

## PLANNING COMMITTEE

7 SEPTEMBER 2020

**Petition: Save Our Historic Exeter**

**Report of the Corporate Manager, Democratic & Civic Support**

### 1. What is the report about?

- 1.1 A petition titled, "Save Our Historic Exeter" was received by the Council on 29 June 2020 and can be [viewed here](#).

The petition had over 4,000 signatures, of which over 2,000 were verified as being from an EX postcode, which, in line with the Council's Petition Scheme, (Appendix 1), lead to the Petition being presented to full Council at its meeting on 21 July 2020. At that meeting, and again in accordance with the Council's petition scheme, the petition organiser spoke for five minutes to explain the reasoning behind the petition, the contents of which were as follows:-

*Exeter is under threat. Exeter's town plan (Local Plan) is out of date.*

*Exeter City Council lacks detailed, up-to-date policies and research to guide its decisions on planning applications. Because of the lack of adequate planning policies, developers can take advantage of the city and in the process destroy the heritage and ancient culture with inappropriate developments.*

***We request that the Council:***

- 1. puts on hold any significant new developments:**
  - a) which affect heritage assets,
  - b) which are not governed by existing policy,
  - c) for which the Council has not conducted a needs assessment until the appropriate research and policies are in place.
- 2. urgently put additional and adequate resource towards research and development of these policies.**
- 3. ensure approval occurs by historic bodies before buildings are validated for public consultation, meaning significant consultation and collaboration takes place with historic organisations.**

***Why do we need new policies?***

*Without adequate policies, backed by in-depth research, city planners have no clear guidelines. Guidelines are crucial. Without guidelines developers are likely to find and use loopholes in planning policy to build what they want.*

***What research and policies do we need?***

1. A housing needs assessment, backed by detailed, in-depth research.
2. Research-backed policies for every kind of development, including co-living.
3. Detailed policies for development in conservation areas including maximum

*heights of buildings.*

*4. Detailed policies for permanent, affordable, sustainable housing.*

*5. Detailed assessment of the need for a range of student accommodations, from affordable to luxury.*

*6. Urgent assessment of infrastructure levies.*

*7. Policies for the protection of green spaces and trees.*

*Without these policies we cannot maintain acceptable standards for dwellings, protect our city's ancient heritage, design a sustainable future or defend the city's green spaces and wild environments. Without up-to-date research, how can we be sure what kind of housing is needed, how much it should cost, where it should be – and where it shouldn't be?*

## **2. Recommendations:**

That the Planning Committee **RECOMMENDS** to Council

- 2.1 That the contents of the petition be noted; and
- 2.2 That the progress being made to ensure robust policies and plans are in place to meet the development demands being placed on the city, be noted and supported.

## **3. Council's Response to the Petition**

- 3.1 During the presentation of the Petition to Council, the Petitioner made reference to a proposed development in the city. The Lord Mayor ruled that any debate of the issue raised in the petition at full Council, could be considered as pre-determination of the proposed development in the city, which would be inappropriate. He therefore referred the Petition to this Committee for consideration, and no debate took place at the Council meeting. (Appendix 2).
- 3.2 The Committee is therefore asked to consider the contents of the petition.

## **4. Officer Responses to the Request and Narrative in the Petition.**

- 4.1 There is a clear existing process and policy framework for determining planning applications and therefore there is no justification to 'put on hold any significant new developments'.
- 4.2 The Council remains committed to ensuring adequate resourcing is available to undertake necessary research, develop new policies and produce a new Exeter Local Plan. This is demonstrated by the recent decision at the last meeting of Executive to recommend to Council the resources to bring forward our Local Plan.
- 4.3 The statutory process for determining any planning application is clear; the views of statutory consultees, such as historic bodies, are sought as part of the decision making process. This process is set out in statute and will continue to be followed.

## 5. Existing Policy Framework:

- 5.1 The Council has a clear policy framework for determining planning applications; this is detailed below.
- 5.2 Exeter City Council has a Statutory Development Plan. This Statutory Development Plan consists of the Core Strategy, saved policies of the Local Plan First Review and the St James Neighbourhood Plan. Devon County Council's Mineral and Waste Plans also form part of Exeter's Statutory Development Plan.
- 5.3 The National Planning Policy Framework (NPPF) also includes up-to-date Government planning policy and is a material consideration in making planning decisions (the NPPF is supported by more detailed guidance in the national Planning Practice Guidance).
- 5.4 Planning law (Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990) requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise (para 2, NPPF).
- 5.5 The fact that some of our policies are old does not necessarily make them out-of-date for the purposes of determining planning applications. The National Planning Policy Framework states that '*existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).*' (para 213, NPPF). Furthermore the Government's Planning Practice Guidance states '*Policies age at different rates according to local circumstances and a plan does not become out-of-date automatically after 5 years....Due weight should be given to relevant policies in existing plans according to their consistency with the National Planning Policy Framework. It will be up to the decision-maker to decide the weight to give to the policies.*' (para 064, Planning Practice Guidance).
- 5.6 After a planning application is received we undertake a period of consultation where views on the proposed development can be expressed. As part of this process statutory consultees can provide specialist advice on issues such as heritage, highways impact, flood risk and biodiversity. The comments of statutory consultees must be considered in determining a planning application and such comments can be a material consideration. A statutory or non-statutory consultee may recommend that a planning application be refused but cannot in most cases direct that this happens.
- 5.7 It should be noted that the Council have a statutory duty to determine planning applications. Failure to determine applications will result in applications being appealed against for non-determination; with the result being that the Council could lose all control over development within the city.

## 6. A New Policy Framework

- 6.1 We have an ambitious vision for the future of the City (Exeter City Vision 2040) and are committed to ensure resources are available to deliver this.
- 6.2 **GESP.** We are progressing the Greater Exeter Strategic Plan (GESP) which is being jointly prepared by Exeter, East Devon, Mid Devon and Teignbridge District Councils, alongside Devon County Council. The GESP will:

- set an overall vision and strategy for the area in the context of national and other high level policy and, in particular, climate emergency declarations and the NPPF;
- contain policies and proposals for strategic and cross boundary issues where these are best dealt with at a larger-than-local scale;
- set the overall amount of growth for the period 2020-2040;
- promote the Liveable Exeter vision by allocating urban regeneration sites in the city;
- implement the overall vision and strategy by allocating strategic sites of 500 or more homes which may include urban extensions and new settlements; and
- provide districts' local plans with targets for non-strategic development.

Significant evidence has been produced and published and is available to view on the [GESP website](#)

A report on the latest progress of the GESP, was presented to the Executive on 7 July 2020, where the Council committed its continuing support to the GESP project.

6.3. The latest [Housing Needs Assessment](#) for the Greater Exeter area was published in May 2020. This contains an assessment of overall housing need across Greater Exeter (of which the need in Exeter is currently 638 homes per year). It also assesses demand on a Greater Exeter-wide basis for affordable housing, private rented housing, self-build housing, purpose built student accommodation, gypsy and traveller accommodation, service families housing, homes for older people and homes for people with accessibility needs.

6.4. **Exeter Local Plan.** The Council is also committed to producing a new Exeter Local Plan. The Exeter Local Plan will conform with the Greater Exeter Strategic Plan (GESP) and will supplement its contents by:

- allocating land for new development;
- designating land for protection or safeguarding and identifying land where specific policies apply;
- containing 'development management' policies that will be used to determine whether planning applications submitted to the Council should be granted planning permission; and
- including other policies and proposals as necessary.

At Executive on the 7 July Members recommended that Council approve the allocation of funding required for the evidence requirements associated with bringing forward the Exeter Local Plan.

In the event that the GESP does not proceed for any reason, the Council will focus on the development of the Exeter Local Plan.

The Council is currently reviewing our Community Infrastructure Levy Charging Schedule, due for completion in autumn which will also necessitate/be accompanied by a review of our Planning Obligations SPD (see: <https://exeter.gov.uk/planning-services/planning-policy/supplementary-planning-documents/planning-obligations-spd/>)

## 7. Next Steps

7.1 Once Planning Committee Members have had an opportunity to consider the substance of the petition, a summary of their debate and findings will be reported back to the Council and to the petitioner.

Report Author : John Street – Corporate Manager, Democratic and Civic Support

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

Background papers used in compiling this report:-

Petition received on 29 June 2020  
Council agenda and minutes 21 July 2020  
Council Petition Scheme

Contact for enquires:  
Democratic Services (Committees)  
Room 4.36  
01392 265275