

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Executive Board held at Knowle, Sidmouth on Wednesday, 6 April 2005

Present:

Councillors:

S M Randall Johnson (Chairman)
R G Franklin (Vice Chairman)
P A Diviani
Miss J M Elson
J H Glanvill
M J L Green
S Hughes
A T Moulding
Mrs M A Rogers
A J Wilkinson

Also Present

Councillors:

| | |
|--------------------|-------------------|
| Miss V Ash | Mrs F Newth |
| Mrs M J Boote | Mrs H E Parr |
| D G Button | A W J Reed |
| Lt Col A J M Drake | Mrs L A Roden |
| J E D Falby | Mrs P A Stott |
| Mrs A E Liverton | Dr H W Waterworth |
| G K Liverton | S C Wragg |
| Ms S M Merritt | |

Apologies from non-Board members

Councillors:

Mrs K J Bamsey
Mrs R E Burrow
H J Jeffery
R Mudge
T G Reeves
Mrs E E Wragg

The meeting started at 5.30 pm and ended at 9.25 pm

*201 Minutes

The minutes of the meeting of the Executive Board held on 9 March 2005, were confirmed and signed as a true record.

*202 Items brought forward with the permission of the Chairman

(a) Anti-social behaviour order

The Chairman agreed for this item to be dealt with as a matter of urgency to enable the Section 30 of the Anti-Social Behaviour Act 2003 to be implemented in respect of a clearly designated area in the centre of Exmouth with effect from 1 May 2005. Members were advised that the Devon and Cornwall Constabulary had requested consent to use this new legislation to combat problems of anti-social behaviour in Exmouth. The Town Council had voted in favour of this action which would give the police more power to arrest and move on troublemakers.

202 Items brought forward with the permission of the Chairman*(a) Anti-social behaviour order (cont..)**

RESOLVED that approval be given to the Devon and Cornwall Constabulary using new anti-social behaviour legislation to make the Strand area of Exmouth an exclusion zone on a 6 month trial commencing on 1 May 2005.

(b) Exemption from Standing Orders, Poltimore House

The Chairman agreed for this item to be dealt as agenda item 23a as a matter of urgency to facilitate works to be carried out to prevent further deterioration of the fabric of the building.

Councillor D G Button declared a personal and prejudicial interest in this item as a trustee of Poltimore House and advised that he would be leaving the Chamber during discussion and voting but was obliged to leave for another appointment before the item was discussed.

***203 Exempt Information**

RESOLVED that the classification given to the documents to be submitted to the Board be confirmed, and that the reports relating to exempt information, be dealt with under Part B of the agenda.

***204 Forward Plan**

The contents of the Forward Plan for the period 1 April 2005 to 31 July 2005 were noted.

***205 Matters referred to the Executive Board**

There were no matters referred to the Executive Board by an Overview Committee or the Council.

206 Overview Committee Minutes

Consideration was given to the minutes of the following meetings

- ❑ Strategic Overview (29 March 2005)
- ❑ Environment Overview (24 March 2005)
- ❑ Economy Overview (17 March (special) and 30 March 2005)
- ❑ Communities Overview (16 February, 24 February (special) and 23 March 2005)

It was noted that the work on the Customer Access Strategy (Minute 33 of Strategic Overview Committee 29.3.05 refers) was still on-going. This issue would be referred back to the Overview Committee following further assessment and then to the Executive Board for full consideration.

RESOLVED (1) that the decisions contained in the following minutes be noted:

| | |
|----------------------|-----------------------------------|
| Strategic Overview | Minutes 34, 37, 38, 39, 40, 41 |
| Environment Overview | Minute 64 |
| Economy Overview | Minutes 39, 40 |
| Communities Overview | Minutes 32, 34 |

206 **Overview Committee Minutes (cont..)**

- (2) that the recommendations contained in the following minutes be agreed:

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|----------------------|------------------------|
| Strategic Overview | Minutes 32, 33, 35, 36 |
| Environment Overview | Minutes 60, 63, 64 |
| Economy Overview | Minutes 40, 41(3) |
| Communities Overview | Minutes 33, 37 |

- (3) that the recommendations contained in the following minutes be taken into account during consideration of the relevant agenda items taken later in the meeting:

| | |
|----------------------|----------------|
| Environment Overview | Minute 61 |
| Communities Overview | Minutes 38, 39 |

- RECOMMENDED** (1) that the recommendations contained in the following minutes be agreed:

| | |
|----------------------|------------------|
| Environment Overview | Minute 62 |
| Economy Overview | Minutes 41 (2&3) |
| Communities Overview | Minutes 35,40 |

207 **New Community Supplementary Planning Guidance (key decision)**

Consideration was given to the report of the Head of Planning and Countryside Services in respect of the interim Supplementary Planning Guidance (SPG) for the new Community produced as part of the emerging East Devon Local Plan. The SPG identified the aims and objectives for the New Community.

The public consultation process had now been completed and the SPG revised accordingly. A number of key changes had been identified and had now been included within the SPG:

- A target of excellence specified so that a very high standard could be achieved - Chapter 3: Objective 3a.
- Precise requirements for the provision of formal recreation facilities - Chapter 8 Objective 8j. It was important that quality facilities were provided and maintained.
- Strategic and detailed design guidance to attain and control design quality within the community to achieve a standard of excellence – Chapter 9: Objective 9b. This would be prescriptive and reference to a design panel was made to consider reserve matters.
- Need to agree a phasing strategy to identify stages and to make sure that the permissions were bound to completion of these stages – Chapter 10: Objective 10a

Agreement was now sought for the SPG to proceed to adoption for use in development control.

- RECOMMENDED** (1) that changes made to the Draft Supplementary Planning Guidance for the New Community following public consultation be approved and the SPG adopted as interim Supplementary Planning Guidance for Development Control purposes,

- (2) that amendment be made to Chapter 2.10 to include ‘the challenge will be to reconcile the many different requirements and aspirations to achieve a viable scheme that fulfils as many of the targets contained within the SPG as possible’,

207 **New Community Supplementary Planning Guidance (key decision) (cont..)**

- (3) that a design panel be set up to vet applications against a standard of design excellence with delegated authority being given to the Head of Planning and Countryside Services in consultation with the Portfolio Holder – Environment to nominate membership of the panel,
- (4) that all Members be kept fully informed in respect of progress of the development of the new community and of inclusions to the outline plan as these occur.

(The Leader declared a personal interest in this item as an employee of Flybe based at Exeter Airport)

208 **Supplementary Planning Guidance for the Seaton Regeneration Area (key decision)**

Members considered the report of the Head of Planning and Countryside Services in respect of the above SPG produced in the form of a Development Brief for Local Policy LSE2 of the Revised Deposit East Devon Local Plan. The Seaton Regeneration Area represented a major development and it had been appropriate to produce a formal SPG to clarify the relevant issues in respect of planning and policy. The public consultation process had now been completed and the brief revised accordingly. It was noted that there had been 150 responses to the consultation exercise. An amended land ownership plan was circulated at the meeting to replace page 8 of the brief.

Members were advised that the brief was non-prescriptive but provided a means of generating improvement.

Agreement was now sought for this document to proceed for adoption for use in development control.

The planning team was thanked for their time and professionalism and for actively listening to local input.

RECOMMENDED that changes made to the Draft Supplementary Planning Guidance entitled 'Seaton Regeneration Area – Development Brief' be agreed, subject to,

- Inclusion of the amended land ownership plan and,
- amended wording at page 25 to read 'seek to provide',

with the SPG being adopted as interim Supplementary Planning Guidance for Development Control purposes.

209 **Trees and Development – Interim Supplementary Planning Guidance (key decision)**

Members considered the report of the Head of Planning and Countryside Services in respect of the above SPG produced for Local Policy D5 of the Revised Deposit Devon Local Plan Policy 'Trees on Development Sites.' The SPG had been produced to provide advice on Policy D5 and to expand on the reasoned justification. The public consultation process had now been completed and the SPG revised accordingly. Members expressed some concern that the interim SPG was less prescriptive and that the '5 Metre' rule in respect of trees on development sites could be watered down in practice.

209 **Trees and Development – Interim Supplementary Planning Guidance (key decision) (cont..)**

Agreement was now sought for this document to proceed for adoption for use in development control.

- RECOMMENDED**
- (1) that the interim Supplementary Planning Guidance entitled 'Trees and Development' be agreed and the document adopted for Development Control purposes,
 - (2) that delegated authority be given to the Head of Planning and Countryside Services to approve any minor changes resulting from new legislation being released later this year (Revised BS5837).

*210 **The Conversion of Rural Buildings – interim Supplementary Planning Guidance (key decision)**

Members considered the report of the Head of Planning and Countryside Services in respect of the above SPG produced for the emerging East Devon Local Plan in order to expand on Policy D9B 'Re-use of Rural Buildings Outside Settlements'. It had been produced to provide advice on the implementation of Policy D9B and to expand on the reasoned justification. The public consultation process had now been completed and the SPG revised accordingly.

The document had been considered by the Environment Overview at an early stage. It was considered useful to ask both the Environment and Economy Overview Committees to give detailed reconsider of this interim SPG before it was referred to the next meeting of the Council for determination.

- RESOLVED** that the Draft Supplementary Planning Guidance entitled 'Conversion of Rural Buildings' be referred to the next meeting of the Economy (12 April) and Environment (14 April) Overview Committees for detailed analysis and recommendation prior to determination by Council (20 April).

(Councillor J H Glanvill declared a personal interest in this item as a retired farmer).

211 **Provision of Open Space, Recreation and Play Space on Residential Development Sites – Supplementary Planning Guidance – Interim Supplementary Planning Guidance (key decision)**

Members considered the report of the Head of Planning and Countryside Services in respect of the above SPG produced to provide advice and guidance for Local Policy RE3 of the Revised Deposit East Devon Local Plan. The public consultation process had now been completed and the SPG revised according. Consideration had been given to future maintenance of recreation space. It was not always appropriate to have recreational space provided on every site developed and shared space was often a more viable and sustainable solution. Agreement was now sought for this document to proceed for adoption for use in development control.

- RECOMMENDED**
- (1) that changes made to the Draft Supplementary Planning Guidance entitled 'Provision of Open Space, Recreation and Play Space on Residential Development Sites' be agreed and the SPG adopted for Development Control purposes,

211 **Provision of Open Space, Recreation and Play Space on Residential Development Sites – Supplementary Planning Guidance – Interim Supplementary Planning Guidance (key decision) (cont..)**

- (2) that delegated authority be given to the Head of Planning and Countryside Services to approve any minor changes resulting from new legislation.

*212 **Review of Conservation designations (key decision)**

Consideration was given to the report of the Head of Planning and Countryside Services in respect of a statutory duty for local planning authorities to review their conservation areas periodically. Members noted the current designations and the up-date reviews currently being undertaken.

- RESOLVED**
- (1) that the current review of Budleigh Salterton Conservation Area be noted,
- (2) that the ongoing review of other conservation areas in the District and the research into the designation of new conservation areas in East Devon be endorsed.

*213 **East Devon Local Plan Public Local Inquiry – Inspector’s report of Part 1 (key decision)**

Members considered the report of the Head of Policy and Conservation in respect of the Inspector’s Report of the Inquiry into the issues raised by objections to Chapter 12 and part of Chapter 2 of the Revised Deposit Local Plan. This section covered strategically important developments proposed in the Local Plan including out-standing planning applications for the new community, the Intermodal Freight facility and Skypark.

The number of objections to the new community had been acknowledged but the Inspector’s overall conclusion was that the proposals within the Local Plan for these major developments were soundly based and in accordance with adopted Structure Plans and Planning Policy Guidance. No alternative options to the new community were accepted as viable. The report accepted the location of the new community in relation to the airport and concluded that fears from objectors in respect of flooding had not been borne out. The Inspector’s recommendation relating to phased development had already been captured in the New Community SPG.

Members were advised that an officer’s report proposing action to be taken in respect of the recommendations in the Inspector’s Report would be brought to a future meeting of the Board.

- RESOLVED** that the Inspector’s Report of Part 1 of the Local Plan Inquiry, endorsing the local plan proposals for major developments, including the new community, to the east of Exeter, be welcomed and made available for public inspection.

(The Leader declared a personal interest in this item as an employee of Flybe based at Exeter Airport)

*214 **Unlocking Exmouth – interim report: responses to proposals (key decision)**

Consideration was given to the report of the Corporate Director – Environment summarising the responses to the public consultation exercise. Members noted that the responses had been categorised to allow conclusions to be drawn. A further report outlining a way forward would be referred to the Board following the completion of the Design Workshops.

The extent of public concern in respect of the proposals relating to a new supermarket and the possible demolition of the swimming pool and leisure centre was noted.

The Planning team and the Exmouth Residents Association were thanked for their valued input and positive involvement in this process.

- RESOLVED**
- (1) that the responses to the public consultation exercise on the Unlocking Exmouth proposals be noted.
 - (2) that a further report with recommendations be referred to the Executive Board following the completion of the Design Workshops

(Councillor Miss J M Elson declared a personal interest in this item as a governor of Exmouth Community College and due to her involvement in the Shop Mobility Scheme).

*215 **Draft South West Regional Housing Strategy 2005 – 2016 (key decision)**

Members considered the report of the Head of Housing and Social Inclusion in respect of the above draft strategy issued by the Regional Housing Body for consultation. The purpose was to set out a regional housing plan for the next 10 years. A major omission was that the Regional Housing Body had yet to make the Delivery Plan available as this would provide the details of how aims could be achieved. The Strategy included little about resource availability and there was limited information on housing need, statistics and trend analysis. It was felt that the Strategy should have included reference to the new community and show a greater commitment to the delivery of affordable housing and how the private sector could be harnessed to help meet housing need.

Members noted the suggested response to the consultation which had to be returned by 26 April 2005.

- RESOLVED**
- (1) that the publication of the draft Regional Housing Strategy 2005-2016 be noted,
 - (2) that the proposed response to the consultation exercise (Annex 1 to the report) be made more robust to take into account views expressed by Members and to better reflect East Devon's perspective.

216 **Private Sector Housing Renewal Strategy (key decision)**

Consideration was given to the report of the Head of Environmental Health and Health Equalities in respect of the above strategy which outlined the methods to be used to secure improvements in private sector housing. The strategy had been considered and recommended for approval by the Communities Overview Committee at its meeting on 23 March 2005.

- RECOMMENDED** that the Private Sector Housing Renewal Strategy be approved.

217 **Affordable Warmth Strategy**

Consideration was given to the above strategy which outlined the Council's approach to improving energy efficiency in the general housing stock and alleviating fuel poverty. The strategy had been considered and recommended for approval by the Communities Overview Committee at its meeting on 23 March 2005.

RECOMMENDED that the Affordable Warmth Strategy be approved.

*218 **Revenue and Capital monitoring report 2004/5 – month 11 (February)**

Consideration was given to the report of the Financial Services Manager in respect of the Council's overall financial position at month 11 (February). The budget variations had been identified within the month with an assessment of how these variations would continue to the end of the financial year and the subsequent effect on the Council's overall reserves and balances. Members noted the remedial measures suggested by officers and the continuing improvement of the Council's financial position.

RESOLVED that the variances identified as part of the Revenue and Capital monitoring process for month 11 of 2004/05 be noted, including the effect on the Council's Reserves and Balances, with support being given to the remedial actions suggested in the 'officers' comments' column in Appendix A to the report,

*219 **Update on the implementation of the Freedom of Information Act**

Members considered the report of the Policy Manager up-dating Members on the impact of the Act on the Council during its first eleven weeks in operation. The number and type of requests received under the Act during the period 1 January to 18 March 2005 were noted. The Strategic Overview Committee had considered the report at its meeting on 29 March 2005.

RESOLVED

- (1) that the number and type of requests made under the Freedom of Information Act during the eleven weeks since it came into force be noted
- (2) that the Board further updated after the Act had been in force for 6 months.

220 **Racial Equality Policy for rented housing**

Consideration was given to the report of the Head of Housing and Social Inclusion setting out the need for a clear policy to tackle racial discrimination and promote equal opportunities in social housing. Members noted the relevant good practice advice, the Council's Corporate Racial Equality Scheme and Equality and Diversity Policy. Members were advised that adoption of the policy statement would enable the Council to comply with BVPI 164 and provide convincing evidence of the Council's intention to prevent and address any racial discrimination in housing services.

RECOMMENDED

- (1) that delegated authority be given to the Head of Housing and Social Inclusion in consultation with the Portfolio Holder – Communities to agree minor amendments to the policy following consultation with the Tenant Customer Panel,
- (2) that subject to (1) above and the wording at Paragraph 15 being amended to include the words 'in appropriate circumstances', the Racial Equality Policy for rented housing be adopted.

221 **Report of the Development Control Committee Task and Finish Forum**

Consideration was given to the above report setting out the findings of the Development Control Committee TaFF, which had been considered by the Environment Overview Committee at its meeting on 24 March 2005.

- RECOMMENDED**
- (1) that the single Development Control Committee be accepted as the most equitable arbitration system for the quasi judicial process of dealing with those planning applications requiring a committee decision,
 - (2) that the size of Development Control Committee be retained at 15 Members pending discussion by group leaders, and a pool of 3 substitute Members be nominated, one from each political or independent group,
 - (3) a) that Ward Members do not have a vote on Development Control Committee, whether or not they sit on the Committee itself;
b) that the arrangements for the Planning Inspection Committee be similarly reviewed;
 - (4) that the leaders of the three political groups ensure a geographical spread of Members to sit on the Development Control Committee;
 - (5) that the Development Control Committee meet every four weeks, rather than monthly as at present;
 - (6) that all Members of the Development Control Committee and substitutes must have training as a pre-requisite to obtaining a place on the Committee;
 - (7) that there should be no public speaking at Development Control Committee - this arrangement to be reviewed after 12 months;
 - (8) that there should be an improvement in the visual presentations at Committee, but not involving the use of video presentations.

(Councillors J H Glanvill and Mrs M A Rogers asked for their vote against recommendations 3a and 3b to be recorded).

222 **The Avenues, Exmouth Design Statement**

Members considered the report of the Head of Planning and Countryside Services in respect of the above which had been produced by a local community group. Members were recommended to formally adopt the Statement as interim Supplementary Planning Guidance to the emerging East Devon Local Plan. Similar Statements had been completed in respect of Budleigh Salterton, Otterton, Tipton St John, Woodbury, Bramford Speke, Yarcombe and Marsh and were already being used in the determination of planning applications.

- RECOMMENDED**
- (1) that the Head of Planning and Countryside Services be given delegated authority to approve any additional text, as referred to in paragraphs 2.1 and 3.2 of the report,
 - (2) that, subject to (1), and the formal ratification of the Town Council's wish to adopt the Statement, the draft Avenues Design Statement be approved and adopted for development control purposes as interim Supplementary Planning Guidance,
 - (3) that the Avenues Design Statement Group be congratulated on their work and its results.

***223 Exemption from Contract Standing Orders, Poltimore House: urgent item**

The Chairman had agreed for this matter to be considered as an urgent item to enable the arrangements to provide this Grade II* listed building with a temporary roof to prevent further deterioration to be progressed without further delay. Members were asked to agree to an exemption from Contract Standing Orders as the tendering procedure had already been completed by English Heritage and it was felt excessive to the repeat the exercise.

RESOLVED that there be an exemption from Contract Standing Orders Paragraph 1.14 for the reasons stated in the report and that authority be given to enter into a contract on the basis of the tender received by English Heritage.

***224 Exclusion of the Public**

RESOLVED that under Section 100(A) (4) of the Local Government Act 1972 the public (including the press) be excluded from the meeting as exempt information, of the descriptions set out in the agenda, is likely to be disclosed.

***225 Sale of land at Withycombe Village Road Public Toilets, Exmouth**

Members considered a report of the Senior Estates Surveyor in respect of a proposal to transfer the above site to the Devon and Cornwall Housing Association. The proposed arrangements meant that the Council retained nomination rights in respect of the properties.

RESOLVED

- (1) that the site identified in the report be transferred to the Devon and Cornwall Housing Association at less than Open Market Value by way of a 125 year ground lease,
- (2) that the terms of disposal, by way of a 125 year ground lease, be approved.

Chairman Date