financed;
- the available capital receipts of £4,333,210 of which £330,000 would help fund the transfer back to the Council of the Leisure Services; and
- a further funding request of £250,000 towards Pinhoe Station Road Playing Field upgrades which would be funded from Section 106 Agreements.

RECOMMENDED that Council approve:-

- (1) the overall financial position for the 2019/20 annual capital programme; and
- (2) the amendments and further funding requests to the Council's annual capital programme for 2020/21.

2019/20 HRA BUDGET MONITORING REPORT - OUTTURN

The Executive received the report, which advised Members of any major differences, by management unit, between the approved budget and the outturn for the financial year up to 31 March 2020 in respect of the Housing Revenue Account and the Council's new build schemes. Members were advised that an update on the HRA Capital Programme outturn was incorporated into the report to assist in providing a comprehensive financial update in respect of the Housing Revenue Account.

Particular reference was made to:-

- a small surplus to be added back to the HRA balance standing at £10.329 million with plans to spend much of this on the future capital programme to improve existing assets;
- request for a supplementary budget of £657,000; and
- capital expenditure of £15.7 million in the current financial year of which £7.2 million related to the existing stock and £8.5 million to investing in new Council homes.

RECOMMENDED that Council notes and approves (where applicable):-

- (1) the supplementary budgets of £657,040, as detailed in paragraph 8.4 of the circulated report;
- (2) the HRA financial position for 2019/20 financial year; and
- (3) the revision of the HRA Capital Programme to reflect the reported variations detailed in Appendix 4 of the circulated report.

TREASURY MANAGEMENT 2019/20

The Executive received the report on the current Treasury Management performance for the 2019/20 financial year and the position regarding investments and borrowings at 31 March 2020.

Particular reference was made to the receipt of £97,000 against an estimate of paying out £216,000 and taking loans at a positive interest rate.

RECOMMENDED that Council note the content of the report.

EMERGENCY BUDGET 2020/21

The Executive received the report on the impact of Covid-19 in relation to the finances of local authorities. Exeter had received £1.379 million of funding from Government, however the scale of income loss and additional expenditure incurred because of Covid-19 and the lockdown was larger than the additional funding received.

The Chief Finance Officer commented on the impact on business rates and the implications for the economy, particularly the key income streams for the city council in relation to the city centre, which were matters that would challenge the medium term financial plan. He highlighted the following details in respect of the need for the Council to make further savings of £5.8 million over the next three years:-

- an extra spend of £2.62 million including support for rough sleepers, creation of the wellbeing hub and providing new refuse vehicles;
- an income loss of £8.56 million;
- Government announcement of additional support anticipated in respect of fees and charges but not commercial rent;
- anticipated irrecoverable losses from sales, fees and charges for the year of £5.5 million with approximately £3.9 million compensation anticipated;
- gap of £11.2 million, representing nearly a third of the Council's gross budget of £35 million. A revised budget for 2020/21 was necessary to address the additional expenditure and loss of income experienced whilst maintaining the General Fund Working Balance above the minimum level of £3 million;
- proposal to help balance the budget included £1.4 million Government grant, £1.2 million from General Fund Working Balance, use of Earmarked Reserves; offsetting repayment of debts against previous re-payments, the receipt of £1.7 million from the RAMM Business Rates valuation appeal and reductions in service expenditure totalling over £1.7 million;
- future pressures included a pay award and supplementary budgets, possible additional costs bringing Leisure Services in house and the extension of rough sleeper support; and
- the District Councils' network was lobbying Government for support to both Leisure Services and the Housing Revenue Account (HRA).

During the discussion, the following points were raised:-

- the immediate action to support rough sleepers came at a cost to the Council of £180,000 but with only £24,000 received in grant;

- overall additional Government support of £500 million likely to be distributed to upper tier authorities and lack of clarity given when the Government announces support;
- the Council was committed to working with local businesses through the Place Board to ensure that Exeter recovers as quickly as possible from the crisis; and
- the Council is committed to maintaining front line services for the city

RECOMMENDED that Council:-

- (1) approves the Council's revised spending proposals in respect of both its General Fund and HRA revenue budgets;
- (2) notes that the future budget monitoring reports will assess the position against the revised budget and further decisions may be required depending on the economic impact being experienced as the year progresses; and
- (3) approves a budget of up to £1 million delegated to the Chief Executive, in consultation with the Leader and Chief Finance Officer. The budget to be used to fund urgent issues arising out of the response to Covid-19 and to offset the reductions in service budgets if required for urgent issues with the funds to be allocated from the income loss compensation announced by the Government.

74

REVIEW OF THE GENERAL BULLER STATUE

The Executive received the report requesting the Council's Scrutiny Programme Board to investigate the continued appropriateness of the statue of General Buller and his horse Biffen on the junction of Hele and New North Road in Exeter. The request was presented in context of the Black Lives Matters movement against systemic racism and discrimination.

Particular reference was made to the recent increase in activism and outrage over all aspects of inequality following the death of George Floyd in America on 25 May 2020, with significant focus around the relevance of prominent statues on public land that personify racism and the glorification of a colonial past. Although Exeter had six statues of prominent white men who played a part in the city's history, the Buller statue was the most conspicuous by way of location and controversy. The recommendation would ascertain if the statue was still appropriate to the people of Exeter today.

Members were advised that a temporary board was being prepared to be affixed close to the statue by the end of the week and which would explain its history, the Black Lives Matter movement and how the Council proposed to respond to representations being received.

The proposal to investigate the significance of the statue would include assistance from the University of Exeter and Professor Todd Gray in fact checking and researching original archives. The Tackling Racial Harassment in the Community Group would also be involved.

During the discussion, the following points were raised:-

- a large number of representations had already been received by email and letter expressing diverging views on the statue;
- it should not be the intention to re-write history, the statue having been erected some 115 years ago;

- as part of the scrutiny process, it would be important to recognise and celebrate the diversity of the city and, as such, involve as wide a cross section of the community in the scrutiny process as possible;
- the remit of the scrutiny process could be widened to consider other inequality issues; and
- consideration by the Scrutiny Programme Board was the appropriate way forward in the first instance with a recommendation to the appropriate Scrutiny Committee which should also set out a timeline.

RESOLVED that the Scrutiny Programme Board be requested to agree the investigation by the relevant Scrutiny Committee of the continued appropriateness of the statue of General Buller and his horse Biffen, and to act accordingly on its findings.

75

COUNCIL DEVELOPMENT PROGRAMME

The Executive received the report updating Members on the Council's Social Housing development activity since the approval of the initial phase in October 2019. The report also sought approval for the establishment of a budget for in-year development opportunities where time constraints did not allow for a full Committee and Council reporting process to be followed. The report further sought approval for the acquisition of 3 - three bedroom houses in Anthony Road, Heavitree, Exeter, as part of the HRA Development Programme.

The report updated Members on the progress with the first tranche of development for 100 properties at a cost of approximately £18 million for the following sites:-

- 9 houses at Thornpark Rise;
- 10 houses at Bovemoors Lane;
- 21 flats at Hamlin Gardens;
- 60 flats at Vaughan Road;
- the Extra Care development at Edwards Court under construction to deliver 53 one and two bedroom flats early in 2021;

all delivered to Passivhaus standard by the Council's in-house team in conjunction with Exeter City Living.

- 17 non-traditionally constructed Laings properties had been demolished to be replaced with traditionally constructed dwellings.

The Council was continuing to scope the second phase of social and affordable housing programme, in some cases with Exeter City Living.

Members also noted the acquisition from Exeter City Living in the sum of £900,000 of the three houses in Anthony Road, Heavitree next to the Council's HRA housing estate, North Lawn Court, Exeter, these properties being originally intended for the open market. In order to assist in any future market acquisitions quickly, an additional budget of £3 million was requested.

The Director (BA) also reported a Government announcement of a £3 billion "green" package including a £50 million pilot programme for the retrofit of social housing at scale including elements such as insulation, double glazing and heat pumps. It was considered that the City Council was well placed to make a funding bid to participate in the pilot because of the innovative work already commenced within the Housing Assets and Development Team.

Members noted the:-

- contribution the above developments would make to the Council target of delivering 500 new properties in total within a 10 year period;
- commitment to building to Passivhaus Standards and aligning with the Council's Objectives regarding Carbon Reduction; and
- valuable increase to the City's social housing stock being brought forward in conjunction with the work of Exeter City Living as the Council's other development arm.

RECOMMENDED that Council:-

- (1) note the Housing Revenue Account Development Programme progress update;
- (2) approve the additional capital budget provision of £3 million to allow urgent market opportunities to be pursued and secured where the Committee reporting timescales do not allow a full reporting process to be followed;
- (3) grant delegated authority to the Director (BA) in consultation with the Leader of the Council and the Portfolio Holder for Council Housing Development and Services to spend the £3 million as referred to in paragraph 2.1.2 of the circulated report where in year market opportunities are identified; and
- (4) approve the acquisition of all three, three bedroom houses in Anthony Road, Heavitree, Exeter, as part of the HRA Development Programme at a cost of £900,000.

76

THE INTRODUCTION OF A COUNCIL HOUSING AND DEVELOPMENT ADVISORY BOARD

The Executive received the report which sought approval to establish a Council Housing and Development (CHD) Advisory Board to improve oversight and governance of the management and maintenance of Council Social Housing as well as the Council's ambitious Social Housing Development plans.

Particular reference was made to the need to meet regulatory standards set by the Regulator of Social Housing's (RSH) for all Registered Social Landlords and the relevance to the City Council with a housing stock delivering an income via tenants' rent of over £20 million and with assets worth over £240 million. The establishment of this Board was therefore in line with best practice and would represent a valuable addition to the Council's existing scrutiny process.

Members noted the proposed composition of the Advisory Board which would include a wide range of expertise provided by five external advisors/stakeholders, tenant representatives as well as Councillors. The report set out the proposed terms of reference for the Board.

RECOMMENDED that Council:-

- (1) approve the creation of a Council Housing and Development (CHD) Advisory Board, with the composition and terms of reference detailed in sections 9 and 10 of the circulated report;

- (2) agree the terms of reference set out in paragraph 9 of the circulated report and the Council's Constitution be amended accordingly;
- (3) request the Independent Remuneration Panel to consider the position of Chair of the CHD Advisory Board and whether it should attract a Special Responsibility Allowance (SRA) and, if so, the level of SRA, and recommend this to Council accordingly;
- (4) approve a budget of up to £16,000 to cover the cost of an additional resource, if required, and a budget of up to £10,000 for the Special Responsibility Allowance, if required.

77

GREATER EXETER STRATEGIC PLAN: DRAFT POLICIES AND SITE OPTIONS CONSULTATION

The Executive received the report which sought approval to consult on the Greater Exeter Strategic Plan (GESP) draft policies and site options consultation document and associated reports, to hold a further 'call for sites' to inform the plan making process and to increase the staff resources in the GESP team.

The Director (BA) advised that the approval to go out to consultation was being considered by the GESP constituent councils of Exeter, East Devon, Mid Devon and Teignbridge District Councils. She invited George Marshall from the GESP team to give the presentation, <https://app.box.com/s/ge36i69xsqjoaetuer7csc3e27edty6> which would be made to each of the Councils, taking Members through the development process with the aim of providing a strategic planning document covering the period 2020 to 2040. The GESP would be strategic in nature and would include:-

- an overarching vision;
- the planning strategy and strategic policies for:
 - Climate emergency;
 - Prosperity and homes;
 - Movement and communication
 - Nature; and
 - Quality places and infrastructure; and
- site allocations for strategic scale development: housing and employment.

Local Plans would need to sit alongside the GESP.

A series of evidence documents would be part of the plans for consultation which include the:

- Sustainability Appraisal: Environmental, social and economic assessment;
- Initial Habitat Regulations Report: Assessment of potential implications for European wildlife sites;
- Issues consultation: Consultation statement: How the responses from the previous consultation have been used to progress the GESP; and
- Equality Impact Assessment: Assessment of the potential impact of GESP content on protected groups.

Also associated with the GESP is a Joint Statement of Community Involvement, (Joint SCI) setting out the way authorities would jointly consult on the GESP. The Joint SCI had been consulted on in 2017 and had been updated to reflect the commentary received though that process (see Minute No. 78 below for further

detail). Approval of the consultation documents was taking place during July and August, with a leadership meeting in August to discuss any minor amendments before consultation commencement. Subject to approval from all four Councils, the eight week consultation would run from 21 September to 16 November 2020 with the responses informing the preparation of the Plan going forward. There would also be further opportunities to shape the plan post-consultation through the Member Reference Forum and Leadership meetings. Additional public consultation would be held as the plan progresses.

During the discussion, the following points were raised:-

- the consultation would be far ranging allowing everyone to have the opportunity to fully engage in the consultation process; and
- comments had already been received by Members from the public who would be encouraged to use the consultation process once this starts in September.

The Portfolio Holder City Development and Planning referred to Exeter's continued commitment to this programme and welcomed the opportunity for the Leader, the Chief Executive & Growth Director working with him to agree the changes depending on the decisions of the other local authorities to ensure that the financial commitment would be made to full effect.

RECOMMENDED that Council approve the GESP team being brought up to eight full time equivalent members of staff and that local planning authority staff resources be provided equitably to the team through equalisation arrangements. Subject to future confirmation of the additional GESP staff roles that will be required for Exeter City Council this would likely equate to a total contribution of approximately £62,000 per annum towards staff costs, or an additional £33,330 per annum on top of existing staff contributions.

RESOLVED that:-

- (1) the Greater Exeter Strategic Plan (GESP) Draft Policies and Site Options consultation document be approved for public consultation;
- (2) the GESP Draft Policies and Site Options Sustainability Appraisal Report be approved for public consultation;
- (3) the Initial Habitat Regulations Assessment Report be approved for public consultation;
- (4) the content and conclusion of the GESP Equality Impact Assessment Screening Report be noted;
- (5) delegated authority be given to the Chief Executive & Growth Director in consultation with the Leader and relevant Portfolio Holder to agree changes to the documents presented at the meeting, following decisions made by the other GESP authorities and before they are published for consultation;
- (6) a 'call for sites' process be approved, alongside the consultation on the GESP Draft Policies and Site Options document presented at the meeting;
- (7) the content of the consultation statement for the 2017 Greater Exeter Strategic Plan Issues consultation be noted.

GREATER EXETER STRATEGIC PLAN: JOINT STATEMENT OF COMMUNITY INVOLVEMENT

The Executive received the report on the Joint Statement of Community Involvement (Joint SCI) prepared for the Greater Exeter Strategic Plan (GESP). This document would be considered by the four Greater Exeter local planning authorities of Exeter City, East Devon District, Mid Devon District and Teignbridge District. The report included the proposed approach to public consultation for the GESP as it progresses through its statutory plan-making stages towards adoption. The Director (BA) stated that there was no legal requirement to consult on an SCI, but a draft had been subject to public consultation in 2017. It had been amended following the responses and to take account of the emerging Covid-19 situation and restrictions on social interaction. Every effort had been made to include flexibility in the statement of community involvement to enable full and meaningful consultation irrespective of Covid-19.

RESOLVED that:-

- (1) the contents of the Joint Statement of Community Involvement (Joint SCI) that has been prepared for the GESP be approved; and;
- (2) delegated authority be given to the Chief Executive & Growth Director in consultation with the Leader of the Council and the relevant Portfolio Holder to agree changes to the Joint SCI arising from decisions by the other Greater Exeter local planning authorities and approve it as a Local Development Document, noting that it will apply jointly to East Devon District, Exeter City, Mid Devon District and Teignbridge District Councils.

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

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

POST-PANDEMIC RECOVERY OF LEISURE SERVICES

The report on the recovery of the Council's leisure services as a result of the impact of COVID-19 and the requirement to secure a long term future for the Council's leisure services was taken in Part I of the agenda (Minute No. 68 above refers).

RESOURCES REQUIRED TO DEVELOP EXETER'S LOCAL PLAN

The Executive received the report which set out the staff resources required within the City Development Service for the development of Exeter's Local Plan and outlined the budget required to finance the evidence requirements associated with bringing forward the Exeter Local Plan.

Particular reference was made to ensuring that the Local Plan Team could meet the authority's statutory duty to produce an up-to-date Exeter Local Plan as well as all other statutory forward planning functions.

RECOMMENDED that Council approve the allocation of funding required for the evidence requirements associated with bringing forward the Exeter Local Plan.

RESOLVED that:-

- (1) the resources required to develop the Local Plan, including the proposed structure, roles, anticipated grades and financing and to proceed with the setting up of the new proposed team and the granting of delegated authority to the Director (BA), in consultation with Human Resources, to agree job descriptions and personal specifications for the new posts be approved; and
- (2) the recruitment of the Local Plan Lead and Project Officer posts and the granting of delegated authority to the Director (BA), in consultation with the Chief Finance Officer and the Leader of the Council to progress the appointment of other posts when the Council's financial position permits it be approved.

82 **EXETER CITY GROUP - RECOMMENDATIONS ON GOVERNANCE AND OPERATING MODEL**

The Chair reported that this item had been withdrawn.

83 **EXETER CITY LIVING LTD BUSINESS PLAN 2020/21**

The Executive received the report which sought approval of the Exeter City Living Business Plan 2020/21, with the associated expenditure of previously drawn down loans for funding of business operations and development activity during the financial year 2020/21.

The proposals represented an upscaling of Exeter City Living's activities and would make a significant addition to the Council's ambitions for the city in line with the Exeter Vision 2020. Members noted the aspirations identified for particular sites across the city and welcomed the contribution that would be made to providing much needed, quality housing and the economic, social and environmental benefits that would accrue, now of even greater relevance as a result of the current Covid-19 pandemic.

RECOMMENDED that Council:-

- (1) approve the use of the previously approved Exeter City Council loans to Exeter City Living to fund the matters identified in the Exeter City Living Business Plan 2020/21;
- (2) approve Exeter City Living proceeding with the activities outlined and detailed in the Exeter City Living Business Plan 2020/21 and to include the operational activities and development works identified;
- (3) note that further requests for loans and/or expenditures may be submitted during the course of the financial year, should viable projects to progress ahead of the schedule in the Business Plan 2020/2021, or new opportunities which require funding in excess of the loans approved by the Council to date; and

- (4) note that some of the schemes currently being considered for feasibility review/further investigation may prove unviable and agree that these could be replaced/substituted with other schemes should the Board of Exeter City Living believe they are appropriate for expenditures/investment in the feasibility and pre-planning stage.

(The meeting commenced at 5.30 pm and closed at 8.07 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.