



## Exeter City Council

A meeting of **EXETER CITY COUNCIL** will be held at the **CORN EXCHANGE, MARKET STREET, EXETER, EX1 1BW** on **WEDNESDAY 21 JULY 2021**, at 6.00 pm, at which you are hereby summoned to attend.

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

**Because of current social distancing restrictions brought about by the Corona Virus outbreak, this meeting is only open to those addressing the Council under items 3 and 4**

**For the general public the [live stream can be viewed here](#) at the meeting start time via Facebook.**

The following business is proposed to be transacted:-

		Pages
1	Minutes	
	To approve and sign the minutes of the Ordinary Meeting held on 27 April 2021 and of the Annual Meeting held on 18 May 2021.	3 - 24
2	Official Communications	
3	Petition - Protect Green Infrastructure in Pinhoe  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 Friday 16 July 2021. Further information and a copy of the procedure are available from Democratic Services (Committees) (Tel: 01392 265115) with details about speaking at Council to be found here: <a href="#">Public Speaking at Meetings</a> .	

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

5	Planning Committee - 29 April 2021	25 - 36
6	Planning Committee - 27 May 2021	37 - 56
7	Planning Committee - 7 June 2021	57 - 60
8	Planning Committee - 28 June 2021	61 - 70
9	Strategic Scrutiny Committee - 10 June 2021	71 - 76
10	Customer Focus Scrutiny Committee - 1 July 2021	77 - 88
11	Executive - 1 June 2021	89 - 94
12	Executive - 6 July 2021	95 - 104
13	Executive - 8 July 2021	105 - 112
14	Change in Membership of the Executive - The Leader will update	
15	First Homes Planning Policy Statement	113 - 132
16	Questions from Members of the Council under Standing Order No 8	

Date: Tuesday 13 July 2021

Karime Hassan  
Chief Executive & Growth Director

# Agenda Item 1

## COUNCIL (HELD AS A VIRTUAL MEETING)

Tuesday 27 April 2021

### Present:-

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

15

### MINUTES SILENCE - HIS LATE ROYAL HIGHNESS, THE DUKE OF EDINBURGH

The Council observed a minute's silence as a mark of respect following the death of His Late Royal Highness, the Duke of Edinburgh.

16

### MINUTES

The minutes of the Extraordinary and Ordinary meetings of the Council held on 23 February 2021 were moved by the Deputy Leader, Councillor Sutton and seconded by the Leader Councillor Bialyk, taken as read and approved for signing as correct at the earliest possible convenience.

17

### OFFICIAL COMMUNICATIONS

The Lord Mayor reported the following:-

- his participation by virtual means in a varied programme of events from the “Big Sleep Out” on 5 March; the Exeter College Awards Ceremony on 25 March, and hosting a virtual coffee morning and quiz on the 8 April with all proceeds going to his chosen charity of the Exeter City Community Trust.
- his attendance in person to plant a memorial tree – a Dove Tree- with the Leader, Councillor Bialyk in Northernhay Gardens on the National Day of Reflection on 23 March, in memory of all of those who sadly lost their lives during the Coronavirus pandemic. The Guildhall had also been lit up for this occasion along with other prominent landmarks and buildings around the country;
- the retirement of Shirley Clarke, a valuable member of the Guildhall support team after 15 year’s dedicated service; and
- his attendance in person on Monday 19 April 2021 in the opening of Shropody in its newly relocated premises in the High Street and which, with other shops, was helping revitalise the City Centre and supporting Exeter’s economy as it recovers from the challenges of the Covid 19 Pandemic.

The Lord Mayor paid tribute to the people of Exeter who had followed the message of staying at home, keeping safe and supporting the NHS during the Pandemic.

The Lord Mayor announced that the following four councillors would stand down at the forthcoming local government elections on 6 May, Councillors David Henson, Rachel Lyons, Robert Lamb and Keith Owen. He thanked them all on behalf of his fellow Members for their achievements and many years of public service to the people of Exeter. He wished them health and happiness for the future.

Councillors David Henson, Rachel Lyons and Keith Owen responded, thanking all Councillors and Officers for their help and support over the years and wishing the Council well for the future.

18

## **PUBLIC QUESTIONS**

The Lord Mayor reported the receipt of a question from a member of the public.

**Mr P. Cleasby to the Leader of the Council.**

Mr Cleasby was unable to be present and his question was read out by the Corporate Manager Democratic and Civic Support.

### **Question**

Since the Council has failed to respond to repeated questioning from the Exeter Observer on the topic, will the Leader of the Council now please explain why the Church of England has two representatives on the Liveable Exeter Place Board while other faiths and Churches have none?

### **Response**

*Over the course of the year, the Chair of the Liveable Exeter Place Board has invited a number of people to join the Board in part, as a consequence of the issues that have emerged during this Pandemic. This has been an extraordinary year and our leading institutions have been able to have frank conversations about the impact that Covid has had on their sectors and organisations. It has also raised issues that have highlighted gaps on the Board and, no doubt, this will continue to be the case.*

*The Cathedral is a major institution in the city, at the heart of the tourism and visitor economy and probably the biggest visitor draw to the city centre. In a very practical way Covid-19 and the production of a recovery plan highlighted the value of having the Very Reverend Jonathan Greener, Dean of the Cathedral as a member of the Board. Bishop Robert is also a significant figure in the spiritual life of the city and brings an unique insight and sensitivity to issues such as wellbeing, and provides a linkage to the wider Devon community and the role of the city in the region.*

*The elected representatives that sit on the Board are the Leaders of Devon County Council and Exeter City Council. The Board therefore gives both Council leaders an opportunity to discuss and hear from the key stakeholders in the city, and an opportunity to inform others about the work of our Councils. The agenda is set by the Chair of the Board.*

19

## **SUSPENSION OF STANDING ORDERS**

Consideration of the suspension of Standing Order was deemed necessary in view of the return to physical meetings following the Government's phased lifting of the

Lockdown restrictions and a consequent requirement to identify alternative venues for Council meetings if necessary.

The Leader moved and the Deputy Leader seconded the following motion which was carried unanimously.

**RESOLVED** that, in accordance with Standing Order number 48 (Suspension of Standing Orders by Council), Standing Order number 47 (Variation and Revocation of Standing Orders by Council) be suspended to allow for consideration of the following item.

20

#### **RETURN TO PHYSICAL MEETINGS - VENUES**

The Lord Mayor reported that, in light of the possibility that Councils will, after 7 May 2021, not be able to hold meetings via virtual means, and therefore return to physical meetings, there was a need for the Council to consider what requirements it would need to put in place to ensure its future meetings are held in a COVID secure way. It was therefore necessary to amend Standing Order 1 (1) to enable Council meetings to be held at alternative venues.

The Leader undertook to consult the Leaders of the Opposition groups in deciding on appropriate alternative venues to ensure that correct social distancing would be put in place.

The Leader moved and the Deputy Leader seconded the following motion to amend Standing Order 1 (1) which was carried.

**RESOLVED** to amend Standing Order 1(1) to allow all meetings of the Council (including the Annual General Meeting) and its Committees to be held at any venue considered suitable by the Corporate Manager, Democratic and Civic Support in consultation with the Leader of the Council.

21

#### **PLANNING COMMITTEE - 22 FEBRUARY 2021**

The minutes of the Planning Committee of 22 February 2021 were presented by the Chair, Councillor Morse, and taken as read.

**RESOLVED** that the minutes of the Planning Committee held on 22 February 2021 be received.

22

#### **PLANNING COMMITTEE - 29 MARCH 2021**

The minutes of the Planning Committee of 29 March 2021 were presented by the Chair, Councillor Morse, and taken as read.

**RESOLVED** that the minutes of the Planning Committee held on 29 March 2021 be received.

23

#### **STRATEGIC SCRUTINY COMMITTEE - 18 MARCH 2021**

The minutes of the Strategic Scrutiny Committee of 18 March 2021 were presented by the Chair, Councillor Sills and taken as read.

In respect of **Minute No. 11 (Presentation on Community Safety Partnership)**, and in response to a query from a Member, the Leader reassured Members that the Community Safety Partnership would continue to consider the serious issues of sexual violence and people's experience of racism on the streets in the coming year. The work of the Partnership would be further publicised to increase its profile and the seriousness of the issues it was addressing.

**RESOLVED** that the minutes of the Strategic Scrutiny Committee held on 18 March 2021 be received.

24

#### **CUSTOMER FOCUS COMMITTEE - 1 APRIL 2021**

The minutes of the Customer Focus Scrutiny Committee of 1 April 2021 were presented by the Chair, Councillor Vizard and taken as read.

In respect of **Minute No. 11 (Presentation on Wellbeing Exeter)**, and in response to a query from a Member, the Portfolio Holder for Supporting People undertook to provide a written answer about how the Council was reviewing its way of working in light of the recent High Court ruling in respect of the housing needs of people sleeping rough who are not usually eligible for accommodation because of their immigration status.

**RESOLVED** that the minutes of the Customer Focus Scrutiny Committee held on 1 April 2021 be received.

25

#### **AUDIT AND GOVERNANCE COMMITTEE - 10 MARCH 2021**

The minutes of the Audit and Governance Committee of 10 March 2021 were presented by the Chair, Councillor Wardle, and taken as read.

In respect of **Minute No. 45 (Model Code of Conduct)**, the Chair moved and Councillor Atkinson seconded the recommendations and they were carried unanimously.

In respect of **Minute No. 46 (Code of Corporate Governance 2021/22)**, the Chair moved and Councillor Hannaford seconded the recommendation and it was carried unanimously.

In respect of **Minute No. 48 (Review of Corporate Governance Risk Register)**, and in response to a query from a Member on the increased risk level in respect of the Council's ability to meet its target of becoming a Net Zero Carbon city by 2030, the Leader reassured Members that all areas of concern relating to the Council's Risk Register were closely monitored and that, if there was a specific concern in respect of this matter, a report would be submitted to the Executive as a priority.

**RESOLVED** that the minutes of the Audit and Governance Committee held on 10 March 2021 be received and, where appropriate, adopted.

26

#### **EXECUTIVE - 9 MARCH 2021**

The minutes of the Executive of the 9 March 2021 were presented by the Leader, Councillor Bialyk, and taken as read.

In respect of **Minute No. 32 (Council Housing and Development Resident Involvement Strategy 2021-2025)**, the Leader moved and the Deputy Leader seconded the recommendation and it was carried unanimously.

In respect of **Minute No. 34 (Amendment to Section 3D of the Council's Constitution relating to delegation to the Service Lead – Environmental Health and Community Safety)**, the Leader moved and the Deputy Leader seconded the recommendation and it was carried unanimously.

**RESOLVED** that the minutes of the Executive held on 9 March 2021 be received and, where appropriate, adopted

27

### **EXECUTIVE - 6 APRIL 2021**

The minutes of the Executive of the 6 April 2021 were presented by the Leader, Councillor Bialyk, and taken as read.

In respect of **Minute No. 41 (Lord Mayoralty)** the Leader moved and the Deputy Leader seconded the recommendation and it was carried.

In respect of **Minute No. 42 (Overview of General Fund Revenue Budget 2020/21 - Quarter 3)**, the Leader moved and the Deputy Leader seconded the recommendations and they were carried unanimously.

In respect of **Minute No. 43 (2020/21 General Fund Capital Monitoring Statement - Quarter 3)**, in response to a query from a Member, the Leader stated that a detailed written response would be provided on the increased costs of the current processing of recyclates at alternative sites to the Materials Re-cycling Facility (MRF) and the anticipated timetable for this process to be returned to the MRF.

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

In respect of **Minute No. 44 (2020/21 HRA Budget Monitoring Report - Quarter 3)**, the Leader moved and the Deputy Leader seconded the recommendations and they were carried unanimously.

**RESOLVED** that the minutes of the Executive held on 6 April 2021 be received and, where appropriate, adopted.

28

### **NOTICE OF MOTION BY COUNCILLOR HARVEY UNDER STANDING ORDER NO. 6**

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

#### **Climate and Ecological Emergency**

**This Council notes that:**

1. Exeter City Council (ECC) declared a Climate Emergency in July 2019 and committed to becoming Net Zero Carbon by 2030, recognising the scale and urgency of the global challenge from climate change following the IPPC report published in October 2018. To contribute to achieving its net zero objectives ECC has:-
  - Adopted a Net Zero Carbon Roadmap in conjunction with Exeter City Futures to achieve net zero carbon targets.

- Secured £1.6 million of European Development Funding to install a solar farm and battery storage on waste ground close to the Council's depot.
  - In the past year, delivered the following carbon saving measures:-
    - Financial savings of £630,000
    - Energy savings of 2,300,050 kWh
    - Carbon savings of 550 tonnes
  - Added 21 new 3- and 4- bedroomed homes built to Passivhaus standards.
  - Commissioned the building of St Sidwell's Point – the UK's first leisure centre to be built to Passivhaus standards.
  - Started the roll-out of the retrofitting of all 4000+ council housing to our super energy efficient standards.
2. Demonstrated its commitment to protecting the environment and greening the city by:-
- Consulting residents on the creation of a city-wide Tree Strategy.
  - Implementing an ambitious tree-planting programme including 2,000 trees on the Monkerton Ridgeline, and a new woodland of 300 trees off Lancelot Road.
  - Encouraging biodiversity through wildflower planting and naturalising grass areas, and a phased reduction in the use of glyphosate weed-killer.

**This Council believes that:**

1. Exeter City Council has shown, through its net zero carbon achievements, tree-planting and green-spaces activities, its commitment to contributing to achieving its net zero carbon and ecological objectives.
2. We all have a responsibility, both individually and collectively, to mitigate the harmful effects of climate change and ecological decline.
3. Local Authorities are well-placed to initiate the changes that can contribute to the mitigation of the harm caused, by continuing to set ambitious targets to address the Climate and Ecological emergency.
4. The Climate and Ecological Emergency Bill provides a timely evaluation and summary of the actions required by Government in order to achieve climate and ecology objectives.

**The Council resolves:**

1. To declare an Ecological Emergency to supplement and strengthen the Climate Change Emergency declaration of July 2019 by this Council.
2. To continue to work with partners, both locally and regionally, including DCC, to achieve net zero carbon objectives, and to conserve and support the recovery of the natural environment.
3. To support community consultation with respect to identifying solutions to address both climate and ecological emergencies.
4. To request that our two MPs support the Climate and Ecological Emergency Bill.

Councillor Diana Moore moved and Councillor Kevin Mitchell seconded the following amendments:-

Amend resolution 2 to read:

"To continue to work with partners, both locally and regionally, including Devon County Council, to:-

- A achieve net zero carbon objectives, and publish a carbon budget and annual audit for both the City and the Council to demonstrate progress towards the net zero 2030 target;
- B to conserve and support the recovery of the natural environment, in particular by supporting the work of the Devon Local Nature Recovery Strategy and use this strategy to inform the development of the new local plan."

And to delete resolution 3 and replace with:-

"To set up an Exeter Citizens Assembly to deliberate on solutions, and engage communities to deliver initiatives to tackle the climate and ecological emergencies."

Cllr Kevin Mitchell in seconding the amendment made the following points:-

- the amendments were aimed at strengthening the Motion and to support existing Council initiatives in combatting the Climate and Ecological Emergency; and
- auditing and scrutiny were vital to review progress of the roadmap towards the 2030 target.

Councillor Diana Moore spoke on her amendments:-

- the Council should reflect the ambitions of the Climate and Ecological Emergency Bill, which seeks to ensure that the UK becomes a carbon neutral economy and which had received the support of over 100 MP's across eight political parties across England, Scotland, Wales and Northern Ireland;
- the Bill also seeks to restore and regenerate habitats and protect biodiversity, issues which are also of concern to many Exeter residents;
- engagement with Devon County Council and all local Districts as part of the Devon Local Nature Recovery Strategy is vital;
- the amendments seek a range of actions to progress issues at a local level through comprehensive public engagement; and
- a Citizen's Assembly will help bring forward the aspirations of the Bill in Exeter as engaging the people of Exeter is crucial given the enormity of this crises and the need for full support on difficult decisions. The County Council has already established a Citizen's Assembly.
- Councillor Diana Moore urged the Council to take on board the suggested additions to the Motion to reflect a robust commitment to the measures set out in the Climate and Ecological Emergency Bill and to ensure communities play a real part in the decisions effecting the climate and the natural environment.

Members made the following comments:-

- the Council is continuing to progress many initiatives in support of its green agenda ambitions but it is considered that the production of an annual audit would only divert resources at a time when the Council is under severe financial pressures in addressing a shortfall of £6 million. It is felt that an audit would be unlikely to deliver sufficiently useful detail and that the emphasis should be on

progressing projects rather than detailed monitoring. Annual carbon footprint reports are being produced, however, the most recent has been delayed because of the Covid 19 Pandemic;

- the formation of a Citizen's Assembly is only one form of engagement as consultation can take many different types to tackle the climate and ecological emergency.

The Leader made the following comments:-

- the Council seeks to play a positive role in support of the Devon Local Nature Recovery Strategy and will engage with neighbouring District Councils in developing projects which will play a role in Net Zero plans. This will be reflected in the emerging Local Exeter Plan and when formulating the Local Plan Policy Framework as the Council is committed to a co-ordinated approach with these Districts to bring forward the Plan;
- an invitation has been made to the North Devon UNESCO Biosphere Reserve Partnership, which seeks to connect people to nature, with a view to an appropriate briefing;
- re-wilding projects across the city are being progressed to improve land management and support local nature recovery and the Council's partnership with the Devon Wildlife Trust is key in this;
- the Council has made a commitment to retain Northbrook as open space working with the Devon Wildlife Trust, with decisions relating to Bull Meadow and Clifton Hill being further evidence of the commitment to protect existing green space; and
- the work of the City Council, with its partners, should be recognised and supported, the Net Zero Carbon Plan being one of the best in the County if not the South West and many Councils have followed Exeter in announcing a Climate Emergency.

The amendment was put to the vote and LOST.

In presenting his Motion, and in relation to the four recommendations, Councillor Harvey made the following points:-

- the Motion to declare a Climate and Ecological Emergency demonstrates the Council's green credentials, complements a previous Council Motion in October 2019 to eliminate glyphosate use and strengthens the Council's Climate Change Emergency Declaration of July 2019;
- the role of partners was vital, including the Liveable Exeter Place Board and the Devon Wildlife Trust who manage the Valley Parks on the Council's behalf and develop wild flower projects;
- community engagement was a key element reflected in consultation on the Play, Tree and Woodlands and Parks and Green Spaces Strategies and supporting community groups such as the Friends of Exhibition Fields and rewilding and litter picking projects; and
- welcome the support of Ben Bradshaw MP for the Bill.

Councillor Harvey thanked opposition Members for supporting the principle behind the Motion given the depth of challenges being faced world-wide and not just in Exeter.

Councillor Branston, in seconding the Motion, stated that the Motion would make a positive contribution to achieving this Council's commitment to Exeter becoming Zero Carbon neutral by 2030.

Councillor Leadbetter, as Leader of the Opposition Group, advised that his Group would be supporting the Motion and that he would contact Simon Jupp MP to seek further support for the Bill.

Members, in supporting the Motion, referred to the following initiatives which highlighted the Council's commitment to Net Zero and to meeting the significant challenges faced by the city:-

- retrofitting of the Council housing stock which also helps address fuel poverty and building to Passivhaus standard in new accommodation;
- support for active travel;
- provision of solar panels in Council buildings and the construction of a solar array and battery storage facility close to the new Marsh Barton railway, the power generated at this city solar farm to be effectively managed through a battery storage system. This farm will eventually power refuse vehicles;
- the provision of electric car charging points around the city including multi storey car parks to provide free charging for electric vehicles;
- investigating the potential of building a power turbine at Trews Weir to increase renewable energy generation;
- waste statistics produced by Defra show that the amount of waste per person that the city's residents produce was now the 7th lowest in the country, a figure which could improve with the introduction of the kerb side food waste and glass collection service;
- building on the success of the Millennium Wood launching a replacement tree programme across the city;
- many biodiversity measures across the city such as wild flower planting at Clyst Heath, Exwick and St Thomas and encouraging bat habitats in Ludwell Valley and Pinces Gardens; and
- reports are being produced on the progress in reducing glyphosate use which will contribute towards enhancing pollination and protect the environment. This is a joint approach with communities.

Councillor Harvey commended the Motion to Council.

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

The meeting adjourned at 7.58 and re-convened at 8.03.

29

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

In accordance with Standing Order No. 8, the following questions were put by Councillor Diana Moore to the Leader.

1. ***As the benefits to health and well-being of green space are well documented, including in Council strategies, please can you confirm if any green space between the Exeter Ship Canal and the River Exe or Bonhay Meadows, near Exe Bridges, is under any consideration for development (including infrastructure) as part of the Liveable Exeter programme?***

The Leader responded that the Liveable Exeter Vision had been presented to Council and to a Members' Briefing with potential development sites identified but that no decisions had been made as it was a vision document. Where appropriate, sites would be identified in the forthcoming Exeter Local Plan.

Exeter City Living, the development arm of the City Council, is examining, and will continue to examine, the suitability of land for development in accordance with the vision for Liveable Exeter - including sites such as Bonhay Meadows. You may recall from the Liveable Exeter vision document images of buildings alongside the river. It never pays to take literally images in visioning documents, but the concept of fronting development onto the River instead of turning its back on the River is a key principle in Liveable Exeter - it offers opportunities for enhanced waterside amenity and to allow residents to connect with the riverside environment.

That said, there are existing planning policies that would need to be considered should any scheme come forward and there are flood risk considerations whenever there is building close to a river. There are also likely to be requirements for new transport infrastructure to improve linkages across the River for cyclists and pedestrians. Given that we are in the early days of addressing the practical delivery challenges of a shift in housing strategy, and the consequential infrastructure requirements to service 12,000 homes, I cannot be more precise about the specific future interventions which will be required at this time.

***Councillor Diana Moore sought confirmation as to whether any land between Exeter Ship Canal and the River Exe was being considered for development, including any infrastructure?***

The Leader responded that the same principle as stated in his initial answer above applied and that no decision had been made in respect of individual areas. It remained the priority to deliver 12,000 homes and that, rather than build on green fields on the periphery of the city, building at density close to the city centre and on the riverside was the intention to enable residents to walk and cycle to work and to facilities and to help meet the Council's active travel and net zero ambitions. Solutions, such as higher rise buildings would also be advantageous to limit use of valuable green open space.

***2. We will soon reach the second anniversary of the Council's declaration of a climate emergency and biodiversity crisis and that Exeter should reach Net Zero carbon by 2030. Will an annual carbon budget, the planned carbon reduction trajectory for the next nine years, and the progress towards Net Zero 2030 commitment over the last year be published for both the City Council and the city itself?***

The Leader responded that clear and transparent ways in which we can report progress on carbon reduction targets were yet to be finalised and the focus of the resources we have remains on making practical interventions which have real impact. Measuring the City Council's progress against a proposed trajectory should be relatively straight forward once the carbon action plan is complete.

This work is being completed by the Centre for Energy and the Environment at Exeter University with housing being the first service to contribute to the carbon plan. This will identify the opportunities available and a plan of action for each service. In addition to this, our annual carbon baseline is reported to Scrutiny. Measuring the progress of the city is a hugely complex process and with the resources we have available will not be possible at any level of significant

detail. The city has great support from its major institutions via Exeter City Futures and the Place Board, who have ambitious carbon reduction plans and are keen to feed in their progress. Monitoring progress of smaller business and our residents is not realistically achievable but we will look to best practice from other cities to help us, as well as any new and emerging technologies to achieve this.

***Councillor D. Moore asked a supplementary question as to what body was responsible for ensuring progress towards a Net Zero city and how that progress would be scrutinised and by whom?***

The Leader responded that progress would be scrutinised within the existing scrutiny framework of the Council, emphasising that, whilst Council resources were under considerable pressure, it remained the ambition of the Council and all Members to achieve a Net Zero Exeter.

3. ***Last year the Council approved, in principle, to set up a market rent housing company to purchase property from Exeter City Living (or on the private sector market) and provide property for market rent to the public. Please can the Portfolio Holder confirm:***
  - a) ***if the feasibility study on this market rent company has been concluded, resulting in the company been set up or other arrangements put in place to progress this, and***
  - b) ***what proportion of market rent to affordable housing underpins the business model assumptions?***

The Leader, as the relevant Portfolio Holder, responded that a feasibility study and Business Case for the company were being developed. It was the Council's aspiration to bring forward a residential property company in order to disrupt the private rental market in Exeter to offer people decent, accessible homes, to provide security of tenure and to combat landlord evictions of tenants.

(The meeting commenced at 6.00 pm and closed at 8.16 pm)

Chair

This page is intentionally left blank

**ANNUAL COUNCIL**  
**(HELD AT THE CORN EXCHANGE)**

Tuesday 18 May 2021

**Present:-**

The Right Worshipful the Lord Mayor, Councillor Peter Holland  
Councillors Allcock, Atkinson, Begley, Bialyk, Buswell, Denning, Foale, Ghusain,  
Hannaford, Harvey, Mrs Henson, Jobson, Leadbetter, Lights, Martin, Mitchell, K, Mitchell, M,  
Moore, D, Moore, J, Morse, Newby, Oliver, Packham, Pearce, Pearson, Quance, Sheldon,  
Sills, Sparkes, Sparling, Sutton, Vizard, Wardle, Warwick, Wood and Wright

**Apologies**

Councillors Branston and Williams

1

**ELECTION OF THE LORD MAYOR**

**RESOLVED** on the nomination of Councillor Harvey, seconded by Councillor Martin, that Councillor Trish Oliver be elected Lord Mayor of the City for the ensuing Municipal Year.

The Lord Mayor was invested with her Chain of Office, made her Declaration of Acceptance of Office, took the Chair and returned thanks.

2

**APPOINTMENT OF THE DEPUTY LORD MAYOR**

**RESOLVED** on the nomination of Councillor Packham, seconded by Councillor Wood, that Councillor Ian Quance be appointed Deputy Lord Mayor of the City for the ensuing Municipal Year.

The Deputy Lord Mayor was invested with his Chain of Office, made his Declaration of Acceptance of Office and returned thanks.

3

**VOTE OF THANKS**

**RESOLVED** that the Council record its appreciation for the able and courteous manner in which Councillor Peter Holland and Mrs Holland have discharged the duties of the Lord Mayor and Lady Mayoress during the past two years, particularly bearing in mind the difficult situation we have all found ourselves in due to the COVID-19 pandemic.

Councillor Bialyk, on behalf of the Council, presented badges to the retiring Lord Mayor and retiring Lord Mayor's Consort.

The retiring Lord Mayor returned thanks.

**RESOLVED** that the Council record its appreciation for the able and courteous manner in which Councillor Mrs Yolonda Henson and David Henson have discharged the duties of Deputy Lord Mayor and Deputy Lord Mayor's Consort during the past year.

The retiring Deputy Lord Mayor returned thanks.

4

#### **ELECTION OF THE LEADER OF THE COUNCIL AND CONFIRMATION OF THE DEPUTY LEADER OF THE COUNCIL**

Councillor Bialyk was appointed as Leader of the Council. Councillor Bialyk confirmed the appointment of Councillor Wright as Deputy Leader.

**RESOLVED** that Councillor Bialyk be elected as Leader of the Council and Councillor Wright as Deputy Leader.

5

#### **APPOINTMENT OF THE EXECUTIVE AND PORTFOLIO HOLDERS**

The Leader of the Council confirmed his nominations for Portfolio Holders and Executive membership as circulated.

**RESOLVED** that the Council's Executive be appointed as follows for the ensuing Municipal Year:-

Bialyk, P.M.	Leader
Wright, L.	Deputy Leader and Council Housing Development and Services
Sutton, R.H.	Net Zero Exeter 2030
Morse, E.A.	City Development
Wood, D.	Leisure and Physical Activity
Harvey, D.J.	City Management
Foale, B.	Transformation and Environment
Pearson, O.	City Centre and Corporate Services
Ghusain, A.	Communities and Culture
Williams, R.	Supporting People

#### **MEMBER CHAMPION**

Allcock, N.J.	Champion for Youth and Community Engagement
---------------	---

6

#### **APPOINTMENT OF COMMITTEES**

Alternative options were submitted by the Labour and Progressive Groups in respect of the Chairs and Deputy Chairs of Strategic Scrutiny Committee and Customer Focus Scrutiny Committee. A vote was taken on the nominations.

**RESOLVED** that the membership of Committees etc., Chairs and Deputy Chairs and Independent Persons, as shown at the Appendix to these minutes, be approved.

(The meeting commenced at 7.00 pm and closed at 7.49 pm)

Chair

DRAFT

This page is intentionally left blank

**EXETER CITY COUNCIL**  
**EXECUTIVE, SCRUTINY**  
**AND OTHER COMMITTEES: 2021/22**

**EXECUTIVE (10)**

Bialyk, P.M. (Leader)	Morse, E.A.
Wright, L. (Deputy Leader)	Pearson, O.
Foale, B.	Sutton, R.H.
Ghusain, A.	Wood, D.
Harvey, D.J.	Williams, R.T.

**PORTFOLIO HOLDERS (9)**

Bialyk, P.M.	Leader
Wright, L.	Deputy Leader and Council Housing Development and Services
Sutton, R.H.	Net Zero Exeter 2030
Morse, E.A.	City Development
Wood, D.	Leisure and Physical Activity
Harvey, D.J.	City Management
Foale, B.	Transformation and Environment
Pearson, O.	City Centre and Corporate Services
Ghusain, A.	Communities and Culture
Williams, R.	Supporting People

**MEMBER CHAMPION**

Allcock, N.J.	Champion for Youth and Community Engagement
---------------	--

**CUSTOMER FOCUS SCRUTINY COMMITTEE (14)**

Vizard, M. (Chair)	Martin, A.
Mitchell, M.N. (Deputy Chair)	Pearce, M.C.
Allcock, N.J.	Quance, I.
Atkinson, Y.M.	Sparkes, K.A.
Begley, J.	Sparling, A.E.
Denning, B.E.	Wardle, A.J.
Henson, Mrs Y.A.C.	Warwick, S.

### **STRATEGIC SCRUTINY COMMITTEE (14)**

Sills, L.S. (Chair)	Denning, B.E.
Newby, R.C.(Deputy Chair)	Hannaford, R.M.
Allcock, N.J.	Jobson, A.M.
Atkinson, Y.M.	Mitchell, K.
Buswell, C.	Moore, J.
Begley, J,	Pearce, M.C.
Branston, R.A.	Vizard, M.

### **SCRUTINY PROGRAMME BOARD (5)**

Packham, H. (Chair)	Sills, L.S.
Newby, R.C. (Deputy Chair)	Vizard, M.
Mitchell, M.N.	

### **COMMUNITY GRANTS PANEL (6)**

Ghusain, A. (Chair)	Leadbetter, A.R.
Allcock, N.J.	Mitchell, K.
Denning, B.E.	Warwick, S.

### **PLANNING COMMITTEE (14)**

Morse, E.A. (Chair)	Henson, Mrs, Y.A.C.
Williams, R.T. (Deputy Chair)	Lights, Z.
Bialyk, P.M.	Martin, A.
Branston, R.A.	Mitchell, M.N.
Buswell, C.	Moore, D.M.
Denning, B.E.	Sparkes, K.A.
Hannaford, R.M.	Sutton, R.H.

### **PLANNING MEMBER WORKING GROUP (7)**

Williams, R.T. (Chair)	Lights, Z
Bialyk, P.M.	Moore, D.M.
Branston, R.A.	(Chair of Planning Committee
Henson, Mrs Y.A.C.	Cllr E.A. Morse)

### **LEISURE COMPLEX AND BUS STATION PROGRAMME BOARD (7)**

(Currently 5 Labour, 1 Conservative and 1 Progressive Group – politically balanced in accordance with the necessary proportionality requirements)

#### **To be decided**

**The Progressive Group nominated Cllr M. Mitchell**

**The Conservative Group nominated Cllr Mrs Y.A.C. Henson**

### **EXETER STRATEGIC BOARD (14)**

(5 City Councillors)

Bialyk, P.M.

Williams, R.T.

Ghusain, A.

Wright, L.

Jobson, M.A.

(9 County Councillors)

Adams, T.A.

Hannaford, R.M.

Asvachin, M.

Leadbetter, A.R.

Atkinson, Y.M.

Prowse, G.R.

Aves, S.

Whitton, M.C.

Barnes, D.

### **HARBOUR BOARD (12)**

(6 City Councillors)

Harvey, D.J. (Chair)

Pearson, O.

Buswell, C.

Sills, L.

Leadbetter, A.

Sparkes, K.A.

(6 External Members)

Andrew May (3 years)

Steve Sitch (2 years)

Owen Michaelson (3 years)

Anthony Garrett (1 year)

Richard Eggleston (2 years)

Paul Labistour (1 year)

### **COUNCIL HOUSING DEVELOPMENT AND ADVISORY BOARD (10)**

Hannaford, R.A. (Chair)

Wardle, A.J.

Moore, D.M.

Wright, L.

Packham, H.

(5 External Members)

Clare Beach  
Fiona Carden  
Simon Sanger-Anderson  
Debbie Croxford – Tenant representative

Rachel Searle  
Corrine Waterfield

### **COUNCILLOR DEVELOPMENT STEERING GROUP (6)**

Pearson, O. (Chair)  
Ghusain, A.  
Leadbetter, A.R.

Mitchell, K.  
Vizard, M.  
Williams, R.T.

### **LICENSING COMMITTEE (14)**

Buswell, C. (Chair)  
Branston, R.A. (Deputy Chair)  
Begley, J.  
Foale, B.  
Holland, P.J.  
Mitchell, K.J.  
Moore, J.

Newby, R.C.  
Quance, I.  
Vizard, M.  
Pearson, O.  
Warwick, S.  
Wright, L.  
Wood, D.

### **LICENSING SUB-COMMITTEE (3)**

Licensing Sub-Committee membership to be drawn from Licensing Committee Members above.

### **AUDIT AND GOVERNANCE COMMITTEE (12)**

Wardle, A.J. (Chair)  
Atkinson, Y.M. (Deputy Chair)  
Begley, J.  
Hannaford, R.M.  
Jobson, A.M.  
Mitchell, M.N.

Martin, A.  
Moore, D.M.  
Pearce, M.C.  
Quance, I.  
Sparkes, K.A.  
Warwick, S.

### **INDEPENDENT PERSONS**

Mr I Brooking and Professor B. Kirby appointed as Independent Persons to assist the Council in promoting and maintaining high standards of conduct amongst its Elected Members.

### **STRATA JOINT EXECUTIVE COMMITTEE (3 - 1 FROM ECC)**

Pearson, O. (For Leader)

**STRATA JOINT SCRUTINY COMMITTEE (9 - 3 FROM ECC)**

Atkinson, Y.M.  
Denning, B.E.

Sparkes, R. A.

**EXETER HIGHWAYS AND TRAFFIC ORDERS COMMITTEE (13)**

(4 City Councillors)

Harvey, D.J.  
Holland, P.J.

Pearce, M.C.  
Wardle, A.J.

(9 County Councillors)

Adams, T.A.  
Asvachin, M.  
Atkinson, Y.M.  
Aves, S.  
Barnes, D.

Hannaford, R.M.  
Leadbetter, A.R.  
Prowse, G.R.  
Whitton, M.C.

**TRANSPORT WORKING GROUP (6)**

Harvey, D.J. (Chair)  
Holland, P.J.  
Lights, Z.

Sparling, A.E.  
Sutton, R.H.  
Wardle, A.J.

This page is intentionally left blank

# Agenda Item 5

## PLANNING COMMITTEE (HELD AS A VIRTUAL MEETING)

Thursday 29 April 2021

### Present:-

Councillor Emma Morse (Chair)  
Councillors Bialyk, Branston, Foale, Hannaford, Harvey, Mrs Henson, Mitchell, M, Sparkes, Sutton and Williams

### Also Present

Chief Executive & Growth Director, Deputy Chief Executive, Liveable Exeter Programme Director and Interim City Development Lead, Principal Project Manager (Development) (MD), Development Manager Highways and Transport, Senior Highways Development Management Officer (Exeter), Democratic Services Officer (HB) and Democratic Services Officer (MD)

22

### MINUTES

The minutes of the meeting held on 29 March 2021 were taken as read, and approved as correct to be signed by the Chair at the earliest possible convenience.

23

### DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

24

### PLANNING APPLICATION NO. 20/1187/FUL - EXMOUTH JUNCTION GATEWAY SITE, EXETER

The Principal Project Manager (Development) presented the application for the re-development of the site and construction of a part 3, part 5 storey building containing 51 residential units with associated access and servicing arrangements, car parking, landscaping and infrastructure ancillary to the residential use. (Revised)

The Principal Project Manager (Development) provided a detailed description of the site in relation to the surrounding area, the site comprising vacant undesignated "white land" of 0.21 hectares on the corner of the roundabout in front of Morrisons off Prince Charles Road. The site was in Flood Zone 1 and was potentially contaminated from its previous use as part of the Exmouth Junction railway yard. In detail, the proposal was to develop a part 3, part 4, part 5 storey building on the site comprising 51 apartments (26 no. 1-beds, 20 no. 2-beds and 5 no. 3-beds) with the apartments Build to Rent housing. There would also be an internal cycle store on the ground floor of 90 spaces with bin storage provided. The design matched the architectural principles of the main Exmouth Junction site to the west.

The Principal Project Manager (Development) provided the following additional information:-

- a revised ground floor plan had been submitted by the applicant who had confirmed acceptance of the £60,000 contribution towards playing pitches in the local area;
- Devon County Council had confirmed that a surface water drainage issue would be covered by a pre-commencement condition;
- the additional cycle storage provision had been welcomed by the Exeter Cycling Campaign;
- the applicant had confirmed the provision of balconies for the 1-bed flats in addition to those proposed for the 2 and 3-bed flats and the recommendation had been changed to grant delegated authority to officers to agree revised plans with the applicant to include balconies for the relevant 1-bed flats.

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

- the contaminated land condition does not cover the issue of ordnance, however the ground conditions report addressed this issue and concluded that the risk of ordnance was low - a specific condition could be added to address this issue but the Principal Project Manager (Development) had not considered it necessary;
- the site was approximately 50 metres away from the main Exmouth Junction site;
- the type of contamination on the site was likely to be the same as the main Exmouth Junction site and potentially includes heavy metals, asbestos , total petroleum hydrocarbons, polycyclic aromatic hydrocarbons and ground gases.

Donna Norgate spoke against the application. She raised the following points:-

- this development should have been included as part of the original planning application for the Exmouth Junction site as splitting the planning applications made the original size of development appear smaller;
- the height is out of keeping with local properties and Morrisons. The five-storey element is justified by virtue of the first phase already being approved, but the height is not compatible with existing properties in the area;
- ground water drainage is inadequate and any flooding on Prince Charles Road would be highly disruptive to City traffic;
- several hundred properties will not be bought or rented solely by non-car owners and visitors and deliveries will also increase congestion and make the road junctions and access to Morrisons potentially more hazardous. There should be greater provision for electric vehicles;
- inhabitants will be supporting dirty, diesel buses more than clean electric vehicles;
- do not wish to be part of a residents' parking scheme associated with this development; and
- the development is an unacceptable consequence of the Liveable Exeter experiment and Exeter residents have not been allowed any meaningful opportunity on this plan with no genuine consultation on the application itself.

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

- the application is for the overall regeneration of this former railway yard and creating a high quality building marking its entrance and exit, the proposal being complementary to the main site and repeating the same sustainable design principles;
- car dependency has been reduced in response to the Council's ambition to be net zero carbon by 2030 by making this part of the overall proposal car-free

- along with generous provision for cycling. The energy strategy will deliver carbon savings of just over 21%;
- there will be minimal impact of over-shadowing with neighbouring residential properties as well as the Allotments Association with 35-40 metres separation from the former and new drainage measures implemented to reduce flooding problems;
- balconies, a roof terrace and an on-site play area have been included with further balconies for the one-bedroomed flats added;
- all homes meet the national space standards;
- Inclusivity has always been key for our clients Eutopia. The Gateway site will provide a further valuable contribution to the City's housing needs, including 20% affordable provision. This will provide 10 more units to add to those on the main site. As a fully rented scheme, this will ensure that it will appeal to a wide cross-section of people.

Responding to a Member he advised that no specific noise or light tests had been undertaken but, as the development was up to 40 metres away from the nearest residential development, no significant disturbance was anticipated.

Members made the following comments:-

- the proposal represents over development, with excessive height and there is likely to be an adverse noise and light impact on neighbouring properties. Additional car parking in the immediate neighbourhood is likely as it is a car free development in part and potential contamination could be an issue;
- proposal offers much needed additional housing on a brownfield site close to the city centre;
- it offers a variety of housing types, with only one third of the blocks at a five storey level. It is likely to be attractive to younger cohorts who may not require car ownership but use public transport links, cycling and walking to the city centre in line with the city's Net Zero ambitions and the Council's active transport policy; and
- affordable housing and infrastructure contributions are particularly welcome, the former offering alternatives to the private sector market;
- it is a sustainable development in line with the National Planning Practice Guidance (NPPG); and
- it is not part of the City Council's Liveable Exeter Programme as it is a private development.

The recommendation was for approval, subject to the completion of a Section 106 Agreement and the conditions as set out in the report together with an additional recommendation to grant delegated authority to officers to agree revised plans with the applicant to include balconies for the relevant 1-bed flats.

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 (As amended) to secure the following:
  - 20% of the dwellings will be affordable private rented (10 dwellings) in accordance with the glossary definition of Affordable housing for rent in Annex 2 of the National Planning Policy Framework (2019);

- £27,387.65 financial contribution for 0.2 of a dwelling towards off-site affordable housing;
- £88,968 towards secondary education provision;
- £63,750 towards improvements towards the E4 strategic cycle route/Stoke Hill roundabout;
- £60,000 towards provision and improvement of off-site playing fields; and
- a contribution of £25,000 towards Traffic Regulation Orders unless prior payment of the contribution for the Orders being made in respect of the planning permission agreed for the Old coal Yard, Exmouth Junction, Mount Pleasant Road, Exeter – 19/0650/OUT.

All Section 106 contributions to be index linked from the date of resolution.

the Assistant Service Lead City Development be authorised to **APPROVE** the application for the re-development of the site and construction of a part 3, part 5 storey building containing 51 residential units with associated access and servicing arrangements, car parking, landscaping and infrastructure ancillary to the residential use. (Revised), subject to agreeing revised plans with the applicant to include balconies for the relevant 1-bed flats which will be subject to prior consultation with the Chair of the Planning Committee on this matter and subject also to the following conditions:-

1. Standard Time Limit – Full Planning Permission

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

**Reason:** To comply with Section 91(1)(a) of the Town and Country Planning Act 1990 (as amended).

2. Approved Plans (NB. Some plans to be revised to show balconies added to the 1-bed flats where feasible)

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

- Site Location Plan (20001 (01)-S-001)
- Proposed Ground Floor Plan (20001 (03)-P-0G0 Rev 03)
- Proposed 1<sup>st</sup> + 2<sup>nd</sup> Floor Plan (20001 (03)-P-001 Rev02)
- Proposed 3<sup>rd</sup> Floor Plan (20001 (03)-P-003 Rev 02)
- Proposed 4<sup>th</sup> & 5<sup>th</sup> Floor Plan (20001 (03)-P-004 Rev 02)
- Proposed Roof Plan (20001 (03)-P-0R0 Rev 02)
- Proposed SE Elevation (20001 (03)-E-001 Rev 02)
- Proposed SW Elevation (20001 (03)-E-002 Rev 02)
- Proposed West Elevation (20001 (03)-E-003 Rev 02)
- Proposed NE Elevation (20001 (03)-E-004 Rev 02)
- Swept Path Analysis – Large Refuse (VN201674-TR103)
- Indicative Landscaping (20001 (90)-P-0G0 Rev 01)

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

***Pre-commencement Details***

3. Construction and Environmental Management Plan (CEMP)

No development (including 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 Ecological Impact Assessment. A CEMP is required before any development begins to ensure that appropriate mitigation measures are identified and carried out during the construction phase.

#### 4. Reptile Mitigation Strategy

No development (including ground works) or vegetation clearance works shall take place until a Reptile Mitigation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall be carried out by a suitably qualified ecologist and be based on the ecological mitigation and avoidance measures for reptiles contained in the submitted Ecological Impact Assessment (Burton Reid Associates, August 2020). The Strategy shall be adhered to and implemented in full.

**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 an appropriate strategy is in place to protect reptiles on the site before construction works begin.

#### 5. 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 building hereby approved. This information is required before development commences to ensure that any remedial works are properly considered and addressed at the appropriate stage.

## 6. Detailed Permanent Surface Water Drainage Scheme

No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:

- a) Soakaway test results in accordance with BRE 365 and groundwater monitoring results in line with Devon County Council groundwater monitoring policy.
- b) Evidence that there is a low risk of groundwater re-emergence downslope of the site from any proposed soakaways or infiltration basins/tanks if infiltration based techniques are to be proposed.
- c) A detailed drainage design should be submitted which encompasses above ground sustainable drainage systems and the use of FEH rainfall data as well as the results of the information submitted in relation to (a) and (b) above.
- d) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
- e) Proposals for the adoption and maintenance of the permanent surface water drainage system.
- f) A plan indicating how exceedance flows will be safely managed at the site.
- g) Evidence there is agreement in principle from SWW for the connection into their system.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under a) - g) above.

**Reason:** The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The condition should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

## 7. Tree Protection

No materials shall be brought onto the site or any development commenced, until the developer has erected tree protective fencing to protect trees and shrubs on or adjacent to the site 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:** To ensure the protection of the trees/shrubs during the carrying out of the development. This information is required before development commences to protect trees during all stages of the construction process.

## 8. Construction Method Statement

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

- a) The site access point(s) of all vehicles to the site during the construction phase.
- b) The parking of vehicles of site operatives and visitors.
- c) The areas for loading and unloading plant and materials.
- d) Storage areas of plant and materials used in constructing the development.
- e) The erection and maintenance of security hoarding, if appropriate.
- f) Wheel washing facilities.
- g) Measures monitor and control the emission of dust and dirt during construction (including, but not limited to, the measures recommended in Table 17 of Syntegra Consulting's Air Quality Assessment for Exmouth Junction Gateway, Exeter (date:18/08/2020)).
- 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 Local Planning Authority.

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

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

## 9. Waste Audit Statement

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

**Reason:** To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document. These details are required pre-commencement as specified to ensure that building operations are carried out in a sustainable manner.

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

## 10. Energy Performance Standard

Prior to the construction of the foundations of the building hereby permitted, the Design SAP calculation(s) of the dwelling(s) shall be submitted to and approved in writing by the Local Planning Authority, which shall demonstrate that the dwelling(s) will achieve a 19% reduction in CO<sub>2</sub> emissions in relation to the level required to meet the 2013 Building Regulations. No individual dwelling shall be occupied until

the As-Built SAP calculation of the dwelling has been submitted to and approved in writing by the Local Planning Authority to confirm that a 19% reduction in CO<sub>2</sub> emissions in relation to the level required to meet the 2013 Building Regulations has been achieved.

**Reason:** To ensure the dwelling(s) will achieve the energy performance standard required by Policy CP15 of the Core Strategy, taking into account the Written Ministerial Statement on Plan Making (25 March 2015) requiring local planning authorities not to exceed the equivalent of the energy requirement of Level 4 of the Code for Sustainable Homes, in the interests of reducing greenhouse gas emissions and delivering sustainable development. (Advice: Please see Paragraph: 012 ID: 6-012-20190315 of the National Planning Practice Guidance on Climate Change for background information.)

#### 11. 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 paragraphs 174 and 175 of the NPPF (2019).

#### 12. Materials

Prior to the construction of the external walls of the building hereby permitted, samples and/or product specification sheets, including confirmation of colour, of the external facing materials and roof materials of the building shall be submitted to and approved in writing by the Local Planning Authority. The building 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, Policy DG1 of the Exeter Local Plan First Review and paragraph 127 of the NPPF (2019).

#### 13. Nesting and Roosting Boxes

Prior to the construction of the external walls of the building hereby permitted, details of the provision for nesting birds and roosting bats in the built fabric of the building 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 (2019).

#### 14. 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 (including location, type and specification). The details shall demonstrate how the lighting has been designed to minimise impacts on local amenity and wildlife (including isoline drawings of lighting levels and mitigation if necessary). The lighting shall be installed in accordance with the approved details.

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

#### 15. Details of Building Services Plant

Prior to installation, details of all building services plant shall be submitted to and approved in writing by the Local Planning Authority. The details shall include location, design (including any compound) and noise specification. The plant shall not exceed 5dB below the existing background noise level at the site boundary. If the plant exceeds this level, mitigation measures shall be provided to achieve this in accordance with details previously submitted to and approved in writing by the Local Planning Authority. (All measurements shall be made in accordance with BS 4142:2014).

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

#### *Pre-occupation*

#### 16. Detailed Landscaping Scheme

Prior to the occupation of any dwelling hereby permitted, a Detailed Landscaping Scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of hard and soft landscaping, including all boundary treatments. The soft landscaping shall take into account the recommended ecological enhancements in the submitted Ecological Impact Assessment (Burton Reid Associates, August 2020). The hard landscaping shall be constructed as approved prior to the occupation of the development. The soft landscaping shall be planted in the first planting season following the occupation of the development or completion of the development, whichever is the sooner, or in earlier planting seasons wherever practicable, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

**Reason:** In the interests of good design in accordance with saved Policy DG1 of the Exeter Local Plan First Review and paragraphs 127 and 174 of the NPPF (2019).

#### 17. 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 recommendations of the submitted Ecological Impact Assessment.

#### 18. Noise Mitigation and Ventilation Standards

Prior to occupation of the development, the noise mitigation and ventilation standards set out in Syntegra Consulting's Noise Impact Assessment for Exmouth Junction Gateway, Exeter (date: 18/08/2020) shall be implemented in full. The measures shall be maintained thereafter unless alternative noise mitigation measures are implemented in accordance with details submitted to and approved in writing by the Local Planning Authority, which shall be maintained thereafter.

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

#### 19. 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. The s278 works shall include a pedestrian crossing of the road to the south of the site adjacent to the pedestrian entrance to the site and the footpath widening to the south. The works shall be implemented prior to the occupation of the development.

**Reason:** In the interests of pedestrian safety and promoting sustainable modes of travel taking into account the desire line between the development and supermarket, in accordance with Policy CP9 of the Core Strategy, saved Policies T1, T3 and DG1(a) of the Exeter Local Plan First Review, and paragraphs 108 and 110 of the NPPF (2019).

#### 20. Vehicle Access

Prior to the occupation of the development hereby permitted, the vehicular access as shown on drawing number 20001 (03)-P-0G0 Rev 03 ('Proposed Ground Floor Plan') shall be provided in accordance with a plan previously submitted to and approved in writing by the Local Planning Authority. The plan shall include visibility splays to protect the users of the shared use pedestrian/cycle path to the south. The vehicular access shall be maintained thereafter and the visibility splays shall be kept free of visual obstructions above 600mm.

**Reason:** To provide a safe and suitable access to the site in accordance with paragraphs 108 and 110 of the NPPF (2019).

#### 21. Cycle Parking

Prior to the occupation of the development hereby permitted, the internal and external cycle parking as shown on the approved plans shall be provided in accordance with details of the cycle parking (type of racks and weather protection) previously submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be maintained at all times thereafter.

**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).

## 22. Car Parking

Prior to the occupation of the development hereby permitted, the disabled car parking space and the EV Car Club space as shown on drawing number 20001 (03)-P-0G0 Rev 03 ('Proposed Ground Floor Plan') shall be provided. The EV Car Club space shall be provided in accordance with details of the vehicle charging point and car club, i.e. who the operator will be and how it will be managed, previously submitted to and approved in writing by the Local Planning Authority. These facilities shall be maintained at all times thereafter unless otherwise agreed in writing with the Local Planning Authority.

**Reason:** To ensure the disabled parking space and EV Car Club space are delivered and available for residents of the development in the interests of sustainable travel.

## 23. Travel Plan

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

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

## 24. Travel Pack

Prior to the occupation of any dwelling in the development on a continuing basis, a travel pack shall be provided to the future resident(s) of the dwelling informing them of the car-free status of the development and that they will not be entitled to residents parking permits to park on local streets, and the walking and cycling routes and facilities, public transport facilities including bus stops, rail stations and timetables, car clubs and electric bike hire facilities available in the area, the form and content of which will have previously been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure that all residents of the development are aware of its car free status and the available sustainable travel options.

## 25. Play Space

Prior to the occupation of the development hereby permitted, the Play Space as shown on drawing number 20001 (03)-P-0G0 Rev 03 ('Proposed Ground Floor Plan') shall be provided in accordance with details of the play equipment previously submitted to and approved in writing by the Local Planning Authority. The play equipment and Place Space shall be maintained at all times thereafter. The Play Space shall be accessible at all times accept for times when the play equipment is being maintained or replaced from damage or general wear and tear.

**Reason:** To ensure the play space is delivered and available for residents of the development in the interests of residential amenity.

## 26. LEAP

The development shall not be occupied until a Locally Equipped Area for Play (LEAP) has either been provided on the 'Village Green' as part of the development with a resolution to approve under application number 19/0650/OUT ('Exmouth

Junction'), or the details of the LEAP and timing of its delivery have been approved by the Local Planning Authority.

**Reason:** To accord with saved Policy DG5 of the Local Plan First Review and the Fields in Trust guidance document 'Guidance for Outdoor Sport and Play – Beyond the Six Acre Standard England' (November 2020).

further **RESOLVED** that,

- B) the Assistant Service Lead City Development be authorised to **REFUSE** planning permission if the legal agreement under Section 106 Agreement under the Town and Country Planning Act 1990(as amended) is not completed by 26 September 2021 or such extended time as agreed by the Assistant Service Lead City Development for the reasons set out below:-

In the absence of a Section 106 legal agreement in terms that are satisfactory to the Local Planning Authority being completed within an appropriate timescale, and which makes provision for the following matters:-

- 20% of the dwellings will be affordable private rented (10 dwellings) in accordance with the glossary definition of Affordable housing for rent in Annex 2 of the NPPF (2019);
- £27,387.65 financial contribution for 0.2 of a dwelling towards off-site affordable housing;
- £88,968 towards secondary education provision;
- £63,750 towards improvements towards the E4 strategic cycle route/Stoke Hill roundabout;
- £60,000 towards provision and improvement of off-site playing fields; and
- a contribution of £25,000 towards Traffic Regulation Orders unless prior payment of the contribution for the Orders being made in respect of the planning permission agreed for the Old coal Yard, Exmouth Junction, Mount Pleasant Road, Exeter – 19/0650/OUT.

the proposal is contrary to Exeter Local Development Framework Core Strategy 2012 Objectives 1, 3, 5, 6 and 10, and policies CP7, CP9, CP10, CP16 and CP18, Exeter Local Plan First Review 1995-2011 saved policies L4, T1, T3, LS2 and LS3, Exeter City Council Affordable Housing Supplementary Planning Document 2014, Exeter City Council Sustainable Transport Supplementary Planning Document 2013 and Exeter City Council Public Open Space Supplementary Planning Document 2005.

25

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

The report of the Liveable Exeter Programme Director and Interim City Development Lead was submitted.

**RESOLVED** that the report be noted.

26

#### **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 6.24 pm)

Chair

# Agenda Item 6

## PLANNING COMMITTEE

Thursday 27 May 2021

### Present:-

Councillor Emma Morse (Chair)

Councillors Williams, Bialyk, Denning, Hannaford, Mrs Henson, Lights, Martin, A, Mitchell, M, Moore, D, Sparkes and Sutton

### Also Present

Chief Executive & Growth Director, Liveable Exeter Programme Director and Interim City Development lead, Principal Project Manager (Development) and Acting Major Projects Team Leader, Principal Project Manager (Development) (PJ), Democratic Services Officer (MD), Democratic Services Officer (HB) and Democratic Services Officer (SLS)

28

## MINUTES

The minutes of the meeting held on 29 April 2021 were taken as read, approved and signed by the Chair as correct.

29

## DECLARATIONS OF INTEREST

Members declared the following interests:-

<b>OUNCILLOR</b>	<b>MINUTE</b>
Councillor Bialyk	Min. No.30 - disclosable pecuniary interest

30

## PLANNING APPLICATION NO. 20/1380/OUT - LAND AT REDHILLS, EXWICK LANE, EXETER

Councillor Bialyk declared a disclosable pecuniary interest and left the meeting during consideration of this item.

The Principal Project Manager (Development) (PJ) presented the application for outline planning permission for up to 80 dwellings and associated infrastructure (All matters reserved except for access).

The following key issues were referred to:-

- the principle of development;
- affordable housing;
- access and impact on local highways;
- scale, design, impact on character and appearance; ecological issues/habitats mitigation;
- Sustainable Construction and Energy Conservation; and
- Economic benefits and CIL.

The Principal Project Manager (Development) provided the following additional detail:-

- the relationship to the surrounding urban and rural areas and the nature and extent of its boundaries, the site being located beyond the built up urban area of Exwick with steep sloping open fields to the north within Teignbridge District Council, also a source of development interest;
- highway improvements including a vehicular access to the site, new and improved footpaths including the steep footpath from Exwick Lane through to Cheltenham Close and Gloucester Road;
- the development to comprise of mainly semi-detached and detached properties with some small rows of terraced properties with a total of 35% affordable housing providing 52 market houses and 28 affordable units, a central main road, play areas and a storm attenuation basin; and
- the receipt of 378 objections and 102 letters of support, together with a late letter from the Devon and Cornwall Health Authority seeking a financial contribution if the development was approved.

In balancing the impact of the development on the landscape character of the site against the need for housing to meet the five year housing supply the Principal Project Manager (Development) advised of the following:-

- the Council's current lack of a five year housing supply and advice contained within the National Planning Policy Framework;
- the provision of 28 affordable homes on the site at a policy compliant level of 35% in accordance with Core Strategy Policy CP7;
- the applicant confirming contributions towards highway improvement to footpaths and green travel, education in respect of secondary school provision and GP provision for the area;
- the location of the proposed development in an area designated as landscape setting in the Core Strategy as well as nature conservation development being contrary to the statutory development plan and the Core Strategy. The impact of 80 dwellings and associated infrastructure would result in a significant change to the landscape character of this site; and
- the ridgeline forms an important element on the green setting of Exeter and the approach from Redhills is important as the rural 'back-door' exit from that side of the City and is an attractive rural boundary to the high density development around Kinnerton Way and Farm Hill.

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

- an outline application for up to 80 dwellings up to two storeys high and the layout and design will not be fixed until the reserved matters stage;
- landscape character is a much broader concept than the loss of a site. In this case the landscape impact has been assessed by local experts using industry recognised methods of analysis concluding that there would be limited impact on the landscape setting;
- the report does not explain what weight should be applied to landscape harm, nor does it assess the weight to be applied to new housing. It also fails to mention the economic benefits of new housing;
- failure to meet the housing requirement results in more young people living with their parents and businesses finding it difficult to recruit and increased levels of homelessness. Increasing the supply of housing is essential to facilitate economic growth and meeting the needs and aspirations of residents;
- April 2021 data from Devon Home choice shows 2,766 people registered for Bands A-D in Exeter;
- lack of housing in Exeter is forcing people to move out of the City resulting in increased commuting, greater car use and more unsustainable live/work patterns;

- significant number of letters of support;
- a previous appeal at Clyst Road, Topsham referencing landscape policies and contribution to the supply of housing; and
- the benefits of these proposals are significant.

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

- number of objections from residents exceeds those supporting;
- proposal is contrary to Policy LS1;
- objections raised include adverse impact on the character of a landscape protection area, detrimental to the skyline and loss of valuable green space, hedgerows and habitats;
- transport mitigation measures will have a negligible impact;
- the Net Zero Exeter 2030 ambitions as well as the Local Plan encourage housing on brownfield sites in the city; and
- oppose the application and recommend upholding the recommendations.

Members made the following comments:-

- the development will have an adverse impact on the ridgeline and is visually intrusive, including views from the opposite end of the city as far as Duryard and St David's;
- brownfield sites are more appropriate for development as evidenced by the two recent housing developments on the former Exwick Schools site which are also closer to local facilities than this development would be;
- notwithstanding proposed improvements to the footpath to Gloucester Road, it would remain steep and hazardous;
- the development would be some distance from bus stops and the bus service itself would be put on further strain by the development which also places an emphasis on car ownership;
- mitigation measures within the ecological study are inadequate, particularly in relation to bat and dormice species;
- development is some distance from the local secondary School of West Exe;
- access issues remain a concern and proposed highway improvements are insufficient given the narrowness of the surrounding road network including the footpath ramp proposed for Exwick Lane;
- additional impact on the St Thomas and Foxhayes surgeries and local school capacity;
- Police concerns regarding the site design in terms of protecting against crime; and
- development will be the thin end of the wedge and increase urban sprawl within and outside the Exeter boundary on to Higher Redhills and Whitestone.

The recommendation was for refusal for the reasons set out in the report. Members supported the inclusion of an insufficiently robust ecological report as an additional reason for refusal.

The recommendation was moved, seconded and agreed, as amended with an additional refusal reason.

**RESOLVED** that the application for outline planning permission for up to 80 dwellings and associated infrastructure (All matters reserved except for access) be **REFUSED** for the following reasons:-

- 1) the development would have a significant impact on the rural character of the area and landscape setting of the city by developing and urbanising a prominent ridgeline that will be visible from surrounding parts of the city. It will have a significant impact on the rural character of Redhills through the creation of an access road and necessary visibility splays, which will detract from the rural approach to the city from the west. The development is therefore contrary to the adopted development plan policies CP16 of the Exeter Core Strategy and saved Policy LS1 of the Exeter Local Plan First Review, and paragraphs 127c) and 170 of the NPPF (2019). In regard to the presumption of sustainable development in the NPPF, it's considered that the adverse impacts of the development on the rural character and distinctiveness of the area and landscape setting of the city would significantly and demonstrably outweigh the benefits of housing delivery on this site when assessed against the policies in the NPPF taken as a whole;
- 2) In the absence of a completed planning obligation (Section 106 of the Town and Country Planning Act 1990 (as amended) in terms that are satisfactory to the Local Planning Authority which makes provision for the following matters Affordable housing, Open space provision – play equipment, maintenance arrangements and public access in perpetuity; Off-site play provision contribution; Education contributions; GP facilities contribution; Footway Improvement contribution; Sustainable Travel Planning contribution the proposal is contrary to Exeter Local Development Framework Core Strategy 2012 Objectives 3, 5, 6 and 10, policies CP7, CP9, CP10, CP11, CP18, *Exeter Local Plan First Review 1995-2011* saved policies AP1, T1, T3 and DG5, and *Exeter City Council Affordable Housing Supplementary Planning Document 2014*; and
- 3) insufficient ecological mitigation justification has been submitted to outweigh the significant harm to the wildlife and biodiversity as a result of the loss of a substantial section of hedge bank fronting onto Redhills and Exwick Lane and the trees and hedgerows within and along the boundaries located within a Site of Local interest for Nature Conservation and consequently the development conflicts with Policies LS4 of the Exeter Local Plan First Review, CP16 of the Exeter Core Strategy and paragraph 175a) of the NPPF (2019).

31

**PLANNING APPLICATION NO. 20/1684/OUT - CLYDESDALE NASH AND BIRKS  
GRANGE VILLAGE HALLS OF RESIDENCE, UNIVERSITY OF EXETER,  
EXETER**

The Principal Project Manager (Development) (PJ) presented the outline planning application to build student accommodation and ancillary amenity facilities (up to a maximum of 49,821 sq. metres) and external alterations and refurbishment of Birks Grange Village Blocks A-E; with associated infrastructure, demolition of existing buildings and landscaping (All Matters Reserved).

The following key issues were referred to:-

- the principle of development;
- impact on wider landscape and residential amenity;
- scale, design, impact on character and appearance
- access and impact on local highways;
- ecological issues,
- Sustainable Construction and Energy Conservation;
- Economic benefits and CIL.

The Principal Project Manager (Development) set out a detailed description of the site and surrounding area, including site photographs, photos of views towards the site and the relationship with the surrounding residential properties particularly Glenthorne Road, Clydesdale Road, Elmbridge Gardens, Streatham Drive, Lodge Hill, Dunvegan Close and Highcroft as well as Holland Hall and Mardon Hall. The site comprised an area of land to the western side of the Streatham campus comprising existing student residential halls of Clydesdale and Nash Grove, Birks Grange Halls and associated refectory and the existing Estates Service Centre within a site area of 6.37 hectares.

The Principal Project Manager provided the following additional detail, explaining in each of the four cases below the overall impact of the new scheme on nearby residential properties and this part of the campus and the changes made by the applicant following consultation, in particular on heights and window alignment in relation to adjacent residences:-

- the areas to be demolished were:-
  - existing two and three storey buildings at Clydesdale and Nash Halls to be replaced with new student accommodation ranging in height from three to eight storeys;
  - existing service centre to be replaced with student accommodation buildings varying in height from three to four;
  - the existing Birks Grange refectory building to be replaced with a new six storey student accommodation building; and
  - refurbishment of existing accommodation blocks A-E of the Birks Grange. The refectory demolition would remove catered halls with kitchens to be provided within each flat reducing the overall number of units as a consequence.
- there would be a net increase of between 1,200 to 1,250 new student bed spaces, although the precise number of units was not for determination at this stage but the illustrative/supporting information provided an indication of these numbers. The total new build would result in approximately 1,500 new bedspaces (against a net reduction of 287 spaces). The scheme's design was based on all the new buildings being constructed to Passivhaus standards;
- the submitted outline planning application sought approval for a maximum permitted floor area rather than a specific number of units, an approach used for the development of the East Park development;
- in addition, solar panels were proposed above the existing car parking to the east of Holland Park and south of Grafton Road. The type and design would be determined at the reserved matters stage. The application proposed no change to the overall number of car parking spaces within the campus;
- a new footway was proposed along the eastern side of Streatham Drive to improve access to and from these sites which would be constructed on an existing grassed area;
- a new internal road was proposed in the area of existing estate service centre to connect the main campus to Birks Grange. The applicant had indicated that this road would only be used by the estates team to remove the need to access this part of the campus via the public highway; and
- the application was accompanied by a significant number of reports and plans including indicative images of how the buildings may ultimately be designed. The application was for outline planning permission with all matters reserved and were not approved drawings, unless forming part of the parameter plans, which intended to direct the extent and height of the development.

Responding to Members' queries, the Principal Project Manager (Development) also advised that:-

- the re-orientation of windows reduced the impact on neighbouring properties but also ensured future student occupiers would benefit from acceptable outlooks;
- other than East Park, where some blocks were similar in scale, there were no accommodation structures on the campus of eight storeys; and
- improvements were not proposed for the Birks driveway/B3183 junction.

The Principal Project Manager (Development) also advised that:-

- 41 objections had been received;
- the impact of the new buildings, particularly in terms of height, were considered acceptable within the site's wider context especially given the sloping nature of the site and as there were taller buildings elsewhere on the campus;
- the proposal was not considered to cause significant harm to residential amenity of nearby residential properties; and
- the location was considered to be sustainable and the proposal was acceptable in its design and general visual impact.

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

- speaking on behalf of Elmbridge Gardens Residents' Association with regards to the proposals to increase student accommodation in Birks Grange Village;
- support additional first year students on campus but overcapacity is counter-productive, both to an introduction to university life and resident wellbeing;
- accommodating high student numbers in high-rise buildings will increase noise disturbance on neighbouring residents;
- a six storey block and modifications to other blocks will result in a greater impact from further students with most of the disturbing noise being in the late evening and early hours of the morning with noise levels often intolerable at week-ends, Freshers' Weeks etc.;
- noise during anti-social hours is unacceptable to local residents and noise mitigation measures need to be considered in the planning stages;
- residents prefer the four storey buildings, not six storeys, with the social and amenities centre located as far as possible from the boundary with local housing;
- the location of B Block on Birks Bank will cause the loss of privacy in the homes and gardens of local residents. It is currently the site for the Estates Services Centre, consisting of single storey buildings and greenhouses well concealed and protected behind fencing and bushes to blend in with the landscape;
- these blocks will not blend in with the landscape and will overlook many private residences including Elmbridge Gardens and Dunvegan Close at the base of the slope. Homes and gardens will lose their privacy and light from windows and external lighting will be invasive; and
- although the height of accommodation blocks has been reduced, they still overlook private properties. Blocks of accommodation are unsuitable for this site. The bank should be left to act as a buffer zone and remain a natural wildlife corridor on this environmentally-friendly campus.

Responding to a Member, he stated that Elbridge residents, in seeking to report early morning incidents, had been frustrated by a short staffed estate patrol service.

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

- the proposals respond to the University Adopted Masterplan that identifies this part of the campus for re-development and accords with adopted policy which support provision of Purpose Built Student Accommodation (PBSA) on or near the campuses;
- policies require a minimum of 75% of PBSA student growth;
- the provision of PBSA would rise to 83%, going above the minimum 75% provision. If all schemes approved were built out, the spilt for PBSA provision since 2007 would be 52% in the City and 48% on campus;
- it will accommodate growth, particularly first year and international guarantee places on campus
- campus accommodation is very popular with students providing a good level of pastoral care and provides a short walk to the campus;
- on campus accommodation eases the pressure on Houses in Multiple Occupation conversions in the City in accordance with Policy CP5;
- the proposals have been reduced in height at the boundaries and measures taken to minimise windows from facing boundaries;
- the proposals have evolved over several months following public consultation and scrutiny by the Design Review Panel;
- proposal would be built to Passivhaus standard; and
- the Streatham campus is a sustainable location for student accommodation.

Responding to Members' queries he advised that:-

- the growth in student numbers of 8,000 over a four year period, as opposed to the earlier anticipated figure of 3,000, was a response to changing national policy and increased demand;
- the re-development comprises cluster flats to cater for a mix of students;
- the student management plan included requirement for a robust estate service patrol and it is the intention to increase the frequency of night patrols;
- improvements will be made to the Streatham Road/Prince Charles Road junction but not the Birks/B3183 junction; and
- on line and in person consultation was conducted with residents over a two week period and comments taken on board including height reductions and re-orientation of windows.

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

- developers often expect that, following negotiations, their initial scale, massing proposals etc. will be reduced to a level which would have been ultimately acceptable to them when they first put forward their applications;
- the development will have a major adverse impact on the visual setting of Duryard and St James and irrevocably change the character of the area;
- Blocks D1 and E, in particular, will have a detrimental impact on neighbouring properties;
- local residents also concerned about light pollution;
- scale and massing is significantly larger than the existing buildings;
- the University should take concerns about noise and disturbance seriously and a student management plan is necessary prior to development to minimise the impact of additional student numbers and to ensure robust sanctions and a clear 24 hour reporting system; and
- CIL receipts should be focussed on communities directly affected by developments, Duryard and St James having born a disproportionate impact from increasing student numbers.

Members made the following comments:-

- concerns about density and scale of development with a significant increase in floor space and an inner city style of development which is inappropriate for an area characterised by green spaces;
- disturbances caused by students remain an issue including along New North Road and a robust student management plan is a requirement;
- light pollution from the halls as well as noise should be addressed;
- development is to the benefit of the University not residents;
- the development takes place on an already developed area of the campus;
- University commitment to increasing patrols and wardens is welcome;
- welcome Passivhaus approach;
- importance of liaising with the community as part of the student management plan; and
- light pollution, particularly from stairwells, should be addressed and a light management plan would be beneficial.

Members requested an amendment to condition 11 to include reference to the impact of internal as well as external lighting.

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

The recommendation was moved, seconded and agreed as amended.

**RESOLVED** that, subject to the completion of a Section 106 Agreement under the Town and Country planning Act 1990 securing a Student Management Plan and a financial contribution towards Streatham Drive/New North Road junction of £25,000 and Traffic Regulation Order contribution, outline planning permission to build student accommodation and ancillary amenity facilities (up to a maximum of 49,821 sq. metres) and external alterations and refurbishment of Birks Grange Village Blocks A-E; with associated infrastructure, demolition of existing buildings and landscaping (All Matters Reserved) be **APPROVED**, subject also to the following conditions:-

- 1) Approval of the details of the layout, scale, appearance of the buildings, the means of access thereto 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 five 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) The development hereby permitted shall not be carried out otherwise than in accordance with the Site Location Plan 010002 Rev P2, Demolition Plan (dwg no. 010003 Rev P2); Land Use Parameters Plan (dwg no. 010010 Rev P2); Movement and Access Parameter Plan (dwg no. 010011 Rev P2); Heights Parameter Plan (dwg no. 010012 Rev P2) & Landscape and Biodiversity Parameter Plan (Figure 1, dated 16<sup>th</sup> April 2020) as modified by other conditions of this consent.

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

- 4) Before works commence on any individual building(s) details of the finished floor levels and overall roof heights of the building(s) in relation to a fixed point or O.S datum (not to exceed the AOD specified in the Building Heights Parameter Plan dwg no 010012 rev P2) have been submitted to, and approved in writing by the Local Planning Authority.  
Reason: In the interest of visual amenity and the appropriate development of the site.
- 5) No development shall take place until an Outline Landscape and Ecology Management Plan, to include recommendations, has been submitted to and approved by the Local Planning Authority. The Management Plan shall indicate  
a) how the existing biodiversity of the site will be protected, in accordance with all relevant legislation;  
b) how the proposed development and associated works will enhance wildlife in the area and  
c) how the landscaped area is to be managed to include an ecological clerk of works  
and shall be submitted to the Local Planning Authority for review on a 24 month basis unless otherwise agreed in writing;  
Reason: In the interests of nature conservation.
- 6) No development shall take place until a Detailed Arboricultural Method Statement in association with the Tree Protection Plan for the demolition and construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. The Tree Protection Plan shall also consider how trees adjacent to the site, including the Pinetum, are to be protected. The final method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant shall proceed in accordance with the measures described in the Arboricultural Method Statement throughout the duration of the works.  
Reason - To ensure the continued wellbeing of the trees in the interests of the amenity and environmental quality of the locality.
- 7) No development (including ground works) or vegetation clearance works shall take place until a Construction Environmental Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:  
a) The parking of vehicles of site operatives and visitors.  
b) Loading and unloading of plant and materials.  
c) Storage of plant and materials used in constructing the development.  
d) The erection and maintenance of securing hoarding, if appropriate, which shall be kept clear of graffiti and fly-posting.  
e) Wheel washing facilities.  
f) Measures to control the emission of dust and dirt during construction.  
g) A scheme for recycling/disposing of waste resulting from construction works, with priority given to reuse of building materials on site wherever practicable.  
h) No burning on site during construction or site preparation works  
i) Measures to minimise noise nuisance to neighbours from plant and machinery.  
j) Construction working hours and deliveries from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.

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

Reason: In the interest of residential amenity.

- 8) No development shall take place, including any works of demolition, until a Construction Traffic Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The statement should include details of route of construction traffic vehicles, access arrangements, timings and management of arrivals and departures of vehicles. The approved Statement shall be adhered to throughout the construction period unless otherwise agreed in writing by the Local Planning Authority.  
Reason: In the interests of highway safety and public amenity
- 9) 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 residential amenity
- 10) The applicant shall undertake a noise impact assessment for this application, which shall be submitted and approved in writing prior to commencement of the development. This report shall consider the impact of noise from the development on local receptors and shall include noise from plant and equipment as well as noise from deliveries, communal areas, residents and events.  
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: In the interests of residential amenity.
- 11) Prior to the commencement of the development an assessment of the impact of all internal and external lighting associated with the development shall be submitted to and approved in writing by the Local Planning Authority. The assessment should address the impact of the lights (including hours of use) on the nearest receptors. Thereafter the lighting shall be installed and maintained in accordance with the specifications within the assessment.  
Reason: In the interests of residential amenity.
- 12) No part of the development hereby approved shall be brought into its intended use until secure cycle parking facilities have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times  
Reason: To ensure that adequate facilities are available for the traffic attracted to the site.
- 13) No development related works shall take place within the site until a written scheme of archaeological work has been submitted to and approved in

writing by the Local Planning Authority. This scheme shall include on-site work, and off-site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority. Reason: To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development.

- 14) This consent does not imply the approval of the details of access, siting, layout or design shown on the illustrative masterplan, which must be the subject of a further application for approval of reserved matters.  
Reason: To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
- 15) The development hereby permitted shall be limited to a total gross internal floor area of 49,821 sq metres.  
Reason: To ensure that the environmental and residential amenity considerations are safeguarded.
- 16) The development hereby approved shall achieve Secured By Design 'Gold' Standard which shall be submitted to and approved by the Local Planning Authority unless otherwise agreed in writing.  
Reason: To ensure that both the physical and environmental crime prevention measures are taken into account throughout the design and construction of the scheme.
- 17) No part of the development hereby approved shall be occupied until the proposed new pedestrian footway adjacent to Streatham Drive (as indicated on the Movement and Access Parameter Plan (dwg no. 010011 Rev P2) has been provided in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority.  
Reason: To provide adequate facilities to promote the use of sustainable modes, in accordance with paragraphs 29 and 32 of the National Planning Policy Framework.
- 18) The development shall be designed in accordance with Passivhaus Principles. Prior to occupation, or as soon as practicable after occupation, evidence of Passivhaus certification shall be submitted to and approved in writing by the local planning authority.  
Reason: To ensure that the proposal is in accordance with the aims of Policy CP15 of Council's Adopted Core Strategy and in the interests of delivering sustainable development.
- 19) No development shall take place on site until an investigation has taken place to determine the risk posed by unexploded ordinances and results, together with any further works necessary, have been agreed in writing by the Local Planning Authority. The approved works shall be implemented in full and a completion report shall be submitted to the Local Planning Authority for approval in writing prior to the commencement of development.  
Reason: In the interests of public safety.
- 20) 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 template provided in Devon County Council's Waste Management and Infrastructure

Supplementary Planning Document. The development shall be carried out in accordance with the approved statement.

Reason: To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document. These details are required pre-commencement as specified to ensure that building operations are carried out in a sustainable manner.

- 21) No part of the development hereby approved shall be brought into its intended use until the proposed improvements on Streatham Drive as indicated on Drawing No. 2012758-02, have been provided in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority.
- Reason: To provide a safe and suitable access for pedestrian and cyclists, in accordance with Paragraphs 108 and 110 of the NPPF.
- 22) No part of the development hereby approved shall be brought into its intended use until the private highway works, as indicated on Drawing No 103259-SK06, have been provided in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority.
- Reason: To provide a safe and suitable access for vehicles, pedestrian and cyclists, in accordance with Paragraphs 108 and 110 of the NPPF.
- 23) Prior to occupation of the development, details shall be submitted to the Local Planning Authority of 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 Local Highway Authority, and prior to occupation the cycle parking shall be provided in accordance with the submitted details.
- Reason: To ensure that the development promotes all travel modes to reduce reliance on the private car, in accordance with paragraph 110 of the NPPF.
- 24) No development shall take place, including any works of demolition, until adequate areas shall have been made available within the site, or other areas as agreed in writing by the local planning authority, 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 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) 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](http://www.exeter.gov.uk/cil); and

- 2) A Section 106 Agreement is attached to this development.

32

**PLANNING APPLICATION NO. 20/1685/OUT - LAND AT RENNES DRIVE,  
UNIVERSITY OF EXETER, EXETER**

The Principal Project Manager (Development) (PJ) presented the outline planning application to build a replacement Estates Services Centre and ancillary buildings and structures, with associated infrastructure and landscaping (All Matters Reserved).

The Principal Project Manager (Development) explained that an error had been made in the submission of the proposal by the applicant and that revised measurements had been provided. The height of the retaining wall was approximately four metres high rather than two metres and the proposed building was now approximately 35 metres by 14 metres with an overall height of 10 metres, being double the measurements in the report.

The Principal Project Manager (Development) made the following points:-

- the proposal was to relocate the Estate Service Centre onto this site which was being used for storage of green waste, spoil and equipment;
- the site sloped and was bounded by a mature band of trees separating it from the reservoir, Belvidere Road with Belvidere Meadow Local Nature Reserve and woodland. A Community Garden with polytunnels and greenhouse also bounded the site with a public footpath forming part of the Green Circle next to the Garden;
- the new building would contain workshops, staff facilities built to Passivhaus principles and horticultural elements;
- the rear garden boundaries of the Hillcrest properties would be located approximately 50 metres from the eastern boundary of the site and the distance from the rear of the dwellings was approximately 100 metres;
- access to the site would be within the campus from Rennes Drive to the south western corner of the site closest to the new decked Car Park B;
- the new estate services centre would comprise offices, workshops, glasshouses, polytunnels, storage buildings and associated infrastructure;
- with all matters reserved, illustrative material had been provided with details of the access location, layout, parking, circulation space and proposed buildings/structures;
- access to the site would be created through the existing and widened entry point within the south western corner of the site and, given the sloping nature of the site, two main terraced areas were proposed;
- 42 objections had been received; and
- the University had stated that the Service Centre was an essential "in house" facility to meet ground and landscape maintenance requirements.

Responding to a Member's query, the Principal Project Manager Development confirmed that bonfires on site would not be allowed as the site was controlled by environmental health legislation.

In response to a Member, the Chair confirmed that the application was in outline only, that the amended size of the structure was not binding with the application to be determined at reserved matters stage.

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

- the measurements are incorrect;
- the proposed site has a strong rural feel and is recognised within the Exeter Local Plan which designates the area as a Landscape Setting (LS1) and open countryside;
- the application is for an industrial installation to include two workshops including vehicle maintenance, a works yard, vehicle cleaning and an extensive vehicle park to be carved out of the hillside;
- a Class B2 site is unsuitable for a LS1 site;
- the site is within 50 metres of the quiet residential cul-de-sac of Hillcrest Park;
- the noise assessment was undertaken during the construction of East Park, resulting in a very high baseline noise rating and this level will be replicated with this development. Residents of Hillcrest Park can therefore expect permanent noise levels;
- the University banned many activities on the East Park site but these will be undertaken on this site from 7.00 am to 6.00 pm;
- light pollution already occurring from Car Park B will also emanate from this site; and
- the Local Plan was put in place to safeguard protected sites for all the people of Exeter. The University is seeking to develop this site for its own benefit, regardless of the damage this development will cause and the application should be rejected.

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

- the existing Estates Services Compound no longer meets the operational needs of the Grounds team, the proposed compound to rationalise the two spaces occupied by the team and provide a safer working environment;
- the proposed site is on the University campus and is used to store green waste and compost;
- the site is well screened with mature trees to most boundaries and there will be additional tree planting and landscaping
- neighbour concerns stem from issues arising from lighting at the adjacent Car Park B development and these have been addressed. The proposed Compound lighting requirements are different to the Car Park B. Lighting is only needed during working hours and can all be turned off out of hours;
- the proposed layout has been designed so the main building will shield the yard area from the main neighbouring boundary;
- conditions will be added in respect of a maximum noise decibel limit, white noise reversing alarms instead of bleepers and no chipping or shredding of green/brown waste;
- the existing Estates Services compound is significantly closer to neighbouring properties than the proposed building and no complaints over noise or lighting have been received. The existing buildings are approximately 20 metres from neighbouring properties, whereas the proposed buildings are over 100 metres from neighbours;
- the main building will meet Passivhaus standards; and
- in response to neighbours existing car park lighting has been reduced and conditions will control noise and lighting.

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

- support representations of neighbours;
- the number of objections would have been much greater if the true measurements had been provided from the start;
- a noise impact assessment is a requirement given the proximity of the neighbouring properties;
- the site is a significant asset for local residents and there will be a negative impact on the green circle;
- the bat survey should have been carried out between April and August not October; and
- there will be a negative impact on the link to Stoke Valley Road through to Taddyford and to the river which will be blocked by fencing and reduce migration of wildlife.

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

- supported the points made by Councillor Pearce and Mr Speyer; and
- queried whether, given the increased size of the structure, planning permission at reserved matters would be likely.

It was noted that the application with the revised measurements would be determined at the reserved matters stage.

Members made the following comments:-

- development could set a precedent for the addition of similar semi-industrial uses on this site;
- operational times and the noise associated with the site are concerns;
- noise will result not just from University vehicles but servicing vehicles and impact adversely on neighbouring residents as well as spreading down the Hoopern Valley; and
- concerns about impact on the landscape and nature conservation.

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

The recommendation was moved, seconded and carried.

**RESOLVED** that outline planning application to build a replacement Estates Services Centre and ancillary buildings and structures, with associated infrastructure and landscaping (All Matters Reserved) be **APPROVED**, subject to the following conditions:-

- 1) Approval of the details of the access, layout, scale, appearance of the buildings, the means of access thereto 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 five 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) The development hereby permitted shall not be carried out otherwise than in accordance with the Site Location Plan (dwg no. 019002 Rev P1) and Landscape and Biodiversity Parameter Plan (Figure 1, dated 8<sup>th</sup> February 2021) as modified by other conditions of this consent.  
Reason: In order to ensure compliance with the approved drawings.
- 4) No development shall take place until an Outline Landscape and Ecology Management Plan, has been submitted to and approved by the Local Planning Authority. The Management Plan shall indicate;
  - a) how the existing biodiversity of the site will be protected, in accordance with all relevant legislation;
  - b) how the proposed development and associated works will enhance wildlife in the area and
  - c) how the landscaped area is to be managed to include an ecological clerk of works and shall be submitted to the Local Planning Authority for review on a 24 month basis unless otherwise agreed in writing;  
Reason: In the interests of nature conservation.
- 5). No development shall take place until a Detailed Arboricultural Method Statement in association with the Tree Protection Plan for the demolition and construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. The final method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant shall proceed in accordance with the measures described in the Arboricultural Method Statement throughout the duration of the works.  
Reason - To ensure the continued wellbeing of the trees in the interests of the amenity and environmental quality of the locality.
- 6) No development (including ground works) or vegetation clearance works shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:
  - a) The site access point(s) of all vehicles to the site during the construction phase.
  - b) The parking of vehicles of site operatives and visitors.
  - c) The areas for loading and unloading plant and materials.
  - d) Storage areas of plant and materials used in constructing the development.
  - e) The erection and maintenance of securing hoarding, if appropriate.
  - f) Wheel washing facilities.
  - g) Measures to monitor and control the emission of dust and dirt during construction.
  - h) No burning on site during construction or site preparation works.
  - i) Measures to monitor and minimise noise/vibration nuisance to neighbours from plant and machinery.
  - j) Construction working hours and deliveries from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.
  - k) No driven piling without prior consent from the LPA.

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

Reason: In the interests of residential amenity.

- 7) No development shall take place until a Construction Traffic Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The statement should include details of route of construction traffic vehicles, access arrangements, timings and management of arrivals and departures of vehicles. The approved Statement shall be adhered to throughout the construction period unless otherwise agreed in writing by the Local Planning Authority.
- Reason: In the interests of highway safety and public amenity.
- 8) 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 residential amenity
- 9) No development shall take place on site until an investigation has taken place to determine the risk posed by unexploded ordinances and results, together with any further works necessary, have been agreed in writing by the Local Planning Authority. The approved works shall be implemented in full and a completion report shall be submitted to the Local Planning Authority for approval in writing prior to the commencement of development.
- Reason: In the interests of public safety.
- 10) No development related works shall take place within the site until a written scheme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include on-site work, and off-site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.
- Reason: To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development.
- 11) 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 template provided in Devon County Council's Waste Management and Infrastructure Supplementary Planning Document. The development shall be carried out in accordance with the approved statement.
- Reason: To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document. These details are required pre-commencement as specified to ensure that building operations are carried out in a sustainable manner.

- 12) The applicant shall undertake a noise impact assessment for this application, which shall be submitted and approved in writing prior to commencement of the development. This report shall consider the impact of noise from the development on local receptors and shall include noise from plant and equipment as well as noise from deliveries, communal areas, residents and events. 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: In the interests of residential amenity.
- 13) The level of noise emitted from the site from operational activities should not exceed a rating noise level (measured in accordance with BS4142:2014) of 42 dB. The noise levels should be determined at the nearest noise sensitive premises. The measurements or assessment should be made at free field locations representing facades of the nearest noise sensitive premises, or via a combination of measurement and propagative calculation.  
Reason : In the interests of residential amenity.
- 14) Prior to the commencement of the development an assessment of the impact of all internal and external lighting associated with the development shall be submitted to and approved in writing by the Local Planning Authority. The assessment should address the impact of the lights (including hours of use) on the nearest receptors. Thereafter the lighting shall be installed and maintained in accordance with the specifications within the assessment.  
Reason: In the interests of residential amenity.
- 15) The use hereby permitted shall not be carried out outside the hours of 07.00 and 18.00 (excluding emergency activities, such as gritting estate roads and paths) unless otherwise agreed in writing by the Local Planning Authority.  
Reason: To safeguard the residential amenity of nearby occupiers.
- 16) No external lighting is to be used within the application site outside the hours specified in condition 14 unless otherwise agreed in writing by the Local Planning Authority.  
Reason: To safeguard the residential amenity of nearby occupiers.
- 17) No chipping or shredding of green/brown waste is to take place within the application site unless otherwise agreed in writing by the Local Planning Authority.  
Reason: To safeguard the residential amenity of nearby occupiers.
- 18) Only white noise reversing alarms shall be operated on vehicles operated or owned by the Applicant unless otherwise agreed in writing by the Local Planning Authority.  
Reason: To safeguard the residential amenity of nearby occupiers.
- 19) No part of the development hereby approved shall be brought into its intended use until secure cycle parking facilities have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times  
Reason: To ensure that adequate facilities are available for the traffic attracted to the site.

- 20) The development shall be designed in accordance with Passivhaus Principles. Prior to occupation, or as soon as practicable after occupation, evidence of Passivhaus certification shall be submitted to and approved in writing by the local planning authority.  
Reason: To ensure that the proposal is in accordance with the aims of Policy CP15 of Council's Adopted Core Strategy and in the interests of delivering sustainable development.
- 21) This consent does not imply the approval of the details of access, siting, layout or design shown on the illustrative masterplan, which must be the subject of a further application for approval of reserved matters.  
Reason: To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.

33

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

The report of the Liveable Exeter Programme Director and Interim City Development Lead was submitted.

**RESOLVED** that the report be noted.

34

### **APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

**RESOLVED** that the report be noted.

35

### **SITE INSPECTION REPORT - ROTA FOR VISITS**

The report of the Corporate Manager Democratic & Civic Support was submitted.

**RESOLVED** that the circulated rota of site inspection be approved, subject to any changes during the course of the year.

(The meeting commenced at 5.30 pm and closed at 8.06 pm)

Chair

This page is intentionally left blank

# Agenda Item 7

## PLANNING COMMITTEE

Monday 7 June 2021

### Present:-

Councillor Emma Morse (Chair)

Councillors Williams, Bialyk, Hannaford, Mrs Henson, Lights, Martin, A, Mitchell, M, Moore, D, Sparkes and Sutton

### Also Present

Liveable Exeter Programme Director and Interim City Development Lead, Assistant Service Lead (Planning), Project Officer (Planning) (RR), Democratic Services Officer (MD), Democratic Services Officer (HB) and Democratic Services Officer (SLS)

36

## DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

37

## PLANNING APPLICATION NO. 20/1446/FUL - 102 MAIN ROAD, PINHOE, EXETER

The Assistant Service Lead Planning presented the application for a new dwelling with parking, landscaping and new works.

With reference to photographs, plans and the relationship to the surrounding rural and urban areas, the Assistant Service Lead provided the following detail:-

- the site formed part of an established residential plot and side garden of a Grade II Listed end-of-terrace thatched roof cottage and was primarily composed of the private garden area of 102 Main Road but also contained the vehicular access point that currently serves two occupied dwellings, 100 and 102 Main Road;
- the western boundary was shared with the public highway and provided the access point to the site from the Classified B3181 Road, the existing access point being substandard in terms of visibility splay distances and vehicles exiting on to the public highway;
- the proposed scheme would include widening the access point to improve visibility in both directions when exiting onto Main Road. The works would make the highway opening wider and enhance visibility for 100 and 102 Main Road residents and general users of the public road as supported by the Local Highway Authority;
- a new two storey four bedroom detached dwelling house and private garden was proposed with allocated parking, turning head and site access widening work
- it would be of a contemporary design with the use of high quality material finish and integral garage, cycle parking and bin storage; and
- the receipt of 11 objections, as set out in the report.

The Assistant Service Lead advised of the following responses:-

- no objection from Devon County Council, subject to the implementation of conditions prior to occupation including improved access, the provision of a visibility splay and removal of a lamppost;
- no response from East Devon District Council;
- conditions on construction hours recommend by Environmental Health; and
- no objections raised from Exeter City Council Heritage.

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

- serious objections from neighbouring residents;
- the development is unsustainable;
- the B3181 is an exceptionally busy road exacerbated by recent developments in the area and the impact of traffic is severe. Safety of pedestrians, cyclists and motorists is a great concern;
- with a pavement on only one side of the road the existing unsafe nature of this stretch of road will be increased - an additional footpath is needed;
- the proposed visibility splay will not improve matters;
- pleased that the lamppost would be removed; and
- scale, size and massing of the proposed dwelling dwarfs neighbouring properties.

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

- support comments of Councillor Harvey;
- the County Council comments that the proposed new access would “be better than what is there now” emphasises its inadequacy;
- with only one pavement and solid traffic for much of the day including agricultural vehicles, the safety of pedestrians and cyclists is severely compromised;
- question the accuracy of the measurements provided by the applicant;
- excessive massing of the proposal will result in neighbouring properties being overlooked including bedrooms and gardens; and
- protection of green fields should not be used as a reason to inappropriately develop in-fill sites.

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

- the proposal will have a severe impact on family safety and a risk assessment is required;
- the road is unsafe particularly with the large number of buses and tractors that use it and the County Council have not responded to requests to assess the dangers;
- the measurements provided of the distance of the development from the highway should be reduced by 50%;
- access road is 10 feet above the main road;
- closeness of proposed new dwelling which is directly overlooking affecting daylight and privacy and is not to scale on the site plan;
- lights from parked vehicles will shine into the dining room;
- space to the rear of the site should be used instead of a development which adversely impacts two neighbouring properties; and
- loss of 80 year old apple and hazel trees and impact on wildlife.

Members asked a number of questions both of the applicant and of the two Members attending under Standing Orders, particularly around the relationship of the objector's property to the site itself as well as the access, the accuracy of the measurements and how the properties were accessed.

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

A motion to defer the application for a site visit to be undertaken and for the issues raised to be clarified was moved, seconded and agreed.

**RESOLVED** that the application for a new dwelling with parking, landscaping and new works be **DEFERRED** for a site inspection to be undertaken.

(The meeting commenced at 5.30 pm and closed at 6.07 pm)

Chair

This page is intentionally left blank

# Agenda Item 8

## PLANNING COMMITTEE

Monday 28 June 2021

### Present:-

Councillor Emma Morse (Chair)  
Councillors Williams, Bialyk, Denning, Hannaford, Mrs Henson, Lights, Mitchell, M, Moore, D and Sparkes

### Apologies

Councillors Branston, Buswell, Martin and Sutton

### Also Present

Chief Executive & Growth Director, Liveable Exeter Programme Director and Interim City Development lead, Assistant Service Lead (Planning) City Development, Principal Project Manager (Development) (MH), Democratic Services Officer (MD) and Democratic Services Officer (HB)

38

### MINUTES

The minutes of the meetings held on 27 May and 7 June 2021 were taken as read, approved and signed by the Chair as correct.

39

### COUNCILLOR ALYS MARTIN

Councillor Martin had submitted her apologies due to her need to meet Government's requirements to self-isolate in respect of Covid-19.

40

### DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

41

### PLANNING APPLICATION NO. 21/0223/OUT - LAND AT HOME FARM, PINHOE, EXETER

The Principal Project Manager (Development) (MH) presented the application for outline planning permission for the construction of up to 61 dwellings and associated infrastructure

With reference to photographs, illustrative plans and the relationship to the surrounding rural and urban areas and adjacent properties the Principal Project Manager referred to the following key issues:-

- the principle of development;
- affordable housing;
- impact on access, local highways, landscape, heritage assets;
- scale, design, impact on character and appearance; ecological issues/habitats mitigation;
- flood risk and surface water management;

- Sustainable Construction and Energy Conservation;
- Economic benefits and CI/Section 106; and
- visual impact on landscape setting – relevance of conclusions on importance of this site remaining undeveloped when previous development was considered on appeal.

The Principal Project Manager (Development) provided the following additional detail:-

- the relationship of the development to the neighbouring development currently under construction on land to the south. A singular access would be provided on the southern boundary of the site via this neighbouring development which would connect via the road network of that development onto Church Hill;
- the receipt of a series of slides provided by an objector showing the views of the site and the impact of the development from various vantage points from the neighbourhood, within the city and outside the city boundaries;
- the receipt of 93 objections;
- the submission of an e petition of over 2,000 signatures entitled – “Protect Green Infrastructure in Pinhoe” to be considered at the Council meeting on 21 July 2021;
- the impact the built development would have on the overall landscape character of the area both locally and a wider landscape setting, was a fundamental consideration as to whether the scheme was acceptable whilst also taking into account material planning considerations and the Council’s lack of a five year housing supply; and
- it was considered that the landscape quality of this valued site and the harmful intrusive visual impact created by the proposed housing development should be afforded greater weight, in this instance.

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

- welcome the recommendation for refusal;
- very strong opposition to the development in Pinhoe including the 93 objections;
- whilst issues of concern such as impact on the landscape and biodiversity and highway matters are important, of greater significance is the need to protect the Green Circle around Exeter for future generations;
- with no bus service proposed and with a considerable distance from retail outlets such as Sainsbury’s and a Spar shop it is not a sustainable development. Residents will need cars to access the shops as the distance to the development is too great to walk; and
- the development would not meet the Council’s ambitions to become a Carbon Free city.

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

- the proposed site, known locally as ‘Higher Field’, forms the beginning of Exeter’s Northern Hills, and as such is an important part of the City’s landscape setting;
- the ancient Pinhoe Church, an important city landscape feature, lies on the mid contour of Higher Field;
- the view is far reaching and to lose this amenity would be devastating to the Pinhoe community which has already lost so much green space to development;
- it is visible from many recreation points including Woodbury Common, Ludwell and Barley Valley Parks and points along the Green Circle;

- Higher Field offers a valuable habitat for many species. Mitigation measures cannot replace the balanced ecosystem this field supports;
- this application has galvanised a petition to Exeter City Council to provide formal protection of Pinhoe's remaining green infrastructure which has registered over two thousand signatures;
- the recently adopted Exeter Transport Strategy outlines the ambition for 50% of trips to be made by walking or cycling but the applicant's Transport Statement estimates only a 20% active travel split and expects the majority of journeys to be made by car. Residents are concerned that the sheer gradient of the location will deter even 20% from walking or cycling. There are also concerns regarding the traffic impact of further development in Pinhoe;
- flooding is a reality in Lower Pinhoe and the loss of another natural water management system will compound the problem. It is difficult to see how 61 new homes would outweigh the adverse impact on the local and wider community, when, in May 2021, the Council was able to demonstrate a housing supply of four years and seven months; and
- once this green fringe is lost, the impact on the city's visual, ecological and human landscape is irreversible.

Members made the following comments:-

- the absence of an air quality assessment;
- unclear if the proposed mitigation measures would address possible problems of flooding;
- the Council's current housing supply of four years and seven months is close to the five year housing supply guideline and there is therefore a better position than was the case in respect of the adjacent development to resist an appeal; and
- the impact on the ridge line on this northern area of the city is significant.

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

The recommendation was moved and seconded and carried unanimously.

**RESOLVED** that outline planning permission for the construction of up to 61 dwellings and associated infrastructure be **REFUSED** for the following reasons:-

- 1) The development would have a significant impact on the rural character of the area and landscape setting of the city by developing and urbanising a prominent ridgeline that will be visible from surrounding parts of the city and beyond. It will have a significant impact on the rural character of the Beacon Hill ridge and open undeveloped land forming part of the slopes above Pinhoe, which will detract from the landscape setting of this part of the city especially viewed from the south and south-west. The development is therefore contrary to the adopted development plan policies CP16 of the Exeter Core Strategy and saved Policy LS1 of the Exeter Local Plan First Review, and paragraphs 127(c) and 170 of the NPPF (2019). In regard to the presumption of sustainable development in the NPPF, it's considered that the adverse impacts of the development on the rural character and distinctiveness of the area and landscape setting of the city would significantly and demonstrably outweigh the benefits of housing delivery on this site when assessed against the policies in the NPPF taken as a whole.
- 2) In the absence of a Section 106 legal agreement in terms that are satisfactory to the Local Planning Authority which makes provision for the following matters:

- Affordable Housing
- Open space provision, maintenance and public access in perpetuity
- Education contributions
- GP provision contribution
- Highway/transportation related contributions

The proposal is contrary to Exeter Local Development Framework Core Strategy 2012 Objectives 1, 3, 5, 6 and 10, policies CP7, CP9, CP10, and CP18, Exeter Local Plan First Review 1995-2011 saved policies AP1, T1 and DG5, and Exeter City Council Affordable Housing Supplementary Planning Document 2014.

42

#### **PLANNING APPLICATION NO. 20/1446/FUL - 102 MAIN ROAD, PINHOE, EXETER**

The Assistant Service Lead Planning presented the application for a new dwelling with parking, landscaping and new works.

With reference to photographs, plans and the relationship to the surrounding rural and urban areas and to the presentation made at the previous Committee meeting, the Assistant Service Lead provided the following additional detail in respect of this site which formed part of an established residential plot and side garden of a Grade II Listed end-of-terrace thatched roof cottage and was primarily composed of the private garden area of 102 Main Road but also contained the vehicular access point that currently serves two occupied dwellings, 100 and 102 Main Road:-

- an updated visibility splay drawing;
- a shadow analysis report showing the development's impact compared to the existing at the summer solstice, equinox and winter solstice. Although there was some additional overshadowing in the afternoon around the equinox the impact on internal daylight levels would be minimal;
- the existing mature boundary hedge would be retained and maintained providing protection from headlights as would the parking area proposed being below the lawn area to the north with a retaining wall further shielding disturbance from headlights; and
- the receipt of 11 objections and one letter of support.

The Assistant Service Lead advised of the following responses:-

- no objection from Devon County Council, subject to the implementation of conditions prior to occupation including improved access, the provision of a visibility splay and removal of a lamppost;
- no response from East Devon District Council;
- conditions on construction hours recommend by Environmental Health; and
- no objections raised from Exeter City Council Heritage.

The following responses were made by the Assistant Service Lead to Members' queries:-

- a condition for the lamppost to be retained but removed to a different location at the cost of the applicant would be added. This would aid visibility;

- to improve visibility the vegetation and existing wall would be removed and a new wall provided;
- the reference to replacement vegetation of similar size and species was standard wording;
- permission to build an uncovered swimming pool is usually allowed under domestic permitted development rights; in this instance, it is proposed to remove the rights to do so by a condition to enable the local planning authority to retain control;
- an anticipated six vehicles a day, three in each direction could be expected normally; and
- the improvement to the access onto the driveway would offset the disadvantage of additional vehicles resulting from an additional dwelling.

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

- safety of pedestrians is a concern as there is only a pavement on one side of the road and it is necessary to cross the road from the front of these properties to access the bus stop;
- the recent site visit at 9:30 am clearly showed the danger to pedestrians, cyclists and motorists of this busy B3181 road;
- surprised by the views of the highway authority that the access will be improved even though there would only be a 12 metre visibility splay;
- the previously expressed concerns that the development is unsustainable remains;
- the scale, size and massing of the proposed dwelling dwarfs the neighbouring property of St Helena; and
- the development would not go towards the City's ambition of becoming carbon neutral.

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

- the proposal will have a severe impact on family safety particularly when walking with son to school;
- the road is unsafe to cross;
- even with proposed improvements to the driveway there would remain a considerable drop on to the main road with the poor visibility remaining an issue - the access road is 10 feet above the main road;
- cars approaching from the south will be unable to see vehicles coming out of the driveway;
- on a 30 mph road, visibility to the driveway junction should be 23 metres not 11 metres;
- three vehicles from existing properties already use the driveway with an anticipated three or four more likely if the development proceeds; and
- no footpath is proposed for the driveway.

Responding to Members' queries, Mr Lawrence reiterated that the three parking spaces identified would create problems to the residents using the driveway and that other neighbours along this stretch of the road benefitted from purpose built laybys.

Members expressed diverging views on the value of an improved access, some feeling that the proposal remained of insufficient standard. Members also welcomed the relocation of the lamppost.

The County Development Manager - Highways and Transport advised that the existing access was severely substandard, offering only a few metres of visibility to the right in particular. The proposal significantly improved visibility to the right and also to the left due to the slight widening of the access and the ability for a driver to position their vehicle differently. Normally, six vehicle movements a day for a single dwelling, three in, three out could be expected in respect of the proposed dwelling. He confirmed that he was of the view that the significant improvement offsets the disbenefit of additional movements to visibility at the access. The improvements would make it safer for emerging drivers as well as drivers on the B3181 heading south-west towards Exeter. The conspicuity of the access would also be increased. It was noted that three allocated parking spaces serve existing dwellings, but this did not change his view.

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

The recommendation was moved and seconded and carried.

**RESOLVED** that the Service Lead City Development be authorised to **APPROVE** the application for a new dwelling with parking, landscaping and new works, subject to the following conditions:-

- 1) The development to which this permission relates must begin no later than the expiration of three years, starting 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 30 October 2020 and 01 December 2020 (including all drawings listed below), as modified by other conditions of this consent.

<i>Proposed Site and Roof Plan</i>	0348_PIN_PL_1.1
<i>Proposed Ground Floor Plan</i>	0348_PIN_PL_2.0
<i>Proposed First Floor Plan</i>	0348_PIN_PL_2.1
<i>Proposed West Elevation</i>	0348_PIN_PL_3.0
<i>Proposed South Elevation</i>	0348_PIN_PL_3.1
<i>Proposed East Elevation</i>	0348_PIN_PL_3.2
<i>Proposed North Elevation</i>	0348_PIN_PL_3.3
<i>Proposed Section AA</i>	0348_PIN_PL_4.0
<i>Proposed Section BB</i>	0348_PIN_PL_4.1
<i>Proposed Section CC</i>	0348_PIN_PL_4.2
<i>Proposed Street Elevations</i>	0348_PIN_PL_3.4

Reason: To ensure compliance with the approved details.

- 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, either as physical samples or in a detailed Materials Schedule document including the title, image and colour of each material finish. No external finishing material shall be used until the Local Planning Authority has confirmed in writing that its use is acceptable. The materials used in the construction of the development shall correspond with the approved samples in all respects.  
Reason: In the interests of good design and to ensure the materials comply with the visual amenity requirements of the site and surrounding area.

- 4) Before the first occupation or use of the dwelling now permitted, a detailed landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of hard and soft landscaping, including all boundary treatments. Where applicable, it shall specify tree and plant species and methods of planting. The hard landscaping shall be constructed as approved before the occupation/use of the development. The soft landscaping shall be planted in the first planting season following the occupation/use of the development or completion of the development, whichever is the sooner, or in earlier planting seasons wherever practicable. Any trees or plants which within five years from the completion of the development die are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. Reason: In the interests of good design in accordance with Policy DG1 of the Exeter Local Plan First Review and paragraph 58 of the NPPF.
- 5) Visibility splays shall be provided, laid out and maintained for that purpose following a plan to be agreed in writing in advance by the Local Planning Authority in consultation with the Highway Authority, with no obstructions above a height of 0.6 meters above the adjacent carriageway level. This will necessitate the relocation of a lamp post under terms to be agreed with the Highway Authority.  
Reason: To provide safe and suitable access in accordance with paragraph 108 of the National Planning Policy Framework.
- 6) No part of the development now approved shall be brought into its intended use until the vehicular turning head and cycle store as indicated on Drawing Number "0348\_PIN\_PL\_1.1" are fully implemented and operational.  
Reason: To provide safe and suitable access in accordance with paragraphs 108 and 110 of the National Planning Policy Framework.
- 7) Before commencement of construction of the superstructure of the development now permitted, the applicant shall submit a SAP calculation which demonstrates that a 19% reduction in CO2 emissions over that necessary to meet the requirements of the 2013 Building Regulations can be achieved. The measures required to achieve this CO2 saving shall be implemented on-site. Within three months of practical completion, 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.
- 8) Before the occupation of any dwelling now approved, details of provision for nesting swifts shall be submitted to and agreed upon 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 after that.  
Reason: In the interests of preservation and enhancement of biodiversity in the locality.
- 9) Pre-commencement condition: No part of the development now approved shall be commenced until adequate areas shall have been made available within the site to accommodate operatives' vehicles, construction plant and materials in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority and retained for the construction period.  
Reason for the pre-commencement condition: To ensure that adequate on-site facilities are available for the construction traffic attracted to the site. This information is required before development commences to ensure that the

impacts of the development works are correctly considered and addressed at the earliest possible stage.

- 10) 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 6 pm Monday to Friday, 8 am to 1 pm Saturday, and at no time on Sundays, Bank or Public Holidays.  
Reason: To protect the amenity of the locality, especially for people living and or working nearby.
- 11) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, and any Order revoking and re-enacting that Order with or without modification, no development of the types described in the following Classes of Schedule 2 shall be undertaken within the dwelling plot as shown on drawing no. 0348\_PIN\_PL\_1.1 without the express consent in writing of the Local Planning Authority, other than those works expressly authorised by this planning permission:-  
Part 1, Class A extensions and alterations  
Part 1, Classes B and C roof addition or alteration  
Part 1, Class D porches  
Part 1, Class E swimming pools and buildings incidental to the enjoyment of the dwelling house  
Part 1 Class F hard surfaces  
Reason: To protect residential amenity and to prevent overdevelopment.

#### Informatics

- 1) Following Paragraph 38 of the National Planning Policy Framework, the Council has worked positively and proactively and has imposed planning conditions to enable planning permission.
- 2) The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following the commencement of development. Accordingly, your attention is drawn to the need to complete and submit an 'Assumption of Liability' notice to the Local Planning Authority as soon as possible. A copy is available on the Exeter City Council website. It is also drawn to your attention that where a chargeable development is commenced before the Local Authority has received a valid commencement notice (i.e. where pre-commencement conditions have not been discharged), the Local Authority may impose a surcharge, and the ability to claim any form of relief from the payment of the Levy will be foregone. You must apply for any relief and receive confirmation from the Council before commencing development. For further information, please see [www.exeter.gov.uk/cil](http://www.exeter.gov.uk/cil).
- 3) Following the Conservation of Habitats and Species Regulations 2017, this development has been screened regarding the need for an Appropriate Assessment (AA). Given the nature and scale of the development, the proposal does not require an AA.
- 4) The applicant should be aware that this development is within a Smoke Control Area, which controls smoke emissions from domestic fires and solid fuel boilers. Advice on controlling the emissions from and health impacts of wood burning is available from [https://uk-air.defra.gov.uk/assets/documents/reports/cat09/1901291307\\_Ready\\_to\\_Burn\\_.pdf](https://uk-air.defra.gov.uk/assets/documents/reports/cat09/1901291307_Ready_to_Burn_.pdf)

Web.pdf. It is recommended that all new stoves meet the EcoDesign Ready standard.

In addition, careful design of the flue may be required to prevent the appliance from causing a nuisance by fume or odours.

For further advice, please contact the Environmental Protection Unit on 01392 265148.

- 5) Following consultation with the Council's Heritage Officer, the development does not require Listed Building Consent to be considered lawful.

43

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

The report of the Liveable Exeter Programme Director and Interim City Development Lead was submitted.

**RESOLVED** that the report be noted.

44

#### **APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

**RESOLVED** that the report be noted.

45

#### **SITE INSPECTION PARTY**

**RESOLVED** that the next Site Inspection Party is scheduled for will be held on Tuesday 13 July 2021 at 9.30 a.m. The Councillors attending will be Councillors Denning, Hannaford and Mrs Henson.

(The meeting commenced at 5.30 pm and closed at 6.37 pm)

Chair

This page is intentionally left blank

# Agenda Item 9

## STRATEGIC SCRUTINY COMMITTEE

10 June 2021

### Present:

Councillor Luke Sills (Chair)

Councillors Allcock, Atkinson, Hannaford, Jobson, Moore, J, Pearce and Vizard

### Apologies:

Councillors Newby, Branston, Buswell, Denning and Mitchell, K

### Also present:

Chief Executive & Growth Director, Deputy Chief Executive, Corporate Manager  
Democratic and Civic Support, Growth & Commercialisation Manager, Democratic  
Services Officer (SLS) and Democratic Services Officer (MD)

### In attendance:

Councillor Philip Bialyk

- Exeter City Council

Councillor Emma Morse

- Portfolio Holder for City Development

Councillor Rachel Sutton

- Portfolio Holder for Net Zero Exeter 2030

### In attendance:

Glenn Woodcock

- Co-Founder South West Food Hub

## 12 Minutes

The minutes of the meeting held on 18 March 2021 were taken as read, approved and signed by the Chair as correct.

## 13 Declaration of Interest

No declarations of pecuniary interest were made by Members.

## 14 Questions from the Public Under Standing Order 19

In accordance with Standing Order 19, a member of the public, Mr P Cleasby submitted the following question:-

Will the relevant Portfolio Holder please explain the extent to which assessments of the \*embodied\* carbon emissions from new development, including emissions from demolition of properties on the development site, are taken into account when determining planning applications?

Councillor Emma Morse, Portfolio Holder City Development attended the meeting and gave the following response, stating that at present, no assessment was made of embodied carbon emissions when determining planning applications. The Council does not have Development Plan policies relating to this area of assessment and there is no National Planning Policy requirement to do so. There is also no national planning policy guidance relating to this type of assessment.

However, other Councils were also beginning work to consider such assessments and we will also explore what is possible through the development of our forthcoming Local Plan, learning from other Councils emerging work. The Council is committed to

achieving net zero and will therefore strive to develop the most appropriate and robust policy through which to assess and determine future applications and their compatibility with the city, ambitious net zero commitment.

Mr Cleasby asked a supplementary question that “bearing in mind that embodied carbon can consume up to 75% of a building’s life time carbon emissions, and accepting that this cannot be taken into account until 2024 in the new Local Plan, was there any recognition that this absence of assessment will make it difficult to achieve the Net Zero Exeter 2030 target?”

Councillor Morse agreed to send a written reply in response to Mr Cleasby.

## 15 Questions from Members of the Council Under Standing Order 20

In accordance with Standing Order No 20 the following questions, which had been circulated in advance to Members of the Committee, were submitted by Councillors J Moore and Vizard respectively.

- 1) Can the Portfolio Holder please update us on the progress of the Exeter City Living Clifton Hill Development?
  - Please can we be informed of the reasons for the delays to the planned timescale.
  - In particular, when is it likely that the removal of the sports centre will now commence.
  - The presence of the building which is now dilapidated and covered in graffiti, is creating a hidden area which is being utilised for drug use, drug dealing and other anti-social behaviour. There's also a very real risk of someone coming to harm with reports from residents that people are entering the building and climbing up on to the roof.

Councillor Bialyk, Leader and Portfolio Holder Exeter City Living responded to Councillor Moore's question and advised that the programme for Clifton Hill indicates an anticipated start on site in December 2021 / January 2022 which is when the demolition works will commence. Our development programme for the site has slipped as a consequence of a number of factors predominantly as a result of the delayed planning application for the development. The original timeline for development indicated the application going to Planning Committee in September 2020 but this was not possible until December 2020 due to last minute consultation issues and amendments to the application drawings to reflect this. This included providing access from the rear gardens of Portland Street onto the new development, securing as many existing trees on site for retention and increasing the garden sizes on some of the new homes and as a consequence reducing the number of overall homes on the site from 43 to 41.

We had hoped to have started demolition works last autumn 2020 but this was not possible due to planning and the consequential impact this had on our procurement timetable for appointing a contractor. Whilst we are currently in the process of tendering the works, this has been delayed due to the impact of Covid 19 and in any case we would not be able to commence development until outside the bird nesting period (post September). We are procuring the works through a two stage tender which means that our preferred contractor will be determined by July 2021 and they will have four months to reach an acceptable contract sum ahead of entering into contract. Current price uncertainties and the lack of available materials in the UK as a consequence of Brexit and Covid 19 is causing a challenge for all new development in the UK at the present time and this places further pressure on project timelines.

Exeter City Living (ECL) are taking all the measures they can to mitigate these challenges but there are limitations to what ECL can do given that this is an industry problem.

Once we commence on site, the former leisure centre will be demolished and construction work will start in earnest. Our current programme indicates that the development will be completed by summer 2024. It was appreciated that it was not ideal that development is delayed, as this impacts many stakeholders including the local community. We have checked the site security and the current temporary fencing arrangement as arranged by the Council, gives adequate security, however, should any residents witness unauthorised entry to the Sports Centre we hope they will report the incident to the Police. The Council do have a private security company engaged to patrol the site on a regular basis and it is hoped that this will act as a deterrent to prevent ongoing unlawful entry to the site. He assured the Member that he, too was concerned about the delay and he had been discussing such matters with the Directors on a regular basis.

Councillor Moore thanked Councillor Bialyk and asked whether there was anything that could be done to make the site look less inhospitable, as it did not make the community of Newtown feel a welcoming safe place. She suggested some hoarding or something similar to improve the outlook. In reply Councillor Bialyk confirmed that he would discuss this with Directors and the team responsible to improve the appearance of the site in this interim period. He reminded Members that the Council had forgone a large capital receipt in order to make the most of the space at the rear of the site for the use of the community and their enjoyment. The last thing he wanted to see was that it was not being used so he assured Councillor Moore that we would do whatever we could within our power to make some improvements.

Councillor Morse, the Portfolio Holder City Development responded to Councillor Vizard's following two questions:-

- 1) Please could the appropriate portfolio holder, director or officer provide some information on how regularly the council identifies cases and applies the Article 4 direction which restricts permitted development rights to convert properties into Houses of Multiple Occupation (HMOs) in areas that fall within this zone?

Councillor Morse stated that for clarity; she understood the question to be asking how often the Council identifies cases where the necessary permissions have not been secured in order to permit conversion to a HMO within the Article 4 area. Owing to limited resources, the Council was not able to undertake regular or proactive compliance monitoring in relation with the Article 4 Directive area. However, the Council has historically received enquiries from members of the public regarding HMO's within the Article 4 area – including situations where members of the public suspect that a property is being used as a HMO without the necessary permissions. The number of such complaints was however very low – there being two in 2017, one in 2018 and none since then. Such complaints would then be investigated.

Councillor Vizard asked if there was any public information available on our web site or if there was an option to report such concerns. In reply Councillor Morse said that officers were already looking into that suggestion.

- 2) What is the likelihood of HMO conversions in the Article 4 area 'slipping through the net', and how is the success of this restriction being measured in terms of preventing a further loss of residential character and of family homes to HMOs?

Councillor Morse advised that we measure the success of the Article 4 Direction based on the number of HMOs within the Article 4 area. Specifically, we look at changes to the overall number and percentage of HMO's in the Article 4 Area since it was last amended in 2013. However, due to our reliance on complaints to know about breaches of the restrictive policy and the limited capacity for additional monitoring and enforcement of the Article 4 restrictions, we do not have any data on the impact on-residential character. Further work is underway on this at the moment and more information will be available in due course.

## 16 South West Food Hub

Councillor Sutton as Portfolio Holder Net Zero 2030 introduced Glenn Woodcock, Co-Founder of the South West Food Hub. She reminded Members that the City Council could not deliver the ambitions of Net Zero on its own, and the support of others was needed from within the city. Glenn would be able to show how the South West Food Hub directly relates to Goal 6 of the Net Zero Exeter Plan and the importance of the city's relationship to the land and wider Devon rural economy. It would also help inform retailing on the High Street celebrating regional and local distinctiveness with an aspiration to include national brands, local crafts and produce with our high street shops, hotels, hospitals, local military bases, and prisons, buying food grown within Devon. The Hub would be able to take the initiative to effectively challenge the traditional way food was procured across the public sector to reduce the carbon impact, and to support the green economy.

Glenn Woodcock referred to the sum of over £1.2 billion, spent from the public purse on food supply within public sector establishments with the challenge now, being to address the buying habitats of individual procurement officers. The Food Hub have been working in partnership with the Crown Commercial Service, (CCS) the Government's commercial buying arm to make that change and support the delivery of a new approach to public sector food procurement. As part of pilot, to be launched in spring 2022, with roll out nationally in 2023, the Food Hub will albeit on a small scale contribute towards developing a more sustainable local food industry. The aims include:-

- a sophisticated online platform and dynamic purchasing system for local food supply from small and medium sized businesses to sell directly to public sector institutions.
- positive buying of seasonal food from local farmers offering a more sustainable food supply.
- the buying power of Exeter's institutions having a tangible and measurable impact on the local rural economy and foster a useful relationship between city and country, with every pound generating £3 of value.

Glenn made the following responses to Members' questions:-

- the Food Hub had not tendered for the pilot through any contractual arrangement, but had received limited funding.
- most small and medium enterprises (SMEs) did not have the scale to access large food supply contracts, but the new procurement platform will even out supply and offer an aggregated buying platform to create more certainty of sale for smaller producers.
- he welcomed elected representatives using their influence to promote food sustainability as widely as possible.
- he also welcomed the contribution the Council could exert and the offer of further engagement and dialogue.

The Chief Executive & Growth Director thanked Glenn for his presentation and referred to the opportunity to progress initiatives under the Net Zero 2030 Plan and engagement with Government on behalf of Exeter and the wider sub region in relation to the procurement platform. Part of the work should include working with businesses in Exeter from the supermarkets to the independent shops. There were challenges in ensuring informed choices and making the connection with retail and the provenance of locally grown food as well as ensuring a reduced carbon footprint.

Members also thanked Glenn for the presentation.

## 17 Presentation on the Role of Scrutiny

The Corporate Manager Democratic and Civic Support referred to the Council's review of Scrutiny in October 2019, which had agreed that a report back on its operation would take place after a year of operation. As Members were aware, the pandemic had resulted in a different approach to scrutiny, meaning it had concentrated on the Council's prioritisation of Covid related issues. He was now able to confirm that the review would resume, with a report to be made back to the Executive in the autumn. Members were reminded of the important role of scrutiny within the democratic process, which included:-

- responding to public questions.
- Member questions to Portfolio Holders on their particular spheres of responsibility within the Council.
- initiating a call-in of decisions by the Executive, adopting a more proactive approach which included members of scrutiny bringing matters published on the Council's Forward Plan to the two Scrutiny Committees for further investigation before consideration by the Executive, and
- more in depth studies of topics of interest through task and finish groups or a spotlight review.

Throughout the last year the Scrutiny Programme Board had continued to meet to inform the scrutiny agendas and has been working on a way which would encourage Members to take a more proactive approach by formally seeking suggestions for future topics of business. A pro-forma with guidance notes would be sent to those Members which would help frame their requests against certain criteria and which were mindful of the Council's resource commitments. The Programme Board would in time be able to form a work plan of future items of business for scrutiny.

A Member commented on a reduction in agenda topics and agreed that scrutiny should have a multi layered approach of regular items of business, consider items from the Council's Forward Plan as well as have some flexibility to respond to pertinent issues, as well as continue to offer support for the Council in the role of critical friend.

The Corporate Manager Democratic Services and Civic Support responded to a number of comments by Members: -

- another authority in Devon who had taken a similar approach to their scrutiny process, had taken a period of time to adjust and re-establish that role as a critical friend.
- the former pre-scrutiny approach led to a more protracted decision making process and was not always a benefit.

- more Members could now be involved in the scrutiny process and ensure that policy and budgets were scrutinised and managed as they should be to hold the Executive to account.
- the greater public participation was now embedded in the scrutiny process, but also at the Executive and Council, and
- the Council's financial challenges were spread across the organisation and it was necessary to be mindful of any suggestion of additional resources for scrutiny.

A Member suggested future business should also be on the Scrutiny agenda, as a way of being more transparent and to further engage Members. The Corporate Manager Democratic and Civic Support reminded the Member that there was already the opportunity to request an item on the scrutiny agenda provided that there was sufficient time before the meeting. The inclusion of the Scrutiny work plan, in time, would ensure Members were actively engaged. Councillor Sills and also Councillor Vizard as Chair of the Customer Focus Scrutiny Committee welcomed any suggestions made by Members to take back to the Board.

Members noted the update.

The meeting commenced at 5.30 pm and closed at 7.00 pm

Chair

# Agenda Item 10

## CUSTOMER FOCUS SCRUTINY COMMITTEE

1 July 2021

Present:

Councillor Matthew Vizard (Chair)

Councillors Mitchell, M, Allcock, Atkinson, Denning, Mrs Henson, Pearce, Sparkes, Sparling, Wardle and Warwick

Apologies:

Councillors Martin, A and Quance

Also present:

Deputy Chief Executive, Corporate Manager Democratic and Civic Support, Democratic Services Officer (HB) and Democratic Services Officer (SLS)

In attendance:

Councillor David Harvey	-	Portfolio Holder for City Management
Councillor Amal Ghusain	-	Portfolio Holder for Communities and Culture
Councillor Ruth Williams	-	Portfolio Holder for Supporting People
Councillor Laura Wright	-	Portfolio Holder for Council Housing Development and Services

**13 Minutes**

The minutes of the meeting of the Customer Focus Scrutiny Committee held on 1 April 2021 were taken as read, approved and signed by the Chair as correct.

**14 Councillor Alys Martin**

Councillor Martin had submitted her apologies due to her need to meet Government requirements to self-isolate in respect of Covid-19.

**15 Declarations of Interest**

No declarations of interest were made by Members.

**16 Questions from the public under Standing Order 19**

No questions from members of the public were received.

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

In accordance with Standing Order No 20 the following questions, which had been circulated in advance to Members of the Committee, had been submitted by Councillors Atkinson, M. Mitchell and Sparling.

## **Questions from Committee Members**

### **Councillor M. Mitchell**

Can the Portfolio Holder provide an update regarding the council house building programme for the next five years and clarify whether the targets are realistic?

### **Response**

*Members will be aware that an ambitious Council house building target was set and agreed last year of 500 homes over a ten year period - a target which balanced the Council's ambition of increased supply with that of retrofitting and maintaining our existing properties.*

*I am pleased to report that substantial progress has already been made with our Council Development Programme and I can confirm that;*

*75 properties have either been completed and occupied or will be completed within the next three months*

*92 properties have Planning Approval and are at the Tender stage of development - with development work anticipated to commence later this year/early 2022*

*22 properties have had detailed feasibility work completed and will be progressing to Planning later this year. A potential sites list which could yield 239 properties over nine locations is being subjected to a detailed development appraisal with our development partner Exeter City Living - we anticipate a detailed development programme resulting from this.*

*As such, I am able to confirm that 428 properties and potential sites currently form our development plan and demonstrates excellent progress in year two of our 10 year target.*

### **Supplementary question and answer.**

What more can be done to build more houses?

*The Council is doing a great deal already in uncertain times caused by Brexit and the Covid-19 Pandemic. Future house building by the Council will continue to be considered with due regard to feasibility.*

### **Councillor Atkinson**

A new Exeter City Community Trust Initiative plans to offer >100 supported accommodation places across several wards, including Alphington, to partners including Exeter City Council. Myself and Ben Bradshaw M.P. have been made aware of some issues for vulnerable current residents who are to be evicted to make way for the new scheme.

What housing advice is given to single men and women on a low income with a history of vulnerabilities when they are threatened with eviction? Is available accommodation affordable?

If there is a gap between provision and housing such that it could lead to homelessness and hardship, as a city how can we work with private sector and social landlords and other agencies and housing advice services to improve the situation in the short to immediate term?

In particular, what lessons can the City Council learn from housing schemes like the Exeter Community Trust initiative?

Councillor Williams, the Portfolio Holder for Supporting People, gave the following response:-

***What housing advice is given to single men and women on a low income with a history of vulnerabilities when they are threatened with eviction?***

*Anyone threatened with eviction will be offered either an appointment with a Casework Officer or will be passed to an Officer to deal with that day, if their situation is urgent.*

*The Casework Officer will then make an assessment in accordance with housing legislation, to see if they are threatened with homelessness. Sometimes landlords threaten eviction and where these are not lawful the Officer will then work with the Landlord to try and avoid eviction if possible.*

*Depending on timescales, a prevention or relief duty is likely to be taken. The Casework Officer will work through a Personal Housing Plan to help the client either stay in their home if possible and reasonable to do so, or to help them find a new home before they are homeless if this is possible.*

*The Casework Officer will make an assessment of any vulnerabilities and signpost to additional services if needed. If a client has debt issues then they could be referred to Homemaker or the Citizens Advice Bureau. If a client has mental health difficulties they may be supported to get additional help from their GP. If a client is homeless then the Casework Officer will assess to see if there is a legal duty to provide emergency temporary accommodation. The Officer will see if there is reason to believe the client has a priority need. Not all vulnerabilities are classed as a priority need and the Casework Officer may need to make enquiries to find out more information.*

*If a client does have a priority need then temporary accommodation will be offered and the Casework Officer will work on a Pathway plan so that the client finds permanent accommodation as quickly as possible.*

***Is available accommodation in Exeter affordable?***

*As in many other parts of the country, the cost of accommodation is high due to basic demand and supply issues. Exeter, as a reasonably affluent city, has significant housing capacity pressures one of which is affordability given local market property prices and rents. Added competition for private rented housing from professionals and the student market seeking city centre accommodation adds to the supply issues and therefore affordability.*

*Anyone living in Exeter who is entitled to means tested benefits may be able to claim either Housing Benefit (HB) or the housing element of Universal Credit (UC) to help pay their rent. One of the keys issues facing our clients, when the majority are on low income and/or in receipt of HB or UC, is finding accommodation that they can afford. Shortfall in rent is a common problem. Local Housing Allowance (LHA) is the rent figure usually used to work out HB or the housing element of UC for most private tenants.*

*LHA rates are based on the number of bedrooms a household is allowed: The rates are:*

### **Local Housing Allowance.**

<b>Room Need</b>	<b>Weekly LHA Rate</b>	<b>Monthly LHA Rate</b>
Shared room	£96.66	£420.01
1 Bedroom	£131.18	£570.01
2 Bedroom	£156.49	£679.99
3 Bedroom	£189.86	£824.99

*There has been a recent article on Devon Live that states that rental prices have increased in the area. Many clients state that they have looked for private accommodation but cannot afford it as what is on offer is not affordable.*

*A research from November 2020 shows that Exeter has seen the highest increase in average rent across the whole of England over the past five years. Average rent in the city has jumped an incredible 39% in five years, according to findings from international rental marketplace [Spotahome](#).*

*According to numbers from the [Office for National Statistics](#), in 2015 the average monthly rent stood at £853. It has gone up to £1,201 - a £337 difference....and it is still rising.*

**Today figures for Exeter from [home.co.uk](#):**

#### **Exeter Market Rent Summary 01/06/2021**

*Our rental price analysis for Exeter summarises the advertised rents for homes to let, calculated daily from the rental properties found by the [Home.co.uk](#) Property Search Engine*

#### **Summary of [Properties for Rent in Exeter](#)**

<i>Total properties for rent in Exeter:</i>	<i>251</i>
<i>Properties for rent in Exeter listed in the last 14 days:</i>	<i>42</i>
<i>Average property rents in Exeter:</i>	<i>£1,003 pcm</i>
<i>Median rent:</i>	<i>£849 pcm</i>

#### **[Properties for Rent in Exeter](#) by Price**

	No. of properties
<a href="#">Rent under £250 pcm</a>	0
<a href="#">£250 to £500 pcm rent</a>	26
<a href="#">£500 to £1,000 pcm rent</a>	156
<a href="#">£1,000 to £2,000 pcm rent</a>	50
<a href="#">£2,000 to £5,000 pcm rent</a>	19

Rent over £5,000 pcm

0

### **Property Rents in Exeter by Number of Bedrooms**

	No. of properties	Average rent	Median rent
<u>One bedroom</u>	63	£733 pcm	£702 pcm
<u>Two bedrooms</u>	71	£997 pcm	£897 pcm
<u>Three bedrooms</u>	26	£1,205 pcm	£1,023 pcm
<u>Four bedrooms</u>	12	£1,912 pcm	£2,048 pcm
<u>Five bedrooms</u>	4	£2,556 pcm	£3,153 pcm

### **Property Rents in Exeter by Type**

	No. of properties	Average rent	Median rent
<u>Room</u>	29	£617 pcm	£498 pcm
<u>Flat</u>	139	£996 pcm	£880 pcm
<u>House</u>	66	£1,214 pcm	£899 pcm

*Note: The current rents for Exeter were calculated by sampling over all properties for rent in the [Home.co.uk](#) property search within five miles of the centre of Exeter.*

*As evidenced, average shortfall between a market rent and the maximum amount payable in HB (LHA) is £200 per month or more (for example, LHA for two-bedroom property is £679.99, while the average rent is £997 per calendar month).*

*There is pressure in Exeter's private rented market, with high competition for properties and confidence in tenants low. The expanding student market has significantly inflated the larger family property market, as higher income and greater security from parental guarantors can be gained through shared student lets.*

*A research released in December 2020 shows the demand for property in Exeter more than doubled since the easing of lockdown restrictions and the introduction of a Stamp Duty holiday. Recent Housing Action Team (HAT) enquiries with estate agents have shown that houses are being snapped up within a month of coming onto the market, many from the landlords who were previously letting their properties, and want to sell now making a huge profit. There are sometimes more than 100 applications for a rented property.*

***If there is a gap between provision and housing such that it could lead to homelessness and hardship as a city how can we work with private sector and social landlords and other agencies and housing advice services to improve the situation in the short to immediate term?***

*Exeter is a small city and access to affordable private sector housing is therefore limited. The Housing Access Officers approach all letting agents and known local landlords to establish why they are reluctant to offer properties to applicants who are on a low income and/or in receipt of HB or UC. Perception of risk by private landlords*

*by letting to those people, especially feelings of insecurity of rent payments, was stated as a major reason for avoiding renting to low income (including homelessness) clients.*

*Landlords clearly perceive a greater risk is associated with letting to HB/UC claimants and homeless people (risk of arrears, damage to the property and other breaches of tenancy, difficulty managing these tenants, problems with benefit administration). Landlords generally prefer to rent to tenants who are low risk and have previous renting history if not exemplary records. Some landlords cannot let their properties to these clients (and the majority of them are in receipt of HB or UC) as some insurance companies will not cover these groups or ask for higher premiums if the property was let to a HB claimant (increased deposit and at least six week's rent in advance, guarantors, references). Sadly, some mortgage lenders still don't let landlords who have mortgage loans with them to let their properties to tenants who are on benefits.*

*However, the Housing Access Team (HAT) works hard to access, not only affordable, private rented accommodation, but also a range of alternative forms of accommodation, such as almshouses, hard to let social housing, or accommodation provided by partner organisations such as St. Petrocks. The HAT team advertises for private landlords through a range of outlets including social media, as well as more traditional ways such as leaflets in Council Tax bills and at local libraries etc. Once a potential landlord contacts our service with a suitable property, the HAT team can undertake the entire process needed from property inspections to drafting tenancy agreements, and undertaking the tenancy sign-up if needed. In Exeter's very competitive market, HAT has been building its reputation for reliability and support by assisting the landlords in resolving any arising problems.*

*HAT focused on developing a right to the Private Rented Sector Access Scheme (PRSAS) with the main aims and objectives of securing suitable and affordable accommodation for clients and sustainment of potential tenancies. The "Housing Access Together" scheme has been set up to assist people who approach us for help in securing accommodation in the private rented sector. HAT work closely with a wide range of landlords, as well as partner agencies, both in terms of accessing suitable accommodation, and in maintaining these tenancies. We have a fund available to help cover rent in advance or deposits needed, removal costs and covering the cost of furniture if needed. We work with a wide range of homeless, or potentially homeless clients, from single people to large families. As well as accessing private rented or other forms of accommodation, we work with clients and landlords to maintain these tenancies, providing a support service should these tenancies experience any difficulties.*

*It is also important to address clients' expectations, which can sometimes be unrealistic, or very focused on accessing social housing. Many homeless, or threatened with homelessness, clients are still prepared to hold out for social tenancy and are reluctant to accept realistic expectations or even apply for social housing in the neighbouring areas close to Exeter. Many are still apprehensive about living in the private sector as private sector accommodation is dominated by the lack of long term security with short tenancy agreements and little protection against rent rises.*

*A multifaceted approach is needed to understand and tackle local issues when it comes to the PRSAS current circumstances in Exeter. HAT, together with other teams within Housing Needs, review regular plans of actions with a range of options to increase the supply of private rented accommodation and prevent homelessness arising from private rented housing, whilst meeting the duties of the Homelessness Reduction Act. Although it is a significant daily task, we are becoming more*

*competitive in Exeter's very challenging market. Current workstreams include trialling third party property management to act as the "middle" agent for brokering private rented properties to homeless clients and remodelling a social lettings scheme with charitable partners.*

***In particular what lessons can the City Council learn from housing schemes like the Exeter Community Trust initiative?***

The Council is not pivotal to the planning or operation of the scheme and has not commissioned any part of the service nor provided any direct or any indirect funding for it. The Council has also not been given, or asked to give, any direction in any aspect of the scheme set-up including property identification or design of the model and its operation going forward. The Council has however given assistance to this scheme through referrals. The Council has learnt lessons from sharing good practice with housing scheme providers such as the YMCA and other local authorities and in participating in Local Government Information Unit briefing meetings.

**Supplementary question and answer.**

What assurance can be given that the low paid and vulnerable and those in Universal Credit will be rehoused and that no one will become homeless?

*The City Council can be contacted for assistance and it will be important for individuals to follow the guidance and advice already supplied to Members in my answer.*

The Portfolio Holder thanked Council officers for their hard work and commitment in the provision of this service.

**Councillor Vizard**

Please could the appropriate Portfolio Holder, Director or Officer advise whether the Council or Devon Wildlife Trust have any data or information on the success of the swift tower on the Paris Street roundabout in attracting these migrating birds during this time of the year?

Councillor Harvey, the Portfolio Holder for City Management, gave the following response:-

*The City Council has no specific information but we asked our colleagues at Devon Wildlife Trust. They responded that the routine monitoring of the site by their volunteers was disrupted by the Pandemic and has not as yet restarted. The sounds to attract swifts are still being broadcast on a timer but the time taken for swifts to colonise an artificial swift nest can be seven years or more. Anecdotally, it is suggested that the site hasn't been used by swifts as yet but has and continues to be used by other birds. There are swifts nesting on the Jury's Inn so they are nearby and it is hoped that they will make use of the tower soon.*

**Councillor M. Mitchell**

Will any trial regarding the new waste collection service involve a range of different routes within the city to ensure that the new service will be available to all households in Exeter?

## **Response**

Yes

### **Supplementary question and answer.**

What assurance can be given that residents' re-cycled waste does not end up in landfill in the UK or abroad?

*Materials Recycling Facility (MRF) staff work very hard to sort materials to ensure a high quality finished product for sale. The service is working on a commercial basis and organisations across the city are reassured that waste is re-cycled and disposed of appropriately and that the highest price is secured when sold on.*

## **Councillor Sparling**

1) In October 2019 the Council approved the expenditure of £1,500,000 to improve the MRF, showing a return on investment over three years on the capital costs. What is the new budget for upgrading the MRF and why; and what is the expected period for return on investment to recoup capital costs?

## **Response**

*Following the initial review of re-cycling in October 2019 much has changed in people's recycling habits and demands as a result of the Covid-19 Pandemic. The waste management team therefore had to review operational procedures during this period and, at the same time, ensured that no bin was missed during collections. This work prompted a further review of the service and a revised service is the subject of a report to Executive on 6 July 2021.*

*There is a cost to the Authority of approximately £200,000 per annum through the use of secondary MRF providers due to machinery breakdowns. It is therefore important for the efficiency of the MRF that there is investment in the equipment in order to improve MRF reliability and resulting productivity which, in turn, should help to increase income and resulting reduction in the reliance of secondary MRF providers and their associated costs. However, at this stage, there is no payback anticipated for the new recycling project.*

### **Supplementary question and answer.**

In view of Liveable Exeter's proposals for Marsh Barton how long will the MRF remain in its current location and be able to sustain value for money investment?

*Because there will be many issues for Liveable Exeter to address before its plans come to fruition and as there is also significant commercial interest in investing in the area close to the MRF, it is difficult to predict timescales and officers are fully aware of these circumstances.*

2) After consideration of a number of options, in October 2019 Council adopted Option 4 on the grounds of lowest cost, lowest net CO2 emissions, improved re-cycling rate and meeting most residents' wishes to have food waste and glass collected for re-cycling at the kerbside. The other alternative option to delay a decision on implementing a service change pending publication of forthcoming statutory guidance on consistency in waste collection services and the likely impact of Extended Producer Responsibility was explicitly rejected. Are you now recommending overturning that decision that Council made?

## **Response**

*Notwithstanding the further guidance expected from the Government on re-cycling, the Council will shortly bring forward a revised scheme, which seeks to respond appropriately and as cost effectively as possible to changing re-cycling habits.*

*Difficulties with waste re-cycling volumes are being experienced in a neighbouring authority and residents have been told to take cardboard to the tip thereby increasing the CO2 emissions due to the higher volumes of recycling being presented.*

*The Council's sustainable credentials are evident through other schemes such as developing a solar field next to the energy from waste plant. The Deposit Return System is also to be commended.*

## **Supplementary question and answer.**

What is your view of Exeter's reputation of re-cycling and what will be the increase in re-cycling rates the new service will bring and by when?

*An increase of 20% from 30% to 50% is anticipated when fully operational. Exeter residents put into the energy from waste plant considerably less per household than most district councils in the country and Exeter is the 9<sup>th</sup> lowest city in this respect. This input is a better measure than the actual re-cycling rate.*

3) The operational issues at the MRF has affected financial performance of the MRF. Previous reports for 2018/19 indicated an overspend of £213,300. Was that the final figure? What was the overspend or necessary increase in budget required for 2019/20 and 2020/21 to deal with ongoing operational problems?

## **Response**

*The figures provided by the Council's Treasury services are set out below:-*

	<b>Budget</b>	<b>Actual</b>	<b>Overspend</b>
2018/19	109,690	322,993	213,303
2019/20	141,970	701,378	559,408
2020/21	393,810	883,640	489,830

## **Supplementary question and answer.**

How will the Council fund the increased budget for the MRF. Will it result in an increase in loan re-payments and will any services need to be cut ?

*The question will be referred to the Section 151 Officer for a response to be given.*

## **18      Spotlight Review - Consultation Charter**

On behalf of the Corporate Manager Policy/Communications/Community Engagement, the Corporate Manager Democratic and Civic Support presented the report which sought agreement to adopt a Consultation Charter, setting out the

Council's commitment to best practice in consultation and to ensure a consistent approach to consultation arrangements.

The report had been brought forward after consideration by a Spotlight Review Working Group and Councillor Atkinson, as Chair of the Group, advised that the recommendations had been agreed unanimously by this cross-party group. She commended the report to the Committee.

The following responses were provided in respect of questions submitted by a Member of this Committee prior to the meeting:-

1. Does the Consultation Charter include planning applications?

*Arrangements for consultation on planning applications are determined by specific regulations.*

2. How does the Council plan to engage those who do not have digital access throughout a consultation process?

*Consultation plans will need to set out how all audiences will be consulted. Previous consultations have included a range of methods, including public meetings, exhibitions, focus groups, targeted mailings, face-to-face and telephone interviews and printed material.*

3. How will officers be supported to assess and address the carbon/environmental impacts of both the proposals and the consultations?

*Officers will work with the Council's Net Zero team to obtain guidance and advice on assessing and addressing the carbon/environmental impacts of both the proposals and the consultations*

A Member asked for consideration to be given to an additional element to be added to the report. He felt that criteria for calling for a consultation should be formalised and the mechanisms to enable a consultation to be called set out. He suggested that, at present, a consultation process was instigated by officers and that the means for Members as well as the public to seek appropriate consultations should be identified. He also referred to the consultative process followed in respect of planning applications, suggesting that a guidance document could be produced to ensure that developers consulted fully on their proposals.

It was noted that the report stated that "any consultation could be proposed through the scrutiny process" and that the consultation on planning matters was a matter for the Planning Committee.

The Chair of the Spotlight Review Working Group referred to the undertaking in the draft Charter to consult residents and other stakeholders whenever a decision will directly affect them and which would also have regard to equality impact issues, emphasising the need for a degree of flexibility in this process. She also stated that any Member could raise questions on behalf of residents through existing processes.

A proposal for the draft Charter to be amended to include reference to formalise criteria for calling for a consultation and to set out mechanisms to enable a consultation to be called was moved and seconded put to the vote and LOST.

Customer Focus Scrutiny Committee supported the recommendation that the Executive recommend to Council approval of the Consultation Charter.

## 19 Presentation on the Role of Scrutiny

The Corporate Manager Democratic and Civic Support spoke on the role of scrutiny, the current system having been introduced in October 2019 with an undertaking to review after a year. Because of the Covid-19 Pandemic, a review had not been possible, although both Scrutiny Committees had received valuable briefings through a question and answer process since the beginning of the crisis. It was now the intention to commence the promised review and for recommendations to be brought to Executive and Council this Autumn.

The Corporate Manager reminded Members of the important role of scrutiny within the democratic process and of the following three distinct aspects:-

- holding Executive to account such as through the call-In process with Members also able to question Portfolio Holders on their areas of responsibility;
- opportunities to contribute to policy development with the Council's Forward Plan, which is published monthly, providing advance notification of matters to be brought forward and which can be considered first by Scrutiny Committees prior to report to Executive; and
- examination of specific matters in greater detail through Task and Finish Groups, a good recent example being the Buller Statue Task and Finish Group.

The Corporate Manager also made the following points:-

- the role of the Scrutiny Programme Board in assessing requests for in depth reviews. It was the intention for the Board to identify a work plan and timescale of future items of business for scrutiny having regard to the best use of resources, corporate objectives and equality of workload between the two Scrutiny Committees;
- the recent circulation of profoma for Members to put forward such requests. These to be assessed first by the Strategic Management Board prior to consideration by the Scrutiny Programme Board. Requests already made by Members would receive priority consideration; and
- the commitment to build on the good progress made on developing the scrutiny function in the Council taking on board good practice and examples within other authorities.

A Member suggested that the production of an annual scrutiny report as well as building into the Committee cycle, a formal review of scrutiny would enhance the overall scrutiny process within the Council. The Chair confirmed that reviewing the operation of scrutiny would be of great value, including the potential for training, particularly for new Councillors.

The Corporate Manager advised that the review of scrutiny would be one of the elements to be considered by the soon to be constituted Governance Review Board which would be reporting to Executive and Council in the Autumn.

Members noted the update.

The meeting commenced at 5.30 pm and closed at 6.44 pm

Chair



# Agenda Item 11

## EXECUTIVE

Tuesday 1 June 2021

**Present:**

Councillor Bialyk (Chair)

Councillors Wright, Foale, Ghusain, Harvey, Morse, Sutton, Williams and Wood

Also in attendance

Councillor D. Moore (as an opposition group Leader)

Also present:

Chief Executive & Growth Director, Deputy Chief Executive, Director Finance, Assistant Service Lead: Local Plan, Democratic Services Officer (MD) and Democratic Services Officer (HB)

45

## MINUTES

The minutes of the meeting held on 6 April 2021, were taken as read, approved and signed by the Chair as a correct record.

46

## DECLARATIONS OF INTEREST

No declarations of disclosable pecuniary interests were made.

47

## QUESTIONS FROM THE PUBLIC UNDER STANDING ORDER NO. 19

No questions from members of the public were received.

48

## REVISED LOCAL DEVELOPMENT SCHEME

The Executive received the report on the revised Local Development Scheme which provided a scope and timetable for the preparation of the new Local Plan and the approach for the preparation of other planning policy documents. Members noted that the existing Local Development Scheme was out of date following the end of the Greater Exeter Strategic Plan (GESP) process and that a full Local Plan was now required as part of the statutory local planning policy. The principal milestones for preparing the new Local Plan were:-

- Issues consultation: September 2021
- Draft plan consultation: September 2022
- Publication: February 2023
- Submission to Planning Inspectorate: June 2023
- Examination hearings: October 2023
- Adoption: June 2024

The Deputy Chief Executive advised that, the new Local Plan was still in its early stages of work and a target adoption date of 2024 was considered appropriate, due to the uncertainties around the future content and structure of Local Plans as identified in the 2020 Planning White Paper proposals. A consultation document and draft Statement of Community Involvement would be reported to the Executive on 6 July 2021 and would set out how communities and stakeholders would be involved in the development of the Plan.

Councillor D. Moore, as an opposition leader, enquired on the following areas:-

- would there be a dedicated webpage, detailing a timetable and updates as the process developed, to ensure that the public could understand the process?;
- would the Council's Development Company, 'Exeter City Living' be included in the Local Plan process in the same way as other developers? Could the Portfolio Holder clarify the status of the Liveable Exeter programme in relation to the development of the Local Plan and the Council's role in leading the programme would be managed separately from its role as the planning authority; and
- what support had been given to the officer planning team who had prepared the report to develop the Local Plan to assess the carbon impact of the timetable and plan?

The Leader advised that a response would be provided separately.

In response to a question from a Member, the Deputy Chief Executive advised that 2024 was considered a realistic target date for completion of the work, given the current planning framework. There were key areas to be decided on by Government as a result of their consultation on the Planning White Paper. Once this was enacted through legislation, officers would be able to determine any impact on the timescales for developing the Local Plan and will advise Members accordingly.

**RESOLVED** that the Local Development Scheme be approved as the basis for preparing local planning policy and in particular, the new Local Plan.

49

#### **MEMBERS' ALLOWANCES AND EXPENSES PAID 2020/21**

The Executive received the report on allowances paid to elected Members in 2020/21, which, the Council had a statutory obligation to publish each financial year.

Particular reference was made to:-

- there being a lower level of cost for travel and external training expenses, during 2020/21, because of the COVID Pandemic;
- the Chair of the newly formed Harbour Board was also a Portfolio Holder, and would not, therefore, attract an additional Special Responsibility Allowance;
- the payment for the newly formed Council Housing and Development Advisory Board, would be drawn separately from the Housing Revenue Account; and
- an administrative error had been made in the report presented to the Executive and Council in December 2020 for the Chair of the Harbour Board. The allowance should have been shown as £1,567.

**RESOLVED** that Executive Committee note the allowances paid and the expenses claimed by Members in 2020/21 and the correction that the remuneration for the Chair of the newly formed Harbour Board will be £1,567.

50

#### **APPOINTMENT TO OUTSIDE BODIES 2021**

The Executive received the report on appointing Members to serve on outside bodies, to ensure Council representation in order to maintain effective partnerships with external organisations. The Appendix included with the report, highlighted the proposed appointments and, if approved, the register of all outside body appointments, published on the Council website would be updated.

Particular reference was made to:-

- All the appointments contained in the report presented, to be confirmed with immediate effect;
- the Corporate Manager Democratic and Civic Support, in consultation with the Group Leaders, be granted delegated power to appoint representatives throughout the year, where a vacancy arises; and
- Members having regard to their appointments and to declare all registerable interests under the new Code of Conduct for Members, which came into effect on 18 May 2021.

The Chair highlighted that representation would be sought for the new Transport Working Group, which would integrate the various transport groups into a single forum.

**RESOLVED** that the nominees contained in Appendix A of the report presented to the meeting, be confirmed with immediate effect.

**RECOMMENDED** that Council grant delegated powers to the Corporate Manager Democratic and Civic Support, in consultation with the Group Leaders, to appoint, when necessary, representatives to outside bodies during the course of the Municipal Year.

51

### **HONORARY ALDERMEN**

The Executive received the proposal to offer the position of Honorary Alderman of the City to Mesdames Foggin, Lyons and Robson, in recognition of their outstanding service to the Council and that each nominee had held the position of Lord Mayor whilst serving on the Council.

Members noted that the term of office for Mrs Foggin and Mrs Lyons, amounted to 13 and 17 years respectively, which met the criteria for the length of service, and both had held the position of Lord Mayor of the City.

Particular reference was made to Mrs Robson, who had a combined length of service amounting to 11 years and 8 months, which was under the minimum period required for consideration for the position of Honorary Alderman. The Council was asked to make an exception, under the extenuating circumstances where Mrs Robson's term of office was affected by the Government's decision in 2010, to revoke the decision on the Council's unitary status, which cancelled elections held in May of that year. Mrs Robson was not elected until 9th September 2010 but had held the positions of both Deputy Lord Mayor, and Lord Mayor of the City, during her term of office.

Members noted that a similar exception had previously been made when the Council approved a similar application for Honorary Alderman for Mrs Margaret Baldwin.

**RECOMMENDED** that in accordance with Section 249 of the Local Government Act 1972, the Right Worshipful the Lord Mayor be requested to convene an Extraordinary meeting of the Council, on the rising of the Ordinary meeting of the Council on 20 July 2021, to consider granting the position of Honorary Alderman of the City to Mrs Olwen Foggin, Mrs Rachel Lyons and Mrs Lesley Robson.

(The meeting commenced at 5.30 pm and closed at 5.56 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 20 July 2021.

# Minute Item 48

**MEMBER SPEAKING at Executive Committee, Under Standing Order 44 –  
1 June 2021**

**From Councillor D. Moore**

Agenda Item 6: Revised Local Development Scheme

- 1. The timetable is very high level - will there be a dedicated webpage with this timetable that can have other elements and key dates added to it as the process develops, so the public can understand what is going on?**

Currently there is a dedicated webpage for the Local Development Scheme which will be updated as progress is made on the Local Plan. A new Local Plan webpage will also be set up to include relevant details of Local Plan progress.

- 2. The officer confirmed that the council's development company Exeter City Living will be included in the local plan process in the same way as any other developer. Please can the portfolio holder clarify the status of the Livable Exeter programme in relation to the development of the local plan and how the role of Council as leading this programme will be managed distinct from the council's role as planning authority?**

In the last two years the City Council has established two new teams; the Liveable Exeter Team and the Local Plans Team. There are important synergies between the two teams however they are deliberately distinct; the Liveable Exeter programme focuses on delivery matters and accelerating development on specific sites within the city whilst the Local Plans team is responsible for the formal planning policy of the Council which is a statutory function. Appropriate measures will always exist to ensure that the work of the Local Plans team, and the LPA in general, remains objective and that all plans, proposals and applications are judged on their individual facts and merits.

For the avoidance of doubt: as an external development company, there is clear separation between Exeter City Living and the management of the Local Plans team and its work.

- 3. What support has been given to the officer planning team who have prepared this report and will be developing the local plan to meaningfully assess the carbon impact of this timetabled activity and the plan itself?**

The resources for the Local Plan were agreed by council in July 2020. This resource will cover the evidence required to progress the Local Plan. A key part of this will be the Sustainability Appraisal/Strategic Environmental Assessment which will consider the full range of environmental impacts of the Local Plan policy as it emerges. This will consider the carbon implications of the plan. Other studies within the wider evidence base for the Local Plan will address Exeter's net zero carbon ambitions.

This page is intentionally left blank

# Agenda Item 12

## EXECUTIVE

Tuesday 6 July 2021

Present:

Councillor Bialyk (Chair)

Councillors Wright, Foale, Ghusain, Harvey, Morse, Sutton and Wood

Apologies:

Councillors Pearson and Williams

In attendance:

Councillor A. Leadbetter (as an opposition group Leader)

Councillor D. Moore (as an opposition group Leader)

Also present:

Chief Executive & Growth Director, Director Net Zero Exeter & City Management, Corporate Manager Democratic and Civic Support, Deputy Chief Finance Officer, City Surveyor, Liveable Exeter Programme Director and Interim City Development lead, Active & Healthy People Programme Lead and Democratic Services Officer (HB)

52

## MINUTES

The minutes of the meeting held on 1 June 2021, were taken as read, approved and signed by the Chair as a correct record.

The Chair, in responding to an issue in respect of Min. No. 48 raised by Councillor D. Moore, speaking as an opposition leader, undertook to ensure her point was recorded – see below.

Councillor D. Moore's questions at Executive on 1 June 2021 had been correctly set out in the appendix to those minutes. The second question, the accuracy of which was the point at issue, is set out below taken from the appendix:-

“The officer confirmed that the Council’s Development Company Exeter City Living will be included in the Local Plan process in the same way as any other developer. Please can the Portfolio Holder clarify the status of the Liveable Exeter programme in relation to the development of the Local Plan and how the role of Council as leading this programme will be managed distinct from the Council’s role as planning authority?”

53

## DECLARATIONS OF INTEREST

No declarations of disclosable pecuniary interests were made.

54

## QUESTIONS FROM THE PUBLIC UNDER STANDING ORDER NO. 19

No questions from members of the public were received.

55

## GENERAL FUND CAPITAL MONITORING 2020/21 AND REVISED CAPITAL PROGRAMME FOR 2021/22 AND FUTURE YEARS

The Executive received the report on the Council’s overall financial performance of for the 2020/21 financial year. The report also sought approval for the 2021/22

revised capital programme and its commitments, which had been carried forward from 2020/21.

The Deputy Chief Finance Officer made particular reference to:-

- the restrictions implemented in response to the Covid-19 Pandemic had a significant impact on delivery of the programme during the year, as a result the total General Fund capital expenditure was £27.6 million during 2020/21 against a £71 million programme, with the majority of balances carried forward to future years; and
- the Next Steps Accommodation Programme which had enabled a number of properties to be acquired to accommodate rough sleepers..

**RECOMMENDED** that Council approve: -

- (1) the overall financial position for the 2020/21 annual capital programme; and
- (2) the amendments and requests for further funding to the Council's annual capital programme for 2021/22.

56

### **OVERVIEW OF GENERAL FUND REVENUE BUDGET 2020/21**

The Executive received the report on the overall financial position of the General Fund Revenue Budget for the 2020/21 financial year. The report further sought approval for the General Fund working balance, a number of supplementary budgets and the creation of new earmarked reserves.

The Deputy Chief Finance Officer made particular reference to:-

- an overall net transfer to Earmarked Reserves of £23.9 million with reserves significantly higher than most years most notably due to the setting aside of £17.4 million in respect of business rates;
- the decisive action taken by the Council in July 2020 in passing an Emergency Budget along with additional funding and compensation schemes provided by the Government in response to the Covid-19 Pandemic, had enabled the Council to set aside one-off amounts of:-
  - £4 million to protect the Council against income volatility during 2021/22;
  - £1 million to address the Council's Net Zero ambitions; and
  - £1 million to support the Council as a client of Exeter City Living to help bring forward sites for housing developments.

Councillor Vizard attended the meeting and spoke on this item having given notice under Standing Order No 44.

Councillor Vizard referred to the concerns of residents in respect of the fencing off of a part of Bull Meadow Park as a result of South West Water seeking to transfer its responsibility for the maintenance of the Park.

The Director Net Zero Exeter and City Management confirmed that South West Water (SWW) were seeking to divest their responsibilities of certain public surface water sewers on to landowners in the city, the one running through the Park being one of those in dispute with the Council. The Council has robustly defended its position by providing evidence to show that the culvert was a public surface water

sewer paid for by public money and constructed under the Public Health Act. Negotiations with SWW were progressing in respect of a scheme to abandon the section of a poor condition culvert in the Park to enable the whole of the Park to be accessible to the public again. Pricing details were awaited from South West Water with a 50% contribution being offered by the Council.

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

- (1) the net transfer of £23,901,227 to Earmarked Reserves as detailed in paragraph 8.11 of the report;
- (2) the supplementary budgets of £5,602,710 and budget transfers as detailed in paragraph 8.13 of the report;
- (3) the Earmarked Reserves at 31 March 2021;
- (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 performance; and
- (7) the overall financial position of the Council, the General Fund working balance at 31 March 2021 of £4,696,280.

57

#### **2020/21 HRA BUDGET MONITORING REPORT – OUTTURN**

The Executive received the report which advised Members of the major differences between the approved budget and the outturn for the financial year up to 31 March 2021 in respect of the Housing Revenue Account and the Council's new build scheme's revenue and capital budgets.

The Deputy Chief Finance Officer made particular reference to:-

- the outturn position of the HRA showing a significant underspend of £6.8 million for 2020/21 as a result of the HRA not using revenue to fund capital projects in 2020/21, most notably the deferral of £5.2 million of revenue contributions to capital;
- the revenue contribution toward capital financing would still be required in future years, resulting in no overall impact on the Medium Term Financial Plan; and
- capital expenditure of £16.1 million including £7.3 million towards investment in existing stock and £8.8 million investment in the provision of new council homes.

In response to a question from a Member, the Deputy Chief Finance Officer, confirmed that the HRA was a ring fenced account with no cross subsidy to the General Fund.

**RECOMMENDED** that Council approve (where applicable): -

- (1) the supplementary budgets of £333,000 as detailed in paragraph 8.4 of the report;
- (2) the HRA financial position for 2020/21 financial year; and

- (3) the revision of the HRA Capital Programme to reflect the reported variations detailed in Appendix 4 of the report.

58

### **TREASURY MANAGEMENT 2020/21**

The Executive received the report on the current Treasury Management performance for the 2020/21 financial year and the position of investments and borrowings at 31 March 2021.

The Deputy Chief Finance Officer stated that the outturn position was broadly in line with the original budget rather than the Emergency Budget as the Council's cash flow had not been negatively impacted by the Covid-19 Pandemic, as first feared. This was largely due to Government support measures including the Sales Fees and Charges Compensation Scheme in conjunction with the Council borrowing earlier than planned to secure low interest rates.

Councillor D. Moore, as an opposition leader, enquired whether consideration was given to climate change when reaching decisions on investment opportunities.

The Leader advised that the enquiry should be put separately to officers in order for a response to be provided.

**RECOMMENDED** that Council note the content of the Treasury Management report.

59

### **DEPOT RE-LOCATION**

The Executive received the report which provided an update on the work undertaken to amalgamate depot functions at Exton Road by relocating Public and Green Spaces functions from their current location at the Belle Isle Depot. The work had also addressed issues at the existing Exton Road facilities and funding was being sought to bring the project forward and appoint a professional team.

The City Surveyor made particular reference to:-

- the update to a previous feasibility study on the efficiency and effectiveness of the Belle Isle Nursery depot with particular regard to the safe working of staff;
- confirmation that the amalgamation of all public realm activity onto the Exton Road depot was deliverable;
- the proposal would also improve the operational efficiency of the Exton Road campus; and
- an indicative budget of £3.5 million with Exeter City Living to be engaged as the delivery agent.

The Portfolio Holder for City Management welcomed the proposal as it would significantly improve working conditions of staff especially after the Health and Safety Executive had identified the Belle Isle site as inappropriate and would ensure improvements in overall operational efficiency.

**RECOMMENDED** that Council approve the allocation of an indicative budget of £3,500,000 to deliver the Depot relocation and improvements at Exton Road Depot.

## **LIVEABLE EXETER – GARDEN COMMUNITIES AND ONE PUBLIC ESTATE FUNDING AWARDS**

The Executive received the report on the Liveable Exeter programme, which provided a high-level update on recently secured grant funding and approval to spending grant funding to progress the Liveable Exeter programme. The report further sought approval to create new posts within the Liveable Exeter programme team in order to increase capacity to support the progression of the programme utilising the approved funding.

The Project Director Liveable Exeter and Interim City Development Support made particular reference to:-

- the utilisation of two funding opportunities – the Garden Communities capacity funding of £475,000 and One Public Estate funding to progress feasibility and technical work on Marsh Barton;
- the significant contribution the proposal would make to the overall Liveable Exeter Programme including providing additional resources to the Liveable Exeter team;
- aiming to achieve the delivery trajectory for 12,000 homes and communities in line with the 2040 vision;
- contributing towards active and sustainable travel patterns and help the city achieve its Net Zero ambitions; and
- the proposal was also fundamental in supporting the development of the Local Plan.

Councillor D. Moore, as an opposition leader, enquired about the extent of the marketing of the proposals and, in line with Garden City principles established by its founders, asked that consideration be given to how existing neighbours and new community members would be able to actively contribute to the formalisation of plans for the Liveable Exeter sites.

The Portfolio Holder for City Development referring to the recent briefing on the Liveable Exeter Plan asked that this be extended to all Council Members.

**RECOMMENDED** that Council approve: -

- (1) the successful application and receipt of Garden Communities capacity funding to support the Liveable Exeter programme and a budget of up to £475,000, to be funded by an earmarked reserve, to progress work related to the Liveable Exeter programme;
- (2) the successful application and grant of One Public Estate funding to support the progression of feasibility and technical work on Marsh Barton in line with the Liveable Exeter vision and approval of a budget of up to £150,000, funded by claims to Devon County Council as lead partner, to progress the work; and
- (3) the creation of two new, fixed-term posts within the Liveable Exeter team to be funded utilising a proportion of the Garden Communities capacity funding.

The Executive received the report on the proposed continuation of the Wellbeing Exeter programme and associated governance review alongside the strategy and resource plan for delivering the programme to March 2024.

The Active and Healthy People Programme Lead made particular reference to:-

- Wellbeing Exeter was a partnership of public, voluntary and community sector organisations working together to support the health and wellbeing of individuals and communities, the key strategic funders pooling resources being Devon County Council, Exeter City Council, Sport England and the city's four Primary Care Networks;
- the programme being managed by local delivery partner Devon Community Foundation;
- Sport England had awarded Exeter City Council a lottery funding agreement of £1,759,000 to expand Wellbeing Exeter and embed active lifestyles within the programme as part of the national Local Delivery Pilot scheme, being part of the Exeter and Cranbrook 'Live & Move' programme;
- Wellbeing Exeter had played a key role in the Council's community response during the Covid-19 Pandemic. Resulting from this, the strategic partners had reviewed the programme delivery and committed to a new three year strategy. A key aim for the re-designed Wellbeing Exeter model was to respond to the challenges identified through Covid-19 and deliver a programme that supports those residents and communities suffering the greatest health impact as a result of the Pandemic;
- strategic partners across the city identified the Wellbeing of Exeter residents and communities as one of the key priorities of the Liveable Exeter Place Board in delivering its Covid-19 City Recovery Strategy; and
- the proposals included robust governance arrangements.

Councillor D. Moore, as an opposition leader, welcomed the partnership approach embedded in the proposals. She sought confirmation that financial contributions would be forthcoming prior to the year end to ensure that there would be no delay in the delivery of schemes. In terms of governance arrangements, she referred to the absence of the voluntary sector in the Wellbeing Exeter Commissioning Board and to the role and reporting arrangements of the Liveable Exeter Place Board in the overall structure. She suggested that greater transparency in the governance structure should be provided prior to consideration of the proposals by Council.

Councillor Leadbetter, as an opposition leader, supported the report and, in particular, the recommended governance arrangements. He stated that the level of Member involvement was to be welcomed and that the project would be of great benefit to Exeter and its residents and highlighted the value of partnership working.

During the discussion the following points were made:-

- cross party support for the initiative is welcome;
- the partnership approach has been vital in bringing the scheme to the forefront of the health agenda across the country, in helping change people's lives in Exeter and in attracting additional financial support to the city; and
- through the work of the Community Builders and Community Connectors communities, as well as the lives of residents, have been enriched.

The Chief Executive & Growth Director stated that the Exeter Wellbeing initiative was one of the most impressive projects he had been involved with. The Council's commitment to community support and development had grown exponentially over the years from the engagement of a single community development officer to a £3.4

million investment programme committed to supporting the health of its residents. This commitment to the health agenda was particularly impressive for a District Council, a commitment which had led to the £1.4 million investment by Sport England for the Council to become one of the partners in this pioneering pilot project in promoting active and healthy lifestyles. It was an excellent example of an Asset Based Community Development approach which embraced many partners in helping promote healthy lifestyles in addition to the social prescribing role of GP's.

The Chair referred to the following elements delivered by the Programme:-

- four Primary Care networks covering 17 GP practices in the city referring patients;
- 16 Community Connectors supporting individual residents to improve their wellbeing, expanded to include children and young people 11+ and families;
- 13 Community Builders covering every ward in the city, identifying social resources, stimulating activity and helping those communities to thrive and develop; and
- four Community Physical Activity Organisers supporting individuals and communities to be more active in their everyday life.

The Chair, in commending the governance arrangements, emphasised that Members would be invited to twice annual briefings by the Programme Lead alongside the Portfolio Holders where updates would be provided on the progress of Wellbeing Exeter, its ongoing impact with Members provided with opportunities to engage further with the programme.

**RECOMMENDED** that Council approve:-

- (1) the recommendations as set out in Appendix 1 of the Wellbeing Exeter Review report;
- (2) the Director Transformation and the Service Lead – Active and Healthy People be granted delegated authority, to enter into a contractually binding agreements with strategic partners to deliver the Wellbeing Exeter programme for 2021-2024;
- (3) the Director Transformation and the Service Lead – Active and Healthy People in agreement with the Portfolio Holder for Communities and Culture be granted delegated authority, to spend earmarked Community Infrastructure Levy (CIL) funds amounting to £794,682 in respect of the Wellbeing Exeter programme from the Neighbourhood Portion of the CIL for the period from 2021 to 2024. This would form part of the full proposed programme budget of £3,385,516 with pooled resources provided by strategic programme partners as follows:
  - Devon County Council (£729,766);
  - Sport England (£1,428,500); and
  - Local Exeter Primary Care Networks (£410,568); and
- (4) the adoption of the new governance proposal for Wellbeing Exeter as set out in Appendix 2 of the report.

## **OF PRESS AND PUBLIC**

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

63

### **IMPROVEMENTS TO THE RE-CYCLING COLLECTION SERVICE**

The Executive received the report on the recommended changes to the refuse and re-cycling service as a result of Covid-19 Pandemic, changes to Government guidance and changes to people's demands on the service.

The Director Net Zero Exeter and City Management explained the rationale for reviewing and proposing a changed re-cycling collection service to that agreed in October 2019 prior to the onset of the Covid-19 Pandemic. As a result of the Pandemic (Min. No. 93 of Executive of 8 October 2019 and Min. No. 14 of Council of 15 October 2019 refer), it had been necessary to take account of the changes in people's shopping, work and re-cycling habits and lessons had also been learnt from the challenges being faced by neighbouring authorities in their collection service. It was considered that the revised service proposed would result in improved environmental outcomes compared to the current service, increasing the Council's re-cycling rate and reducing net carbon emissions. It would also meet the expectations from Government and residents that food waste and, possibly glass, be included in the kerbside re-cycling service.

The Portfolio Holder for City Management, in commending the report, advised that in putting forward the changed scheme, regard had been made to the operational implications for staff and to the opportunities for bringing forward training and developmental schemes for employees.

**RECOMMENDED** that Council rescind its previous decision (Min. No. 93 of Executive of 8 October 2019 and Min. No. 14 of Council of 15 October 2019 refer) to introduce a weekly kerbside-sort recycling collection, incorporating glass and food waste collections with three weekly refuse collections and adopt the following in its place: -

- (1) to retain fortnightly recycling and residual waste collection services and to provide an additional separate weekly food waste collection service;
- (2) to begin a pilot food waste collection scheme in Autumn 2021 in at least one collection area and to use the productivity information to design the full service roll out;
- (3) to wait for further guidance from the Government on the current consultation process for the consistency of collections, to allow the Council to work towards introducing a glass collection service from the kerbside;
- (4) to continue exploring options to improve MRF reliability and strategic long-term options for MRF capacity in the area;
- (5) the investment of £4,514,010 capital and £483,640 net revenue per annum to achieve the successful roll out of the new service; and

- (6) to continue using the remainder of the previously allocated £200,000 revenue budget to fund the roll out of the service changes including project management, publicity and communications.

64

### **DELIVERY OF NET ZERO**

The Executive received the report which sought to establish a new team focussed on internal Carbon Net Zero operations. The team would be established by making changes to the existing Growth and Commercialisation and Corporate Energy teams, which would work in partnership with Exeter City Futures to share best practice and help with the delivery of the Net Zero Exeter 2030 Plan.

The Portfolio Holder for Net Zero welcomed the report emphasising that the provision of additional posts and a supporting revenue budget was key to further assist the Council in meeting its Net Zero Carbon targets. Members agreed that the commitment to change from the top was vital to secure buy-in from the general public in meeting the difficult challenges ahead in combating the impact of climate change. The Council itself therefore had an important role in publicising the changes it had made and would be making in the future.

**RECOMMENDED** that Council approve:-

- (1) the development of a new Exeter City Council Net Zero team, resulting in the creation of two new temporary posts, amending four permanent posts, and the removal of one vacant post from the structure;
- (2) the allocation of a one-off £1 million budget to support activities to deliver Net Zero within the City Council and across the city. Part of the £1 million budget would fund the two new temporary posts and provide a revenue budget for two years to deliver activity;
- (3) support for the establishment of the Exeter City Futures Delivery Group, to enable best practice to be shared across Exeter City Futures partners to support the delivery the Net Zero Exeter 2030 Plan;
- (4) the establishment of Exeter City Council Net Zero Champions within each service area, to assist in delivering Net Zero within the City Council; and
- (5) the implementation of the new structure by 1 August 2021.

65

### **AUCTIONEER'S LEASE AT THE LIVESTOCK CENTRE**

The Executive received the report which sought consent to surrender the existing lease at the Exeter Livestock Centre and to grant a new lease with a variance on the terms of the lease which would change the gross income thresholds and the percentage of gross income payable to the Council.

**RESOLVED** that:-

- (1) the Executive Committee noted the contents of the report; and

- (2) the City Surveyor be authorised to agree the new lease and rent reduction as set out in the terms within the report.

(The meeting commenced at 5.30 pm and closed at 6.52 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 21 July 2021.**

DRAFT

# Agenda Item 13

## EXECUTIVE

Thursday 8 July 2021

Present:

Councillor Bialyk (Chair)

Councillors Wright, Foale, Ghusain, Harvey, Morse, Sutton and Williams

Apologies:

Councillors Pearson and Wood (Self-isolation - Covid)

In attendance:

Councillor D. Moore (as an opposition group Leader)

Councillor K. Mitchell (as an opposition group Leader)

Also present:

Chief Executive & Growth Director, Director Net Zero Exeter & City Management, Corporate Manager Democratic and Civic Support, Corporate Manager – Executive Support, Assistant Service Lead – Local Plan and Democratic Services Officer (MD)

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, Mr Cleasby submitted the following question, related to Minute No. 72:-

- In addition to the undertaking at paragraph 18 of the proposed consultation charter, will the council commit to publishing an annual report demonstrating the extent of compliance with the charter requirements?

The Council Leader explained that the results of all consultations were published, and enabled members of the public to assess continuously and check if the commitments in the Consultation Charter were being met. As the Council faced significant budget reductions, there were limited, potentially reducing, resources for dealing with consultations and the compilation of an annual report would be an additional and unnecessary burden and a duplication of information that would be available in a more accessible, timely way.

Mr Cleasby asked a supplementary question on whether, in the interest of openness and transparency, if there was another way to show the compliance information, without it being too much of a burden?

The Council Leader responded that the Council maintained openness and transparency and that he understood the concerns. However, he didn't feel it was necessary for himself or Executive Members to instruct the time of officers to undertake additional work. There were a great many things to do in Exeter and the Council was consulting with residents and were committed to being open and transparent but needed to focus on work within the budget restraints.

68

## EAST DEVON, EXETER, MID DEVON AND TEIGNBRIDGE JOINT STRATEGY: SCOPE, RESOURCING TIMETABLE AND GOVERNANCE

The Executive received the report which sought the formal agreement of the scope, resourcing, timetable and governance arrangements for preparing a non-statutory Joint Strategy for East Devon, Exeter, Mid Devon and Teignbridge Councils. The Joint Strategy was considered to be the most appropriate way of ensuring a co-ordinated approach for addressing strategic issues in the region, following the end of the work on the Greater Exeter Strategic Plan (GESP).

The Assistant Service Lead Local Plans made particular reference to:-

- a previous report was presented to the Executive and Council in December 2020, which approved the involvement of the Council in the Joint Strategy work and the report presented moved the work forward;
- the Strategy would be an informal, non-statutory document whilst the formal planning policy for Exeter would be provided by the Local Plan which was currently being prepared;
- the scope of the Strategy would enable shared resourcing of evidence base which would also support the Local Plan;
- the Strategy would act as a prospectus when bidding for infrastructure funding across the area;
- a consultant would be engaged to prepare the Strategy and to work with officers from each Council enabling officer resources to be concentrated on the production of respective Local Plans, which were a priority for each Council;
- the timetable included public consultation in the summer of 2022 with formal approval in October 2022 and the governance of the project remained within the remit of each authority to approve the document; and
- consistent reports were currently going through each respective Council authority for approval.

Councillor D. Moore, as an opposition leader, welcomed the report which would coordinate action across the authorities but questioned if a short period of consultation across the summer holidays on key matter would be sufficient and suggested that the consultation timetable should be reviewed. She asked for information on the position of the LEP in this process which did not have a foreseen role in funding and that its future was in doubt, following the Government's review of the LEP. This was considered a potential risk and which should be brought to the attention of Council.

The Portfolio Holder for City Development thanked the staff involved in the production of the GESP and excellent work that has come from the GESP, which she hoped would remain of value in the production of the Local Plan.

**RECOMMENDED** that Council support the scope, resourcing, timetable and governance arrangements set out in Section 8 of the report presented at the meeting, for preparing a non-statutory Joint Strategy for East Devon, Exeter, Mid Devon and Teignbridge Councils.

The Executive received the report which explained the commencement of work on the new Exeter Local Plan and sought approval for public consultation on an initial 'Issues' document to explore the scope and topics of the new Local Plan, and some initial concepts regarding future development in the city.

The City Council had a statutory duty to prepare planning policy and the Council's existing principal development plan documents were more than five years old and a

new statutory planning policy was required, which would be provided by the new Exeter Local Plan;

The Assistant Service Lead Local Plans made particular reference to:-

- the first formal stage of producing the Local Plan would be the Issues Consultation;;
- the report included a short brochure setting out the key issues the Local Plan would address including, amongst others, climate emergency, homes, jobs, natural environment, transport and infrastructure;
- the document included the Exeter 2040 Vision for the city,
- the document formalised the approach to meeting housing needs in the city reflecting the Liveable Exeter Strategy which sought to make efficient use of land including brown field sites and improving development quality;
- public consultation was a vital part of the process for preparing the planning policy, to gain insight on local issues and for residents to contribute to the policy and consultation would be held in September for eight weeks which would be in accordance with the emerging Consultation Charter and the Statement of Community Involvement. A further report would be brought back to Executive detailing the responses to the consultation; and
- a formal draft Local Plan would be produced in 2022.

**RESOLVED** that:-

- (1) the new Local Plan Issues document presented to the meeting be approved as the basis for an eight-week public consultation commencing in September 2021; and
- (2) the Deputy Chief Executive, in consultation with the Council Leader and Portfolio Holder for City Development, be granted delegated authority to agree minor changes to the Local Plan 'Issues' document before it is published for consultation.

70

### **NEW STATEMENT OF COMMUNITY INVOLVEMENT**

The Executive received the report on Exeter's new Statement of Community Involvement (SCI), which was a document that needed to be prepared by all Local Planning Authorities. The document set out how the public, organisations and other interested parties would be involved in planning matters and would replace the existing SCI which was adopted in 2005. The SCI would be published for consultation alongside the Exeter Local Plan 'Issues Consultation' and any amendments following the consultation would be brought back to the Executive and Council for approval.

**RESOLVED** that:-

- (1) the contents of the draft SCI presented to the meeting be approved for an eight-week consultation commencing in September 2021; and
- (2) the Deputy Chief Executive, in consultation with the Council Leader and Portfolio Holder for City Development, be granted delegated authority to agree minor changes to the draft SCI document before it is published for consultation.

## **EXETER CIVIC UNIVERSITY AGREEMENT**

The Executive received the report on the Exeter Civic University Agreement (CUA), which would formalise Exeter City Council's future relationship with the University of Exeter and endorse formal arrangements with both the University and other key agencies in the city.

The Chief Executive & Growth Director stated that the Agreement was a significant statement of the University's commitment to its role in the life of the city. The University was a major educational institution internationally, having achieved recent ascendancy in world rankings, with the new Vice Chancellor seeking to build on this success. Fundamental to these aspirations was to ensure that the University also played a full role and makes a positive impact on the city and the region.

The Chief Executive emphasised the importance of the city' major institutions working with the Council to complement and enhance the aspirations of the 2040 Vision for the city to deliver key outcomes to make the city more inclusive, sustainable, healthier and delivering a world class education. The commitment and role of Exeter University was key. The University offered world class science and medical research and this expertise not only impacted locally in terms of the Council's Net Zero and Health and Wellbeing initiatives but was also helping build the city's prestige on the world stage. The agreement was a major step forward and would enable Exeter University to work with the Council to support wellbeing and the Net Zero agenda.

During the discussion the following points were made:-

- the importance of acknowledging the University's role in the life of the city such as providing job opportunities for graduates who wished to remain in the south west;
- the importance of developing further the relationships between the Council and all major institutions in the city, needed to be welcomed;
- the need for residents to respond to the recent University questionnaire sent to Exeter's residents asking if people feel connected to the University; and
- welcoming the various strands within the Agreement including health and well-being, culture and tourism.

In response to a question from a Member, the Chief Executive & Growth Director, stated that various committees would be quickly established to develop the strands within the Agreement and that the document was shortly to be put to the Exeter College Council for adoption.

The Chair highlighted the five priority areas set out in the Agreement, which reflected the ambitions of the City Council:-

- Support the sustainable and inclusive growth of the city;
- Deliver a Net Zero Exeter;
- Build a city of Aspiration and Opportunity;
- Support an ambitious culture and tourism offer; and
- Enhance the Health and Wellbeing of our citizens

**RECOMMENDED** that Council approve:-

- (1) the adoption of the Exeter Civic University Agreement; and

- (2) that further amendments to the Exeter Civic University Agreement be delegated to the Chief Executive & Growth Director in consultation with the Leader of the Council.

72

### **CONSULTATION CHARTER**

The Executive received the report which sought agreement to adopt a Consultation Charter and formalise the Council's commitment to consultation and best practice, while ensuring that there were consistent arrangements in place. The Consultation Charter would also ensure that Exeter communities would have the chance to contribute to proposals for Council policies and decisions.

The Corporate Manager – Executive Support stated that, following report to Executive in February, the draft Consultation Charter had been considered by a Spotlight Review Working Group who had made a valuable input into the proposals with a number of helpful amendments agreed including clarification on the scope of consultations, confirming a minimum of six weeks for all consultations and supporting detailed consultation plan templates, which would accompany all consultations.

Responding to the Chair, the Corporate Manager – Executive Support confirmed that the results of all consultations could be amalgamated into a single document and included on the City Council website.

During the discussion the following points were made:-

- welcome inclusion of accessibility issues within the Charter to ensure everybody had the opportunity to respond; and
- given that Government requires consultations on many issues, should there be additional financial support be lobbied from Government for the consultations.

The Chief Executive & Growth Director highlighted the significant ongoing resource and financial pressures faced by the Council and the need to identify efficiency savings going forward. These pressures had a significant impact on the extent to which resources could be allocated to consultation exercises and other Council services.

**RECOMMENDED** that Council approve the Consultation Charter.

73

### **PARLIAMENTARY CONSTITUENCY BOUNDARY REVIEW**

The Executive received the report, which set out the suggested response of the views of the Council on the recently published Parliamentary Constituency Boundary Review and its impact on the existing Parliamentary constituency's boundaries and Exeter City area.

Members noted that the current boundaries included parts of Priory, St. Loye's and Topsham City Council wards in the East Devon Parliamentary constituency and that the proposed changes would only affect the Parliamentary constituency boundary's and would not affect local government ward areas.

The Electoral Registration & Returning Officer made particular reference to:-

- the initial proposal of the Boundary Commission would include the whole City Council wards of Priory, St Loe's, and Topsham in a new parliamentary constituency which would stretch as far as Exmouth;
- this extension, particularly in the Priory ward, could be viewed as being too far into the urban area of the city, especially as it included the Royal Devon and Exeter Hospital;
- in addition to the whole of St Loyes and Topsham wards being included, the Council would need to decide whether the whole of the Pinhoe ward rather than Priory should be included as then the three most easterly wards would be part of the new Parliamentary Constituency allowing a contiguous boundary between the City Council and East Devon District Council;
- as almost 25% of Exeter's electorate would be included in the new constituency the name should be the Exmouth and East Exeter Constituency;
- the figures for electorates for both Pinhoe and Priory wards, were taken from March 2020 figures were equal at 6,399;
- the Returning Officer for the current East Devon constituency had no issue with the proposals;
- the closing date for consultation was 2 August 2021 for Members, the public and organisations to respond via the Government website; and
- the Parliamentary timetable in the report, set out the schedule going forward, and that any changes to the law would not be made until late 2023.

The Chair stated that the report before the Executive was for commentary on the process and that the recommendations on proposals to be put to the Boundary Commission would be a matter for Council to discuss on 21 July 2021.

In response to questions from Members, the Electoral Registration & Returning Officer, explained:-

- subject to a Parliamentary Election not being called in the period leading up to consideration of the proposals by the Privy Council in late 2023, the new boundaries would come into effect from 2024; and
- it was understood that legislation required Parliamentary Constituencies to be reviewed during the period of each Parliament to help maintain consistency of electorates across the country. Currently, Parliamentary periods were fixed for five years although Parliament could vote to hold an emergency election.

**RECOMMENDED** that Council:-

- (1) decides which of either of the Pinhoe or Priory City Council wards should be suggested for inclusion in a revised Parliamentary Constituency to the east of the City;
- (2) suggests that the name of any new parliamentary constituency to the east of the city include a reference to the fact that it included a significant proportion of the city within its boundary, with the suggested name of Exmouth and East Exeter; and
- (3) instructs officers to inform the Boundary Commission for England of its views on the proposals.

The Executive received the report which sought approval to adopt the statutory Food Law and Health and Safety Service Plan 2021-22, which sets out the Council's regulatory function in respect of food safety and health and safety over the forthcoming year.

The Director Net Zero Exeter and City Management explained that the Food Law Plan would show how the Council meets its regularity obligations in respect of food safety and the Health and Safety Services Plan demonstrates arrangements for enforcing health and safety. Particular reference was made to:-

- the Council was generally responsible for non-industrial premises with the Health and Safety Executive being responsible for industrial premises;
- the plans contained service aims and objectives, the 2021/22 action plan and the financial arrangements for providing the service;
- the food safety programme had been affected by the Covid-19 Pandemic with a number of businesses closed or required to undertake Covid secure checks and compliance.
- the Council was supporting the track and trace programme following changes made to national guidance, and the programme intended to catch up with the changes by June 2022;
- the Council was required to recover its food inspection programme by March 2023; and
- additional resources had been brought into the service because of ongoing Covid work paid for by Central Government funding.

The Portfolio Holder for Supporting People thanked the Director and the teams for their hard work during the Pandemic, who had been under considerable pressure and working additional hours.

Members acknowledged and expressed their thanks to the officers for the work that has been undertaken, during very challenging circumstances.

**RECOMMENDED** that Council:-

- (1) approve the Food Law and Health and Safety Service Plan 2021/22; and
- (2) authorise the Service Lead - Environmental Health and Community Safety to change the plan in the light of national guidance and/or to meet operational needs.

The Executive received the report which sought approval to develop a Columbarium, following a review on the provision of funeral services, which had had identified a reduction in the capacity for full body burials at the three Council run sites at Higher, Exwick and Topsham cemeteries. The review highlighted that the current demand would mean that the Council would be unable to carry out full body burials beyond 2025 and addressed the re-design of how the Council undertook the burial of ashes, using the remaining cemetery land in an efficient and respectful way.

The Director Net Zero Exeter and City Management explained that the report set out a business case which demonstrated the viability of constructing a Columbarium in Higher Cemetery which was considered an ideal location and would provide a

pleasant land tranquil location for people to visit the interred ashes of their loved ones.

**RECOMMENDED** that Council approve the proposed £367,300 Columbarium design, to support the increased demand for cremation services.

76

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

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

77

**MEMBERS' TRAINING**

The Executive received the report which provided an update on the progress of work on the Members' training programme and included Members' attendance records for the various training sessions held since March 2021.

Particular reference was made to:-

- the re-constituted Councillor Development Steering Group, which had been convened to discuss Member training requirements;
- the development of the online Member feedback form, which was issued following each training session;
- the recording of training sessions which were archived for Members to access after the sessions; and
- the appendix which highlighted Members' attendance of the various training sessions held.

In response to a question from Members, the Corporate Manager Democratic and Civic Support, confirmed that Members could access recordings of the training sessions and confirm they have attended a training event.

**RESOLVED** that the Executive noted the Members' Training report.

(The meeting commenced at 5.30 pm and closed at 6.25 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 21 July 2021.**

# Agenda Item 15

## REPORT TO COUNCIL

Date of Meeting: 21 July 2021

Report of: Deputy Chief Executive

Title: First Homes Planning Policy Statement

### Is this a Key Decision?

No

### Is this an Executive or Council Function?

Council

#### 1. What is the report about?

- 1.1 On 24 May, the Government released a Written Ministerial Statement (WMS)<sup>1</sup> and Planning Practice Guidance (PPG)<sup>2</sup> setting out national planning policy for a new affordable housing product called First Homes. The PPG requires local planning authorities to make clear how existing planning policies should be interpreted in the light of First Homes requirements using the most appropriate tools available to them.
- 1.2 This report seeks formal agreement of the content and publication on the Council's website of a First Homes Planning Policy Statement, setting out how the Council's existing planning policies on affordable housing will be interpreted in the light of the First Homes WMS and PPG.
- 1.3 As set out in paragraph 8.13 of this report, it is important that the Council publishes a First Homes Statement as soon as possible. Due to this urgency and the timing of the Government's First Homes announcement, it has not been possible to take this report to Executive before bringing it to Council.

#### 2. Recommendations:

- 2.1 That Council agrees the content of the First Homes Planning Policy Statement attached as appendix A to this report, which includes a revised version of Exeter Core Strategy policy CP7 that takes account of the Government's Written Ministerial Statement and Planning Policy Guidance on First Homes, for use as a material consideration in determining relevant planning applications; and
- 2.2 That Council agrees that the First Homes Planning Policy Statement is published on Exeter City Council's website.

#### 3. Reasons for the recommendation:

- 3.1 The recommendations are made to ensure that the Council is in compliance with the First Homes WMS and PPG. The First Homes Planning Policy Statement will also

---

<sup>1</sup> [Written statements - Written questions, answers and statements - UK Parliament](#)

<sup>2</sup> [First Homes - GOV.UK \(www.gov.uk\)](#)

assist Members, officers and developers by providing clarity on how First Homes will be considered in the development management process.

#### **4. What are the resource implications including non financial resources?**

4.1 Officers from City Development, Housing, Housing Assets and Legal will require training to ensure that they understand the new national First Homes policy and how it is being interpreted by Exeter City Council. This training has already commenced and is being provided internally, with no financial implications. It will also be necessary to develop template clauses for Section 106 Agreements to ensure that the eligibility and qualifying criteria for First Homes are retained, in some cases in perpetuity. The Government has advised that it will provide model clauses for this purpose. Finally, it will be Exeter City Council's role to determine the eligibility of would-be-buyers of First Homes against local and/or national criteria. Whilst this will be an extra burden, it is not expected to have significant resource implications for the Council in the near future due to the likely small number of First Homes that will be delivered within this timeframe.

#### **5. Section 151 Officer comments:**

5.1 The impact on future CIL receipts will need to be monitored, as the First Homes policy may affect the number of properties that are exempt from the requirement to pay CIL. However, the Section 151 officer is satisfied that major developments including First Homes will still be required to make a financial contribution to mitigate the impacts of the development.

#### **6. What are the legal aspects?**

6.1 If approved, the First Homes Planning Policy Statement will be a material consideration when determining relevant planning applications. The Government's First Homes WMS and PPG effectively revise how Exeter's development plan, and in particular Core Strategy policy CP7, should be interpreted.

#### **7. Monitoring Officer's comments:**

This report raises no issue for the Monitoring Officer.

#### **8. Report details:**

8.1 A First Homes Planning Policy Statement (hereafter referred to as the Statement) has been prepared to explain how the Council's existing affordable housing planning policies should be interpreted in light of the Government's recently published First Homes WMS and PPG.

8.2 First Homes are a form of discounted market sale housing and fall within the definition of affordable housing contained in appendix A of the National Planning Policy Framework<sup>3</sup> (NPPF). First Homes are also the Government's preferred discounted market tenure. The WMS and PPG state that First Homes should

---

<sup>3</sup> [National Planning Policy Framework - Guidance - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

account for at least 25% of all affordable housing units delivered by developers as part of planning obligations (Section 106 Agreements).

### **What are First Homes?**

- 8.3 The table below is taken from the proposed Statement and sets out the key national characteristics of First Homes:

<b><i>The Homes</i></b>	<b><i>The Buyers</i></b>
<i>Sold with a 30% discount on market value</i>	<i>Only available to first time buyers</i>
<i>Discount is retained for every future sale</i>	<i>Household income must be no more than £80k</i>
<i>Value (after discount) is capped at £250k</i>	<i>Must be the buyers main residence</i>
<i>Price cap only applies on the initial sale</i>	<i>Lettings restrictions apply</i>

- 8.4 The WMS and PPG identify a range of additional local criteria that can be applied to First Homes. This includes a lower level of market discount (e.g. up to 50%), a lower value cap, a lower household income threshold and local connection criteria. The WMS and PPG are clear that the first three of these local criteria can only be applied if supported by local evidence, which must be verified through Local Plan Examination. Options to set three local criteria will therefore be assessed via evidence being prepared for the emerging Exeter Local Plan, which is timetabled for adoption in June 2024.
- 8.5 However, because First Homes are designed to allow people to get on the housing ladder in their local area, the WMS and PPG allow local authorities to apply local connection criteria to First Homes straightaway. The criteria can be secured via a Section 106 Agreement and applied every time a First Home is marketed, but must be lifted after three months if the home is not sold or reserved. In light of this guidance, paragraph 2.2 and appendix 1 of the Statement propose a set of local connection criteria for First Homes built in Exeter. The criteria are consistent with those applied to other forms of affordable housing secured through planning obligations in Exeter, aside from the criterion concerning members of the Armed Forces which reflects guidance in the WMS and PPG.

### **What does this mean for affordable housing planning policy in Exeter?**

- 8.6 Section 3 of the proposed Statement sets out how the Council's existing planning policies should be interpreted in the light of the WMS and PPG. The Council's adopted planning policy for affordable housing is policy CP7 of the Exeter Core

Strategy 2006-2026<sup>4</sup>, amplified by an Affordable Housing Supplementary Planning Document (SPD)<sup>5</sup>. In addition, Policy SD3 of the St James Neighbourhood Plan<sup>6</sup> supports the development of small infill / windfall sites for affordable homes.

- 8.7 Informed by advice from the Council's legal team, the proposed Statement explains that the Council will interpret policy CP7 of the Core Strategy as follows, taking into account the WMS and PPG. The interpretation also reflects site threshold changes effected by the publication of the national Planning Obligations PPG in September 2019:

#### **Policy CP7 (revised)**

- On developments where 10 or more homes are proposed or the site measures 0.5 hectares or more, 35% of the total housing provision should be made available as affordable housing for households whose housing needs are not met by the market.
- Of the 35% affordable housing:
  - At least 25% should be provided as First Homes
  - 70% should be provided as social rent. Where it is not possible for viability reasons to provide the full requirement of social rented housing, affordable rent provision will be considered let as far as possible at social rented levels)
  - The remaining balance should be provided as intermediate affordable housing (which can include or comprise First Homes) or social rent housing.
- The overall percentage of affordable housing and the tenure split will be subject to considerations of viability and feasibility, taking into account government guidance in the First Homes PPG that a policy compliant planning application should seek to capture the same amount of value as would be captured under policy CP7 of the Exeter Core Strategy (2006-2026).

- 8.8 First Homes are an 'affordable homeownership' product. The NPPF requires that 10% of homes built on major developments should be made available for affordable homeownership, except under the circumstances listed in paragraph 3.3 of the Statement. Developments that comply with policy CP7 (as reinterpreted) will satisfy the NPPF's 10% requirement.
- 8.9 Aside from the interpretation of policy CP7 set out above, the WMS and PPG have no impact direct impact upon the contents of the Affordable Housing SPD. However, as with all other types of affordable housing, the Statement clarifies the expectation that First Homes will be provided on the development site other than in exceptional circumstances and at the Council's discretion. It also confirms that the Council will negotiate for First Homes to be built to wheelchair accessible standards

<sup>4</sup> [adopted-core-strategy.pdf \(exeter.gov.uk\)](#)

<sup>5</sup> [Supplementary planning documents - Affordable Housing SPD - Exeter City Council](#)

<sup>6</sup> [st-james-neighbourhood-plan-2013.pdf \(exeter.gov.uk\)](#)

if that is supported by evidence need. This accords with the SPD's requirement that, on qualifying site, 5% of affordable homes should be wheelchair accessible.

8.10 As regards the St James Neighbourhood Plan, paragraph 3.7 of the Statement confirms that First Homes must now be included in the definition of affordable housing used in policy SD3.

### **Exception Sites**

8.11 Section 4 of the Statement explains that the WMS and PPG have introduced a First Homes Exception Sites policy. A First Homes Exception Site is one that:

- solely or primarily delivers First Homes (a 'small proportion' of market housing is acceptable if needed to ensure the viability of the development, or an alternative form of affordable housing where evidenced by local need);
- is not already allocated for housing;
- is located adjacent to an existing settlement;
- is proportionate in size to that settlement;
- does not compromise the protection given to areas or assets of particular importance in the NPPF (i.e. habitats sites and/or Sites of Special Scientific Interest, Green Belt, Local Green Space, Areas of Outstanding Natural Beauty, National Parks, Heritage Coasts, irreplaceable habitats, designated heritage areas and areas at risk of flooding or coastal change); and
- complies with any local design policies and standards.

8.12 Paragraph 4.1 of the Statement explains that the Council will consider planning applications for the development of First Homes Exception Sites in accordance with the above criteria. Members will note that landscape setting is not amongst the designations identified in the PPG as unsuitable for First Homes Exception Sites.

### **Transitional arrangements for planning applications**

8.13 The WMS and PPG indicate that the Council is not expected to apply the Statement as a material consideration in determining planning applications as a matter of course until 28 December 2021, or 28 March 2022 where there has been significant pre-application engagement. However, in advance of these dates, local authorities must allow applicants to include First Homes in the affordable housing tenure mix if the applicant wishes to do so. It is therefore important that the Council publishes a First Homes Statement as soon as possible. Due to this urgency and the timing of the Government's First Homes announcement, it has not been possible to take this report to Executive before bringing it to Council.

### **Community Infrastructure Levy (CIL) and planning obligations**

8.14 It is Government policy that affordable housing is not CIL liable. First Homes are a type of affordable housing and therefore section 6 of the Statement explains that developers of First Homes are able to obtain an exemption from the requirement to pay the Council's CIL. At this stage, it is difficult to predict if substituting other forms

of affordable housing with First Homes will reduce (or equally have little impact on or increase) the amount of affordable housing that can be negotiated from development sites. It will depend upon the economic viability of the proposed development. Therefore, it is also difficult to predict if the First Homes policy will reduce (or equally have little impact on or increase) the number of homes that are CIL-exempt on grounds of comprising affordable housing. The Council's Finance and City Development Teams will monitor this going forwards.

8.15 The Statement also explains that applicants for major developments comprising or including First Homes will be expected to enter into planning obligations to mitigate the impacts of the development. In Exeter, this will include a financial contribution towards habitats mitigation and may also include contributions towards the provision of open space, transport, education and other infrastructure needed to make the development acceptable in planning terms.

### **Conclusions**

8.16 This report summarises the content of the proposed Statement, which has been drafted in response to the Government's recently published WMS and PPG on First Homes. The proposed Statement sets out how the Council's existing affordable housing planning policies are to be interpreted going forwards, in light of the WMS and PPG. In doing so, the Statement can be used as a material consideration when determining planning applications.

## **9. How does the decision contribute to the Council's Corporate Plan?**

9.1 Agreement by Council of the proposed Statement will allow it to be published on the Council's website and used as a material consideration in determining planning applications at the earliest opportunity. In providing clarity to Members, officers and applicants, the Statement will assist in the development management process, thereby helping to support the corporate objective of Building Great Neighbourhoods.

## **10. What risks are there and how can they be reduced?**

10.1 Approval of the First Homes Planning Policy Statement carries no risk to the Council. However, not approving the Statement carries risks associated with not complying with the requirements of the WMS and PPG and not providing clarity to Members, officers and applicants on how the Council's existing affordable housing planning policies should be interpreted in light of the WMS and PPG.

## **11. Equality Act 2010 (The Act)**

11.1 Under the Act's Public Sector Equalities Duty, decision makers are required to consider the need to:

- eliminate discrimination, harassment, victimisation and any other prohibited conduct;
- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and

- foster good relations between people by tackling prejudice and promoting understanding.

11.2 In order to comply with the general duty authorities must assess the impact on equality of decisions, policies and practices. These duties do not prevent the authority from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community.

11.3 In making decisions the authority must take into account the potential impact of that decision in relation to age, disability, race/ethnicity (includes Gypsies and Travellers), sex and gender, gender identity, religion and belief, sexual orientation, pregnant women and new and breastfeeding mothers, marriage and civil partnership status in coming to a decision.

11.4 In recommending this proposal, potential impact has been identified on people with protected characteristics as determined by the Act and an Equalities Impact Assessment has been included in the background papers for Member's attention.

## **12. Carbon Footprint (Environmental) Implications:**

12.1 There are not direct carbon / environmental impacts arising from the recommendations.

## **13. Are there any other options?**

13.1 The WMS and PPG require local authorities to make clear how existing planning policies should be interpreted in the light of First Homes requirements using the most appropriate tools available to them, and it is important for development management purposes that clarity in this area is provided to Members, officers applicants. Therefore, publication of a comprehensive First Homes Planning Policy Statement is considered to be the only option available to the Council.

13.2 Options are available for the Council not to impose local connection criteria to First Homes, or to set more restrictive local connection criteria to those proposed in the Statement. The first option is not recommended because the First Homes policy has been introduced to assist people to buy a home in their local area. The second option is not recommended for two reasons. Firstly, the PPG is clear that local connection criteria should not limit the eligible consumer base to the point that homes become difficult to sell. Secondly, for ease of administration, it is preferable to apply the same local connection criteria to First Homes as are currently applied to other types of affordable housing delivered in Exeter.

**Deputy Chief Executive, Bindu Arjoon**

Author: Katharine Smith, Principal Project Manager Local Plans

## **Local Government (Access to Information) Act 1972 (as amended)**

Background papers used in compiling this report:-

First Homes Written Ministerial Statement: [Written statements - Written questions, answers and statements - UK Parliament](#)

First Homes Planning Practice Guidance: [First Homes - GOV.UK \(www.gov.uk\)](#)

National Planning Policy Framework: [Title \(publishing.service.gov.uk\)](#)

Exeter Core Strategy (2006-2026): [adopted-core-strategy.pdf \(exeter.gov.uk\)](#)

Contact for enquires:

Democratic Services (Committees)  
Room 4.36  
01392 265275

# **First Homes Planning Policy Statement**

June 2021

**Exeter City Council**  
Civic Centre  
Paris Street  
Exeter  
EX1 1JN



## **Contents**

1.	INTRODUCTION .....	4
2.	WHAT ARE FIRST HOMES.....	4
3.	WHAT DOES THIS MEAN FOR AFFORDABLE HOUSING PLANNING POLICY IN EXETER?.....	4
4.	EXCEPTION SITES.....	6
5.	TRANSITIONAL ARRANGEMENTS FOR PLANNING APPLICATIONS.....	6
6.	COMMUNITY INFRASTRUCTURE LEVY AND PLANNING OBLIGATIONS..	6
	APPENDIX A: LOCAL CONNECTION CRITERIA FOR FIRST HOMES BUILT IN EXETER.....	8

*draft*

## **1.0 Introduction**

- 1.1 On 24 May 2021, the Government released a Written Ministerial Statement<sup>1</sup> (WMS) and Planning Practice Guidance (PPG)<sup>2</sup> setting out national planning policy for a new affordable housing product called First Homes. As explained in more detail in section 5 of this First Homes Planning Policy Statement, the WMS and PPG set out the potential for First Homes to be provided through the planning system from **28 June 2021**, before becoming a requirement for planning applications from **28 December 2021** (or **28 March 2022** if there have been significant pre-application discussions).
- 1.2 First Homes are a form of discounted market sale housing and fall within the definition of affordable housing contained in appendix A of the National Planning Policy Framework<sup>3</sup> (NPPF). First Homes are also the Government's preferred discounted market tenure and need to account for at least 25% of all affordable housing units delivered by developers as part of planning obligations (Section 106 Agreements).

## **2.0 What are First Homes?**

- 2.1 Full guidance on the characteristics of First Homes are provided in the WMS and the PPG and are not repeated in detail in this statement. Key details include the following:

<b><i>The Homes</i></b>	<b><i>The Buyers</i></b>
<i>Sold with a 30% discount on market value</i>	<i>Only available to first time buyers</i>
<i>Discount is retained for every future sale</i>	<i>Household income must be no more than £80k</i>
<i>Value (after discount) is capped at £250k</i>	<i>Must be the buyers main residence</i>
<i>Price cap only applies on the initial sale</i>	<i>Lettings restrictions apply</i>

- 2.2 The WMS and PPG identify a range of additional local criteria that can be applied to First Homes. Exeter City Council is assessing the potential for adopting a local lower market discount, lower value cap and lower household income threshold, including through work on the new Exeter Local Plan. The national criteria for First Homes will be implemented in these cases until such time as appropriate evidence to support local criteria is available. However, the WMS and PPG allow local authorities to apply local connection criteria to First Homes without the need to provide supporting evidence. This is because First Homes are intended to allow people to get on the housing ladder in their local area. The local connection criteria that will apply to First Homes sold in Exeter is set out in appendix 1. The local connection criteria will apply via a Section 106 Agreement upon the first and every successive sale of a First Homes, although the criteria will be lifted after three months if the home has not been reserved or sold.

---

<sup>1</sup> [Written statements - Written questions, answers and statements - UK Parliament](#)

<sup>2</sup> [First Homes - GOV.UK \(www.gov.uk\)](#)

<sup>3</sup> [National Planning Policy Framework - Guidance - GOV.UK \(www.gov.uk\)](#)

### 3.0 What does this mean for affordable housing planning policy in Exeter?

- 3.1 The Council's adopted planning policy for affordable housing in Exeter is set out in Policy CP7 of the Core Strategy 2006-2026<sup>4</sup>, amplified by an Affordable Housing Supplementary Planning Document (SPD)<sup>5</sup>. In addition, policy SD3 of the St James Neighbourhood Plan (2013)<sup>6</sup> supports the development of small infill / windfall sites for affordable homes.

#### Exeter Core Strategy 2006-2026

- 3.2 As per the WMS which takes effect from **28 June 2021**, the Council will interpret Policy CP7 as follows taking into account the national First Homes policy. Please note that the interpretation also reflects site threshold changes effected by the publication of the national Planning Obligations PPG in September 2019.

#### **Policy CP7 (revised)**

- On developments where 10 or more homes are proposed or the site measures 0.5 hectares or more, 35% of the total housing provision should be made available as affordable housing for households whose housing needs are not met by the market.
- Of the 35% affordable housing:
  - At least 25% should be provided as First Homes
  - 70% should be provided as social rent. Where it is not possible for viability reasons to provide the full requirement of social rented housing, affordable rent provision will be considered let as far as possible at social rented levels)
  - The remaining balance should be provided as intermediate affordable housing (which can include or comprise First Homes) or social rent housing.
- The overall percentage of affordable housing and the tenure split will be subject to considerations of viability and feasibility, taking into account government guidance in the First Homes PPG that a policy compliant planning application should seek to capture the same amount of value as would be captured under policy CP7 of the Exeter Core Strategy (2006-2026).

- 3.3 First Homes are an affordable home ownership product, as are intermediate affordable housing products such as shared ownership. Developments that comply with policy CP7 (as reinterpreted above) will satisfy the NPPF's requirement that 10% of homes on major developments should be made available for affordable homeownership. In accordance with the NPPF, exemptions to the 10% requirement will be made where the site or proposed development:
- a) Provides solely Build to Rent homes;

<sup>4</sup> [adopted-core-strategy.pdf \(exeter.gov.uk\)](#)

<sup>5</sup> [Supplementary planning documents - Affordable Housing SPD - Exeter City Council](#)

<sup>6</sup> [st-james-neighbourhood-plan-2013.pdf \(exeter.gov.uk\)](#)

- b) Provides specialist accommodation for a group of people with specific needs (such as purpose built accommodation for the elderly or students);
- c) Is proposed to be developed by people who wish to build or commission their own homes; or (i.e. self- or custom-build housing)
- d) Is exclusively for affordable housing or is a First Homes Exception Site (see below for further details).

#### Affordable Housing SPD

- 3.4 Aside from the interpretation of policy CP7 set out above, the introduction of the national First Homes policy has no impact upon the contents of the Affordable Housing SPD.
- 3.5 As set out in the SPD, WMS and PPG, it is expected that First Homes will be provided on the development site. Commuted provision by means of off-site provision of a financial contribution will only be agreed by the Council in exceptional circumstances and at the Council's discretion.
- 3.6 The Affordable Housing SPD requires that, on qualifying sites, 5% of affordable housing should be wheelchair accessible. The wheelchair accessible homes should be of sizes and types that most effectively meet the greatest need evidenced by the Council's Housing Register at the time that the reserved matters of full planning application is made. On any development, the Council will negotiate for First Homes to be built to wheelchair accessible standards in order to meet the 5% policy requirement, if that is supported by evidenced need.

#### St James Neighbourhood Plan

- 3.7 Policy SD3 of the St James Neighbourhood Plan states that proposals to develop small infill / windfall sites for affordable homes for local people will be supported. From **28 June 2021**, by virtue of the fact that First Homes are included in the NPPF's definition of affordable housing, this will include support for small infill / windfall sites for First Homes for local people.

### **4.0 Exception Sites**

- 4.1 The WMS and PPG have introduced a First Homes Exception Sites policy in place of the pre-existing national Entry-Level Exception Sites policy. Full details of the First Homes Exception Sites policy can be found in the WMS and PPG and are not repeated here.
- 4.2 From **28 June 2021**, the Council will consider planning applications for the development of First Homes Exception Sites in accordance with the WMS and PPG.

### **5.0 Transitional arrangements for planning applications**

- 5.1 As stated in the WMS and PPG, the First Homes policy will not apply to sites with full or outline planning permissions already in place (or where a right to appeal against non-determination has arisen) before **28 December 2021** (or **28 March 2022** if there has been significant pre-application engagement).

However, the Council will allow developers to introduce First Homes to the affordable housing tenure mix from **28 June 2021** if they wish to do so.

## **6.0 Community Infrastructure Levy and planning obligations**

- 6.1 Developers of First Homes are able to apply for and obtain an exemption from the requirement to pay the Council's Community Infrastructure Levy. This is because First Homes are a form of affordable housing. For details of how to apply for an exemption, see: [Community infrastructure levy \(CIL\) - CIL reliefs and exemptions - Exeter City Council](#)
- 6.2 However, applicants for major developments that comprise or include First Homes (or any other affordable housing products) are expected to enter into planning obligations with the Council to mitigate the impacts of the developments. For any major residential development in Exeter, the planning obligation will include a financial contribution towards habitats mitigation and may also include contributions towards the provision of open space, transport and other infrastructure necessary to make the development acceptable in planning terms. Further details of the Council's policies on habitats mitigation and other planning obligations can be found here:
  - [Habitats Mitigation - Why is mitigation needed within Exeter - Exeter City Council](#)
  - [Section 106 agreements \(s106\) - Overview - Exeter City Council](#)

## **Appendix A**

### **Local connection criteria for First Homes built in Exeter**

To demonstrate a local connection (defined in Part VII of the Housing Act 1996), applicants for First Homes that are built in Exeter will:

- Normally be resident in Devon. Local Government Association guidelines define this as having resided in the area for six of the last twelve months, or three out of the last five years, where residence has been out of choice. In line with the Housing and Regeneration Act (2008) service personnel who have been based and living in Devon will be considered to have local connection with Devon; or
- Work in Devon. The Local Government Association guidelines define this as employment other than of a casual nature. For the purposes of this policy this will be defined as having had permanent work with a minimum of a 16 hour contract per week for the previous 6 months, and without a break in the period of employment for more than three months; or
- Have family connections in Devon. Reflecting the Local Government Association guidelines this is normally defined as the applicant, or a member of their household has parents, adult children or brothers or sisters who have been resident in Devon for at least the last 5 years. Only in exceptional circumstances would the residence of relatives other than those listed above be taken to establish a local connection, but the circumstances may be sufficient and all cases will be considered individually; or
- Have special circumstances for moving to Devon: because of particular special needs, some applicants should be assessed as having a local connection to Devon because of a particular need to move to Devon. For example this may be because they have a specific medical condition and the only/most appropriate treatment available is based in Devon.

Members of the Armed Forces, the divorced or separated spouse or civil partner of a member of the Armed Forces, the spouse or civil partner of a deceased member of the Armed Forces (if their death was caused wholly or partly by their service) or veterans within five years of leaving the Armed Forces will be exempt from these local connection criteria.

The local connection criteria will be applied every time a First Home is marketed, but will be lifted after three months if the home is not sold or reserved.

This page is intentionally left blank

## Equality Impact Assessment: *Title of report*

The Equality Act 2010 includes a general duty which requires public authorities, in the exercise of their functions, to have due regard to the need to:

- **Eliminate discrimination**, harassment and victimisation and any other conduct that is prohibited by or under the Act.
- **Advance equality of opportunity** between people who share a relevant protected characteristic and people who do not share it.
- **Foster good relations** between people who share a relevant protected characteristic and those who do not

In order to comply with the general duty authorities must assess the impact on equality of decisions, policies and practices. These duties do not prevent the authority from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community.

Authorities which fail to carry out equality impact assessments risk making poor and unfair decisions which may discriminate against particular groups and worsen inequality.

Committee name and date:	Report Title	Decisions being recommended:	People with protected characteristics potentially impacted by the decisions to be made:
Council, 21 July 2021	First Homes Planning Policy Statement	<ul style="list-style-type: none"><li>That Council agrees the content of the First Homes Planning Policy Statement attached as appendix A to this report, which includes a revised version of Exeter</li></ul>	Potentially people with the following protected characteristics: <ul style="list-style-type: none"><li>• Race and Ethnicity</li><li>• Disability</li><li>• Sex and Gender</li><li>• Age</li></ul>

Committee name and date:	Report Title	Decisions being recommended:	People with protected characteristics potentially impacted by the decisions to be made:
		<p>Core Strategy policy CP7 that takes account of the Government's Written Ministerial Statement and Planning Policy Guidance on First Homes, for use as a material consideration in determining relevant planning applications; and</p> <ul style="list-style-type: none"> <li>• That Council agrees that the First Homes Planning Policy Statement is published on Exeter City Council's website.</li> </ul>	<p>See table below for further details.</p>

**Factors to consider in the assessment:** For each of the groups below, an assessment has been made on whether the proposed decision will have a **positive, negative or neutral impact**. This is must be noted in the table below alongside brief details of why this conclusion has been reached and notes of any mitigation proposed. Where the impact is negative, a **high, medium or low assessment** is given. The assessment rates the impact of the policy based on the current situation (i.e. disregarding any actions planned to be carried out in future).

**High impact** – a significant potential impact, risk of exposure, history of complaints, no mitigating measures in place etc.

**Medium impact** –some potential impact exists, some mitigating measures are in place, poor evidence

**Low impact** – almost no relevancy to the process, e.g. an area that is very much legislation led and where the Council has very little discretion

Protected characteristic/ area of interest	Positive or Negative Impact	High, Medium or Low Impact	Reason
<b>Race and ethnicity</b> (including Gypsies and Travellers; migrant workers; asylum seekers).	Potentially negative	Potentially low	It is difficult to reliably predict the impact that policies in the First Homes Planning Policy Statement will have upon people with this protected characteristic. It is possible that the revised version of Exeter Core Strategy policy CP7 may slightly reduce the amount of affordable housing that the Council can negotiate from development sites, in particular the amount of social rented housing which is the most 'affordable' type of affordable housing. This may in turn negatively affect people on the Council's housing register, including people of different races and ethnicities.
<b>Disability:</b> as defined by the Equality Act – a person has a disability if they have a physical or mental impairment that has a substantial and long-term adverse impact on their ability to carry out normal day-to-day activities.	Potentially negative	Potentially low	It is difficult to reliably predict the impact that policies in the First Homes Planning Policy Statement will have upon people with this protected characteristic. It is possible that the revised version of Exeter Core Strategy policy CP7 may slightly reduce the amount of affordable housing that the Council can negotiate from development sites, in particular the amount of social rented housing which is the most 'affordable' type of affordable housing. This may in turn negatively affect people on the Council's housing register, including people with physical or mental disabilities.
<b>Sex/Gender</b>	Potentially negative	Potentially low	It is difficult to reliably predict the impact that policies in the First Homes Planning Policy Statement will have upon people with this protected characteristic. It is possible that the revised version of Exeter Core Strategy policy CP7 may slightly reduce the amount of affordable housing that the Council can negotiate from development sites, in particular the amount of social rented housing which is the most 'affordable' type of affordable housing. This may in turn negatively affect people on the Council's housing register, including single parents of any gender.
<b>Gender reassignment</b>	Neutral		No clear or direct impacts upon equal opportunities have been identified for people proposing to undergo, undergoing or that have undergone gender reassignment.

Protected characteristic/ area of interest	Positive or Negative Impact	High, Medium or Low Impact	Reason
<b>Religion and belief</b> (includes no belief, some philosophical beliefs such as Buddhism and sects within religions).	Neutral		No clear or direct impacts on equal opportunities have been identified for different religious/faith/belief groups.
<b>Sexual orientation</b> (including heterosexual, lesbian, gay, bisexual).	Neutral		No clear or direct impacts on equal opportunities have been identified for different sexual orientation groups.
<b>Age</b> (children and young people aged 0-24; adults aged 25-50; younger older people aged 51-75/80; older people 81+; frail older people; people living with age related conditions. The age categories are for illustration only as overriding consideration should be given to needs).	Potentially positive or negative	Potentially low	It is difficult to reliably predict the impact that policies in the First Homes Planning Policy Statement will have upon people with this protected characteristic. It is possible that the revised version of Exeter Core Strategy policy CP7 may slightly reduce the amount of affordable housing that the Council can negotiate from development sites, in particular affordable housing that is not a First Home. This may in turn negatively affect people on the Council's housing register, in particular older people / frail older people who require specialist affordable housing. However, the provision of First Homes may positively impact younger age groups who are more likely to be first time buyers.
<b>Pregnancy and maternity</b> including new and breast feeding mothers	Neutral		No clear or direct impacts on equal opportunities have been identified for pregnant/breastfeeding women and women on maternity leave.
<b>Marriage and civil partnership status</b>	Neutral		No clear or direct impacts on equal opportunities have been identified for people of different marriage and civil partnership status.

#### **Actions identified that will mitigate any negative impacts and/or promote inclusion**

The impact of the Statement upon people within this protected group will be monitored by the Exeter City Council and an updated EQIA will be provided as appropriate. If negative impacts are identified, then this may necessitate a future report(s) to Council.

Officer: Katharine Smith  
 Date: 1 July 2021