

## **PLANNING COMMITTEE**

Monday 30 October 2017

### **Present:**

Councillor Gottschalk (Chair)  
Councillors Lyons, Bialyk, Denham, Edwards, Foale, Harvey, Mrs Henson, Newby and Sutton

### **Apologies:**

Councillors Morse and Prowse

### **Also Present:**

Chief Executive & Growth Director, City Solicitor & Head of HR, Assistant City Development Manager, Principal Project Manager (Development) (MH), Principal Project Manager (Development), Development Management Highways and Transport, Scrutiny Programme Officer and Democratic Services Officer (Committees) (HB)

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### **MINUTES**

The minutes of the meetings held on 24 and 31 July, 4 September and 2 October were taken as read and signed by the Chair as correct.

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### **DECLARATIONS OF INTEREST**

No declarations of interest were made by Members of the Committee.

Councillor Thompson, who was attending under Standing Order No. 44 in respect of Minute No. 88, declared a disclosable pecuniary interest in respect of a nearby area of land.

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### **PLANNING APPLICATION NO. 17/0750/FUL - THE KING BILLY, 26-28 LONGBROOK STREET, EXETER**

The Assistant City Development Manager presented the application for the demolition of the King Billy pub to build a mixed use development scheme comprising of ground floor commercial units (use classes A1, A3 and A4) with 108 bed space student accommodation above over 6, 7 and 8 storeys.

Members were circulated with an update sheet - attached to minutes.

Councillor Mitchell attended the meeting and spoke on this item under Standing Order No. 44. He made the following points:-

- I will repeat some points from the previous meeting on 2 October with main concerns now being the need for a community balance as highlighted in the St. James Neighbourhood Plan and safety issues;
- Policy H5b of the Local Plan states that there should not be an over concentration of use in one area such that the character of the neighbourhood is changed or an imbalance created - this development will

- change the balance of the community. The main thrust of the St. James Neighbourhood Plan is to maintain a community balance;
- no one can believe that the provision of this student block will help redress the community imbalance in the St. James Neighbourhood;
  - the main aim of the St. James Neighbourhood Plan is to re-balance the community and is the more relevant and up to date policy. Greater regard should be given to the Plan;
  - aim of the PBSA is to redress occupation of Houses in Multiple Occupation (HMO's) by students and to free up for family housing;
  - it was stated on 2 October that figures relating to student numbers were 18 months out of date and that the annual report on student numbers was yet to be presented to the Planning Member Working Group;
  - figures have shown that, in the last five years, approval has been given for 5,000 PBSA's, including those not yet built, in the St. James area but that imbalance remains;
  - the policy is not therefore working and a decision cannot be made on this, or future applications, for student accommodation blocks until policies are up to date and the current situation and policies have been reviewed;
  - it is hoped that fire safety concerns have been addressed. However, when a Freedom of Information request was made to the Devon and Somerset Fire and Rescue Service, the advice given was that a notification of deficiencies visit was to occur in due course - it is understood that the visit has not yet occurred.
  - an email response from the planning case officer relating to the checking of external cladding referred also to a check on the stability of the John Lewis building and its relation to the adjoining building - no further information on these elements have been provided; and
  - do not therefore believe that an informed decision can be made without addressing the above issues and a deferral is requested for an up to date report to be provided on student housing in the City together with further information about fire safety matters.

The Assistant City Development Manager advised that the Devon and Somerset Fire and Rescue Service were satisfied regarding the concerns raised at the October meeting in respect of potential fire safety issues including the condition of the cladding on the John Lewis building. The deficiencies review had been in respect of management arrangements which were being addressed by John Lewis and did not relate to materials or the building condition.

Councillor Mitchell responded, as follows, to Members' queries:-

- accept need for PBSA's but a combination of housing generally in the City is also required. The area already has a high number of PBSA's which is in conflict with the Neighbourhood Plan which seeks a community balance;
- social housing would be a more acceptable use of the site for occupancy by single people with no cars and with easy access to the City Centre and transport links. This will dovetail better with the existing community; and
- most students are well behaved but many do cause problems returning from the main campus through residential areas of Pennsylvania.

Councillor Owen attended the meeting and spoke on this item under Standing Order No. 44. He made the following points:-

- support comments of Councillor Mitchell;
- query position relating to the tree at the junction of New North Road and Longbrook Street

- concerned that the figures on supply and demand for student accommodation should be up to date to inform evolution of planning policy but was 18 months overdue. This data will assist in deciding the direction planning policy should take. Will figures be available soon or in the near future;
- a decision should not be made on this application on the basis of out of date figures. With up to date figures a different decision might be reached and the application should therefore be deferred.

The Assistant City Development Manager reported that, as stated at the October meeting, it was not appropriate to defer applications on the basis of changes in data or for policies to be reviewed but that applications should be considered on their merits. The City Solicitor and Head of Human Resources stated that it was not necessary for student numbers to be provided when an application for student accommodation was being considered but that each application should be determined in accordance with City Council policy.

Another Member asked that an update on the University's capacity and its future expansion plans be provided together with the current and intended student numbers and how many would require accommodation in Exeter and whether there was a shortfall or enough accommodation available already. The Chief Executive & Growth Director stated that the current student number in Exeter was 18,652 with a forecast growth to 2012/22 of 20,375. Existing planning policy was that a minimum of 75% of the student population should be accommodated in PBSA's. The growth in numbers therefore suggested a need for further PBSA's. There was also a significant number of students accommodated in HMO's, but there was a demand within this cohort to live in PBSA's. There was therefore a gap in the market for PBSA's.

Members recognised that the existing policy was that a minimum of 75% of the student population should be accommodated in PBSA's, and also with the inference that as much as possible should be accommodated in this way.

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

- on behalf of Exeter St. James Forum this Committee is urged not only to note the St. James Neighbourhood Plan but to recognise the significance as the most up-to-date planning document, support that plan and reject this application;
- thank Councillors Mitchell and Owen for their support for the Forum;
- the development is contrary to the overriding objective of the Neighbourhood Plan to create a better community balance between the settled and student population;
- the application is back before this Committee even though it is now stated that there may be a "potential for over-provision of student accommodation". It is dispiriting to note that the report states that "opportunity for new purpose built accommodation should be welcomed" as it flies in the face of the Neighbourhood Plan;
- the development is out of character and will overshadow the adjacent residential accommodation on Longbrook Street;
- the Neighbourhood Plan became an important Planning Document some years ago. At that time, just under 50% of the residents of the Ward were students;
- in spite of the Article 4 direction and because this Committee consistently pays no more than lip service to the issue of community balance, the settled residents are fast becoming a shrinking minority;

- not opposed to students living in the ward and many resident associations go out of their way to welcome new students. Many students do not like the PBSA concept, preferring the shared house experience and that is why there are an increased number of HMO's, not only in the St. James Ward, but all over the City;
- it is time to recognise the need for community balance and take decisive action to prevent yet further erosions in that balance. There are in excess of 5,000 people looking to be housed in Exeter, there are an unknown number of people who work and who would like to live in the City, but who cannot find affordable housing. Many Exeter residents do not own a car and this site would be ideal to provide housing for people who would like to live in the City;
- the figures for student numbers are not known. Is the occupancy rate of the already built PBSA's known? Our evidence is that there is less than 100% occupancy at present. The report as to the number of units required is not available. To approve this application knowing that it is contrary to the Neighbourhood Plan and not knowing whether additional PBSA's are required lacks logic;
- most PBSA's cannot be converted into residential accommodation. Student accommodation is not officially classed as housing. It is known that, partly at least, because of the approval by this Committee of PBSA after PBSA that Exeter City Council falls short of a five year Housing Land Supply;
- require better forward thinking in approving student accommodation;
- additionally, the issue has been raised by the Forum of the nature and risk of the cladding on John Lewis following Grenfell Tower and the risk of fire spreading between the building and the proposed development because of the narrowness of the gap. The Forum do not accept that the fire risk has been sufficiently analysed; and
- the application should be rejected and this parcel of land should be developed in accordance with the strategy set out in the Neighbourhood Plan. It is the over-riding objective in the Plan that gives scope to reject or further defer this application.

In response to a Member's question, she confirmed that some student accommodation on this site could be acceptable providing it was part of a wider mix which included general residential provision. A balance was important.

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

- architect at Grainge Architects speaking on behalf of the developer and their design team. The scale, mass and design of the proposed building have been arrived at through consultation with the planning officers as well as through the Design Review Panel process;
- the principle of student accommodation is accepted on the site in the already approved scheme and it is believed that the scheme complies with the St. James Neighbourhood Plan which calls for 'large scale student accommodation' to be permitted in areas not characterised by traditional housing, where the scale and mass is akin to its surroundings and where servicing requirements can be met without impacting on residents". The proposal ticks all of these boxes;
- the scheme was presented to this Committee on 2 October when it was deferred over concerns over fire safety. The developer has since engaged with specialist fire safety consultants - the International Fire Consultants (IFC) Group - a team of highly experienced professional fire safety engineers who had been asked to report on sprinklers, spread of flame, proximity of windows to the John Lewis building and liaison with the

fire service. The report detailed that sprinklers were not a building regulations requirement but the developer had confirmed that they would go over and above the statutory requirements and install sprinklers. The elevations facing the John Lewis building would be specified to achieve a minimum of 90 minutes fire protection in accordance with the relevant statutory requirements. This would be achieved through the use of suitable non-combustible materials as well as fire breaks at each floor level. This level of design information would be prepared during the next phase of the project;

- the report outlined the requirements for a maximum window opening of 1 metre squared every 4 metres or in every compartment where the elevation was within 1 metre of the site boundary. The current design complied with this requirement. The closest proposed window to the John Lewis building was 1.5 metres away and this was in the fire-fighting staircase, which would have 120 minute fire protection;
- the fire service had reviewed the IFC Group report and was supportive of it. They had no comments regarding the content of the report and requested no further information. The fire service had also confirmed that the design elements detailed within the report should not affect a decision on planning; and
- the site was an appropriate location for student accommodation, together with the commercial units at ground floor, the proposal was appropriate in terms of scale and mass and, crucially, the design and construction of this building had been carefully considered and would be safe for residents and neighbours alike.

He responded as follows to Members' queries:-

- regarding the possibility of flat provision for professional young people rather than a retail function on the ground floor or elsewhere in the development, the design was in accordance with client requirements as they considered student accommodation would be more suitable in this location. The proximity of the large John Lewis building overlooking the site made it a more appropriate accommodation for the transient student population than professional singles; and.
- there was an option to convert some of the student cluster flats into residential accommodation but more suitable sites were available for such provision.

Although one Member felt that provision of student accommodation in this location was inappropriate others felt that, notwithstanding the great need for additional social housing and for cheaper housing generally, student accommodation on this site would be appropriate. It was pointed out that there was an obligation to adhere to existing policies and that the St. James Neighbourhood Plan sat alongside other policies. It was suggested also that consideration could be given to making the transition from HMO's to PBSA's more attractive noting also that not all HMO's were occupied only by students. More PBSA's would make the transition easier.

Without the PBSA policy, the choice for students would be reduced leading to huge concentrations in houses in residential areas. Because of the University's significant contribution to the City's economy pro-active policies in respect of student housing were beneficial and the Article 4 Direction was also helpful in protecting residential areas.

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

**RESOLVED** that, subject to the completion of a Section 106 Agreement under the Town and Country Planning Act 1990 securing a Student Management Plan (to include a noise assessment from the roof terrace), and a financial contribution towards the delivery of District Heating in the area, planning permission for the demolition of the King Billy pub to build a mixed use development scheme comprising of ground floor commercial units (use classes A1, A3 and A4) with 108 bed space student accommodation above over 6, 7 and 8 storeys be **APPROVED**, subject to the following conditions:-

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

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.  
**Reason:** To ensure compliance with sections 91-92 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 28 July 2017 (dwg nos 1191/PL100; PL101; PL103; PL110A; PL111A; PL112A; PL113A; PL114A; PL116A and PL200A) as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- (3) Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority. No external finishing material shall be used until the Local Planning Authority has confirmed in writing that its use is acceptable. Thereafter the materials used in the construction of the development shall correspond with the approved samples in all respects.  
**Reason:** To ensure that the materials conform with the visual amenity requirements of the area.
- (4) Pre-commencement condition: A Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development on site and adhered to during the construction period. This should include details of monitoring and mitigation measures to control the environmental impact of the development during the construction and demolition phases, including site traffic and traffic routing, the effects of piling, and emissions of noise and dust. The CEMPs should contain a procedure for handling and investigating complaints as well as provision for regular meetings with appropriate representatives from the Local Authorities during the development works, in order to discuss forthcoming work and its environmental impact.  
**Reason for pre-commencement condition:** In the interest of the environment of the site and surrounding areas. This information is required before development commences to ensure that the impacts of the development works are properly considered and addressed at the earliest possible stage.
- (5) Pre-commencement condition: No development shall take place on site until a full investigation of the site has taken place to determine the extent of, and risk posed by, any contamination of the land and the results, together with

any remedial works necessary, have been agreed in writing by the Local Planning Authority. The buildings shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.

**Reason for pre-commencement condition:** In the interests of the amenity of the occupants of the buildings hereby approved. This information is required before development commences to ensure that any remedial works are properly considered and addressed at the appropriate stage.

- (6) Pre-commencement condition: No development related works shall take place within the site until a written scheme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include on-site work, and off-site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

**Reason for pre-commencement condition:** To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development. This information is required before development commences to ensure that historic remains are not damaged during the construction process.

- (7) Prior to commencement of the development, details shall be submitted to the Local Planning Authority of secure cycle parking provision for the development. Development shall not be commenced until such details have been agreed in writing by the Local Planning Authority, and prior to occupation the cycle parking shall be provided in accordance with the submitted details.

**Reason:** To provide adequate facilities for suitable transport

- (8) No part of the development hereby approved shall be brought into its intended use until the pedestrian footway on the rear service yard as indicated on Appendix A of the "Proposed service yard strategy" have been provided in accordance with details and specifications that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority.

**Reason:** To provide suitable facilities for the traffic attracted to the site.

- (9) Travel Plan measures including the provision of sustainable transport welcome packs and details of the arrangements of how student pick up/drop off will be managed, shall be provided in accordance with details agreed in writing by the Local Planning Authority and Local Highway Authority in advance of occupation of the development.

**Reason:** To promote the use of sustainable transport modes and in the interests of highway safety, in accordance with paragraphs 32 and 36 of the NPPF.

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

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

- (11) Before the cafe/bar hereby permitted opens, a scheme for the installation of equipment to control the emission of fumes and smell from the restaurant/bar use shall be submitted to, and approved in writing by, the Local Planning Authority and the approved scheme shall be implemented. All equipment installed as part of the scheme shall be thereafter be operated and maintained in accordance with the manufacturer's instructions.  
**Reason:** To protect the amenity of nearby occupants.
- (12) Before commencement of the student accommodation development the applicant or the developer shall submit a SAP calculation which demonstrates that a 14% reduction in CO2 emissions over that necessary to meet the requirements of the 2013 Building Regulations can be achieved. The measures necessary to achieve this CO2 saving shall thereafter be implemented on site and within 3 months of practical completion of the student accommodation the developer of the student accommodation 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.
- (13) No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes and quality, of the surface water runoff from the construction site.  
**Reason:** To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.
- (14) **No development** shall commence until a noise assessment report, including noise from the any plant machinery (not to exceed the following noise levels 07:00 to 19:00 43dB (LAr); 19:00 to 23:00 41 dB (LAr) and 23:00 to 07:00 35 dB (LAr) as show 1m from the façade of any residential receptor) has been submitted to and approved in writing by the Local Planning Authority providing details of any sound insulation measures and mitigation measures required and shall thereafter be provided in accordance with such details:  
**Reason:** Insufficient information has been submitted with the application and in the interests of future residential amenity.
- (15) The residential accommodation shall be constructed with centralised space heating and hot water systems that have been designed and constructed to be compatible with a low temperature hot water District Heating Network in accordance with the CIBSE guidance "Heat Networks: Code of Practice for the UK". The layout of the plant room, showing provision for heat exchangers and for connection to a District Heating Network in the Highway shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented on site unless otherwise agreed in writing.  
**Reason:** To ensure that the proposal complies with Policy CP14 of Council's Adopted Core Strategy and in the interests of delivering sustainable development.



- (16) The development hereby approved shall comply with the recommendations as stated within the Rear Service Yard Access Strategy dated September 2017 produced by IESIS unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure this area remains operational for all users.

- (17) The development hereby approved shall comply with the recommendations as stated within the Fire Safety Report dated October 2017 produced by International Fire Consultants Limited unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure the building meets fire safety requirements.

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**PLANNING APPLICATION NO - 17/0848/FUL - GIPSY HILL HOTEL, EXETER**

The Principal Project Manager (Development) (MD) presented the application for an extension to hotel accommodation block to form nine self-catering holiday apartments and four new hotel bedrooms (net loss two), following partial demolition of building and demolition of bungalow (net gain 16 bedrooms overall).

The Principal Project Manager (Development) (MD) reported that, as the applicant had appealed against non-determination within the statutory time period, the recommendation in the report of the City Development Manager for this application had been updated, as set out in the update sheet, the recommendation for refusal remaining. It was not therefore the intention to seek a resolution to determine the application but simply to seek a view as to what the Committee would have resolved had it been asked to deal with the application.

Members were circulated with an update sheet - attached to minutes.

The Principal Project Manager (Development)(MD) reported that the development would extend the existing hotel accommodation block to the west and north, following partial demolition of the building and demolition of the bungalow, in order to provide four new hotel bedrooms and nine, two-bed self-catering, serviced holiday apartments. Three bedrooms would be lost in the bungalow and three in the existing block (one staff), resulting in a net loss of two hotel bedrooms. Overall there would be a net gain of 16 bedrooms. The extension to the west would be two storeys and contain the four new hotel bedrooms; these would be accessed from the existing block. The extension to the north would be three storeys and contain the nine self-catering apartments; these would have independent accesses. The extension to the north would include a basement with a gym, store and plant room.

One letter of support has been received from the occupiers of Pinhoe Lodge, Gipsy Hill Lane welcoming investment in the hotel. A further letter of support, as set out in the update sheet, had been received from the Isca Community Church, who held services at the Hotel helping it to make connections with the local community.

Two objections had been received.

Devon County Council had objected and recommended refusal as it was concerned about public safety and was contrary to paragraphs 32 and 41 of the National Planning Policy Framework (NPPF). The former stating that planning decisions should take account of whether safe and suitable access to the site can be achieved for all people, and the latter stating that local authorities should identify and protect, where there was robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice. There was robust evidence to protect Pinn Lane and Gipsy Hill Lane as pedestrian and cycle routes.

The proposal would result in a net increase of 16 bedrooms which would generate more vehicle movements along Pinn Lane and Gipsy Hill Lane.

The Exeter Cycling Campaign had also objected stating that the E4 strategic cycle route between Black Horse Lane in East Devon and Cumberland Way in Exeter was the only traffic free route in and out of Exeter to the east. It was therefore critically important to sustain the growth of Exeter and its hinterland, providing the only active alternative to the private car. The proposed development would directly increase vehicle traffic on this route and would not constitute sustainable development. It would also have serious safety implications on both Pinn Lane and Gipsy Hill Lane.

A Member, in noting that the applicant had submitted an appeal for non-determination within the statutory time period, expressed concern over the delay in the process.

The Assistant City Development Manager, in advising that discussions had been held with the developers of the adjacent site (Sandrock), where objections had also been received from the Gipsy Hill Hotel applicant in the past regarding increased traffic use along Pinn Lane, suggested that a scheme had been identified that could overcome the concerns regarding traffic flow on Gipsy Hill Lane, that is, provision of a segregated pedestrian/cycle route through the adjacent site. As there was uncertainty when it could be provided, it was not possible to progress this avenue further at this stage. When there was clear evidence that this segregated route would be provided, the County Council would look favourably on recommending approval with a Grampian condition. The application was at present recommended for refusal based on NPPF Paras 32 and 41.

In response to a Member's queries, the Development Manager Highways and Transport reported that he did not have figures available regarding the number of cycle journeys into the City across Redhayes Bridge and confirmed that it was the intention to improve the cycle infrastructure across the City, the E4 route to include a bi-directional supercycle lane along Cumberland Way which would lead across to the University.

Councillor Mrs Thompson attended the meeting and spoke on this item under Standing Order No. 44. She first declared a disclosable pecuniary interest in respect of a nearby area of land but stated that she would confine her comments to the Gipsy Hill application. She made the following points:-

- the application has just passed the 13 week period required to determine planning applications and the planning department have always sought to determine applications within the statutory time period;
- at the pre-application stage another officer had stated that variations to proposals were acceptable and that the Highways Officer had not anticipated highway objections in pre application discussions;
- the site visit on 17 October had not included a visit to the Hotel itself even though the applicant was available to show the proposals;
- the road is narrow and has been narrow for some time and although Highways may call it a cycle way it is a road;
- Devon County Council Highways have a wish list for a strategic cycle way but this is a long term aspiration and, currently, both Gipsy Hill Hotel residents and staff and other residents along the Lane use it for vehicular journeys;
- this Committee has no jurisdiction to refuse or grant and the application has to go to the Secretary of State, as an appeal for non-determination. Because of this, and the variances within the officer's report, the decision should be

left to the Secretary of State. The Committee should suspend its judgement; and

- the hotel car park does have planning consent.

The Development Manager Highways and Transport advised that the initial number of bedrooms differed from those within the application before the Committee and that proposals for the cycle route as part of a City wide strategy had been included within the Exeter Core Strategy in 2012. The Principal Project Manager (Development) (MD) reported that a planning case officer had provided positive advice in respect of the application from the design point of view at the pre-application stage but had also stated that it was subject to the views of consultees, such as the Highways Authority.

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

- Exeter Cycling Campaign is objecting to the proposed expansion of the Gipsy Hill Hotel on grounds of sustainability and safety;
- Gipsy Hill Lane forms a key part of the strategic E3 and E4 cycling routes that run from the east of Exeter to the city centre and university. It connects directly to the Redhayes pedestrian and cycle-bridge which was built to provide a traffic-free route between Exeter and East Devon. This is the only near traffic-free route between Exeter and East Devon;
- However, the proposed development will increase vehicle traffic on Gipsy Hill Lane, along with Pinn Lane, which was stopped-up to traffic by Devon County Council in 2014;
- if Exeter is serious about reducing congestion, improving air quality, and providing real alternatives to the private car, we must safeguard and improve the strategic cycling routes that we have. This applies just as much to the E3 and E4 routes via Gipsy Hill Lane and Pinn Lane as it does to the Exe Estuary Trail, or indeed, to the planned E9 route along Old Rydon Lane;
- it follows that our second reason for objection is safety. Gipsy Hill Lane is a narrow country lane. There are no pavements, cycleways or street lights. High hedges on either side of the lane mean that, in the face of an oncoming car, there is no safe refuge for people walking and cycling;
- visibility is very poor, particularly at the hotel entrance onto Gipsy Hill Lane, and at the junction between Gipsy Hill Lane and Pinn Lane. There is therefore a danger of collisions between pedestrians, cyclists and cars travelling to and from the expanded hotel. The nature of a hotel means that many of the people driving there will be unfamiliar with the local roads, further increasing the danger of collisions;
- the need to keep the junction of Gipsy Hill Lane and Pinn Lane as traffic-free as possible was stressed by Devon County Council in their speech to this committee in 2014. They noted that these lanes should be 'safe routes to school', and are used by people commuting on foot and by bike between Pinhoe and Sowton. This remains the case, as evidenced by the objections Exeter City Council has received in relation to the nearby Sandrock housing proposal on Pinn Lane. The proposed expansion of Gipsy Hill Hotel will have an equally negative impact on the safety of people walking and cycling along these routes; and
- for the safety and sustainability reasons outlined, Exeter Cycling Campaign respectfully ask committee members to refuse this application.

She responded as follows to Members' queries:-

- the Campaign does not have a formal membership but 450 are signed up to the Facebook page, there are 1,500 twitter followers and between 15/20

- regularly attend the Campaign planning application assessment meetings which meet for up to two hours;
- the Campaign was late to object as unable to access application details from the web site due to a change to the IT systems during the application;
  - not opposed to the development of the hotel and wish to see it succeed but the route is identified as a Green Infrastructure Route in the Exeter Core Strategy and is the only route between Exeter and Cranbrook that cannot be used by motor vehicles;
  - it is important to prioritise the delivery of the E3 and E4 cycle route for the overall benefit of the community and important to protect the cycle route into the future;
  - a strategic cycle route into the City is important as it is a link from the Cranbrook new settlement which is likely to increase to 25,000 residents with cycle link to City Centre; and
  - E4 now serving the University linking it to the Science Park and Cranbrook with a drop down to the City Centre. It widens the transport choice, serving the north of the City and can be used by all ages as well as different modes of transport such as bicycles and mobility vehicles.

Mrs Carleton spoke in support of the application. Prior to her allotted three minutes she raised the following points:-

- submitted evidence relating to planning consent in respect of the Gipsy Hill Hotel overflow car park; and
- confirmed that the hotel expansion plans were predominantly to meet a growing business market rather than for holiday lets.

Shortly after commencing her three minute slot, the meeting was adjourned for ten minutes in response to the speaker's requirement for a short recess.

Mrs Carleton re-commenced her three minute presentation making the following points:-

- she emphasised that she was not presenting the merits of her case as they would be presented to the planning inspectorate;
- thanked the Councillors for the site inspection on 17 October but disappointed that the opportunity had not been taken to view the full site and to see the various facilities including meeting rooms, grounds that had been used to celebrate the Queen's 90<sup>th</sup> birthday in 2016 when over 100 people in the local community had enjoyed a free day out with games and free strawberries and cream;
- also wanted to show Members the bedroom where Baroness Brinton, who had been in a wheelchair, had stayed;
- land has been given freely by the Hotel for cycle infrastructure;
- why is there no reference in the report to the Sandock application which was approved in 2014 and now lapsed. The outline was granted even though an extra 1,045 vehicles were predicted along Pinn Lane. The Sandock application should also be refused – it is a mockery of the consultation process;
- the £27 million cycle way will double the number of cyclists which brings into question the safety of this route. To ensure safety the Redhays Bridge should be closed;
- the Gipsy Hill application will have the least impact on the Lane which can not be closed as it is the only access in; and
- the policies are not functioning.

Responding to Members' queries, she stated that a professional Transport Assessment had been made in respect of Courtlands and that the assessment for Gypsy Hill, which was not a professional one, had been based on the Courtlands one and used in the two pre-application discussions with the Highways Authority.

A Member supported the view that, as the application had been referred to the Secretary of State, then this should be the final arbiter. She also stated that support should be given to the expansion plans of this long established hotel and business helping the economy and creating jobs. She was also concerned about the delay in the planning process in respect of this application.

A Member asked the case officer about the existing housing in Gypsy Hill Lane and why this was acceptable and the proposed development was not. The case officer stated that this was historic and that planning decisions had to follow the planning policies and guidance that existed at the time the decision is made.

The City Solicitor and Head of Human Resources advised that the Planning Inspector would make a decision on the application since the matter had been referred to them by way of appeal for non-determination. The Planning Committee were being asked to indicate how they would have dealt with it had they been making the decision.

Members accepted the importance of reaching a view for submission to the Secretary of State. Whilst recognising the importance of supporting the City's economy as would be the case with the re-development of the Hotel, a Member felt that appropriate weight should also be given to the economic benefits an enhanced cycle network will also bring to the City, particularly as this cycle lane formed part of the primary cycle route between the East of Exeter and Exeter and was set out as a primary route in the Exeter Cycle Map within the Local Transport Plan and Exeter Cycle Strategy.

**RESOLVED** that if Exeter City Council were the determining Authority planning permission for an extension to hotel accommodation block to form 9 self-catering holiday apartments and 4 new hotel bedrooms (net gain 2), following partial demolition of building and demolition of bungalow would have been **REFUSED** for the following reason:-

The proposed development will increase vehicle traffic on Gypsy Hill Lane and Pinn Lane, which are adopted Green Streets in the Sustainable Transport Supplementary Planning Document (March 2013) intended for use as footpaths and cycleways with no access for motorised traffic. Gypsy Hill Lane is also a Green Infrastructure Route in the adopted Core Strategy and a primary cycle route as part of the adopted (in principle) Strategic Cycle Network for Exeter. The additional traffic generated by the proposed development will reduce the attractiveness and functionality of these routes for walkers and cyclists, contrary to Policy CP17 of the adopted Core Strategy, saved Policies T3 and DG1(a) of the adopted Exeter Local Plan First Review, emerging Policies DD20(a) and DD25(g) of the Development Delivery Development Plan Document (Publication Version July 2015) and paragraph 41 of the NPPF which seeks to protect routes critical in developing infrastructure to widen transport choice. In addition, the roads giving access to the site (Gypsy Hill Lane and Pinn Lane) by reason of their inadequate widths, lack of segregated footways/cycleways, lack of street lighting, and poor visibility at the junction between them, do not provide safe and suitable access to the site for all users, contrary to saved Policy AP1 of the adopted Exeter Local Plan First Review and paragraph 32 of the NPPF, and the increased traffic generated by the proposed development will make these routes less safe for existing users, particularly walkers and cyclists.

The Principal Project Manager (Development) (MH) presented the application for the demolition of an existing bungalow to allow construction of New Hotel with up to 250 Bedrooms and associated facilities including new pedestrian foot Bridge link as main entrance at high level via Sandy Park Stadium Car Park.

Members were circulated with an update sheet - attached to minutes.

The Principal Project Manager (Development) (MH) explained that the key issue was transport and that both an initial and revised proposal for alleviating traffic flows along Old Rydon Lane as a consequence of the development had not been acceptable to the Highways Authority. Although parking for residents would be provided on the main Sandy Park site with access to the hotel by means of a pedestrian bridge there was concern that both staff vehicle movements and those of servicing vehicles would impact on safety conditions on the Lane and make it less attractive to pedestrians and cyclists. The applicant's latter proposal was for a traffic island within the carriageway of Old Rydon Lane immediately outside the proposed vehicular access to the hotel site itself as an addition to the scheme for one way traffic on the Lane west of the Hotel site back towards the railway bridge through a Traffic Regulation Order (TRO) (allowing eastbound movements only for vehicles). The applicant had offered a financial contribution of £40,000 towards this scheme. This, and the earlier proposed traffic solution, had not satisfied the Highways Engineer as it was not felt that an associated TRO could be adequately enforced.

As well as traffic movement being a potential problem, a Member referred to potential parking problems in the wider area occurring during match days and at other times. The Principal Project Manager (Development) (MH) confirmed, in response to other Members, that the provision of 250 bedrooms was indicative at present and a maximum limit. Final numbers as well as the hotel design would be addressed as reserved matters.

Another Member referred to planning permission granted for 392 homes on the adjoining site, suggesting that a road link from this residential development to the A370 and the newly constructed roundabout access into Sandy Park, required as part of a legal agreement on construction of 150 units, could solve the concerns regarding traffic on Old Rydon Lane.

The planning permission was over three years old and it was unusual for such a time lapse before progressing a Section 106 Agreement. The Chief Executive & Growth Director advised that it would be appropriate to seek clarification from the developer on the intentions for this site and to seek early resolution to the completion of the outstanding Section 106 Legal Agreement.

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

- representing residents of Old Rydon Lane and the local area;
- the Newcourt Masterplan states that Old Rydon Lane will be managed with the aim of avoiding additional traffic using this route and to ensure that it does not become attractive as a through route for private vehicle traffic. Old Rydon Lane will be managed to make this route attractive to cyclists and shall be maintained as green infrastructure;
- the proposed hotel site is on a designated green belt and a valuable green corridor for cyclists and pedestrians. With such a large scale building project, the lay down area for materials will be vast, as will the size of the various construction vehicles and equipment, creating major access problems,

including road closures and safety hazards on a narrow country lane. This is unacceptable;

- the designated commercial land to the West of Sandy Park, which would connect directly to the A379 is a far better site;
- the proposed hotel site seems to be the cheapest possible option but with the biggest negative impact to the local area and residents. Even the need for another hotel away from the city centre is suspect, when there's already seven hotels within approximately one mile radius of Sandy Park;
- traffic is already increasing as Newcourt expands and will get far worse once IKEA opens. The safety of pedestrians, cyclists and Exeter Chiefs' own supporters, who flood Old Rydon Lane on match days, are already in grave jeopardy as there are no footpaths and safety will only get significantly worse, if the hotel on this inappropriate site is approved;
- considering the massive impact of IKEA opening next year, with its 1,000 space car park, those motorists will use Old Rydon Lane as a short-cut and escape route when Newcourt Way and the A379 are at expected gridlock at peak times;
- after consulting fellow residents of Old Rydon Lane, Newcourt, Clyst Road, Clyst St Mary, Bishop Clyst, their Parish Councils, plus Councillor Mike Howe, an East Devon District Councillor, they are all in full support of my objection; and
- Sandy Park should not increase the safety risk posed to their own spectators and the wider public.

He responded as follows to Members' queries:-

- the building of residential properties on the Bricknells Bungalow site did lead to considerable traffic problems as a result of parked vans and movement of construction vehicles; and
- 15 houses built with a further 60 homes proposed on this site will lead to further problems.

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

- reading letter on behalf of Mr Tony Rowe, OBE, Chairman of Exeter Rugby Club;
- aware of Devon County Council's objections to the proposals and have had numerous meetings and consultations to try and resolve their concerns which it is believed have been addressed and that the development would have a minimal impact on Old Rydon Lane;
- the Transport Assessment identified that there would only be 10 trips in the morning and evening peak periods that would potentially access the site to and from Old Rydon Lane through Newcourt. This was considered to be a concern by Devon County Council, and hence a raft of further mitigation measures are proposed to reduce the impact to a minimal level including:
- redesigned the staff and service access to and from the Hotel to make it physically impossible for vehicular movements along Old Rydon Lane to access the site from a westerly direction;
- reducing the level of on-site staff parking to 30 additional spaces, 10 of which are existing;
- staff contracts preventing access to the site from the west, any incidences to be in violation of staff conditions of employment;
- agreeing to write the above conditions into the Hotel Travel Plan, and regularly monitor and report any incidences of access to the site from the west;

- these measures would physically prevent any trips accessing the Hotel to and from the west;
- the Club will offer to provide a contribution to the proposed scheme to upgrade and redesign Old Rydon Lane to provide a partial one way route from the westerly direction, even though it is considered that the mitigation measures do not require this one-way scheme to mitigate the impact from the Hotel;
- despite all these extensive mitigation measures, Devon County Council still consider there to be an impact on Old Rydon Lane to the west of the site, due to the slight possibility that vehicles could U-turn in Old Rydon Lane to access the site. This is unlikely as there are no opportunities for U-turns on Old Rydon Lane and only very few vehicles would make this manoeuvre, if any;
- the guiding policy is the National Planning Policy Framework (NPPF) which states that 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'. In this case, the residual impacts from the Hotel development after the extensive mitigation measures are minor and cannot be considered to constitute a severe impact;
- Highways England have no issues with the application;
- only asking for an extra 30 car spaces at the Hotel for staff. Hotel guests will be accessing and parking at the current Sandy Park car park accessed from Sandy Park Way. No hotel guests will be using Old Rydon Lane Hotel guests will use the footbridge access from the car park over Old Rydon Lane to the main reception of the Hotel;
- as all other issues in relation to the principle of a Hotel on this site are acceptable. It is considered that there are no grounds for refusal of this application;
- currently Sandy Park is losing business to Torquay and Plymouth, and not attracting the bigger business users because there is no on site accommodation in the form of a Hotel to support the conferencing, banqueting and Rugby facilities;
- Exeter Rugby is a members club, the members owning Sandy Park. The Directors do not get paid for their services to the club and all the profits from the activities at Sandy Park are used to maintain Exeter Rugby at the pinnacle of English Rugby. The club is currently Champions of England and are focusing on being Champions of Europe; and
- the Club has helped put Exeter firmly on the Rugby sporting map of Europe.

In response to a Member's question, he stated that it was anticipated that hotel residents, as well as those attending rugby matches and conferences, would use the main Sandy Park address as their point of destination when utilising sat nav capabilities.

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

Members further considered the car parking proposals for the hotel for both hotel staff and residents and, notwithstanding a suggestion of a mezzanine type solution on the Sandy Park site to cater for residents parking, the applicant had advised that there was insufficient capacity on the Sandy Park site to absorb hotel residents' needs as well as catering for match days parking and that of the proposed conference facility.

With a potential future solution for traffic flows generally in the area as well as for Old Rydon Lane through the provision of a link to the A379, Members considered that the potential for a Grampian condition preventing implementation until a partial



one-way system on a section of Old Rydon Lane had been approved and implemented through a Traffic Regulation Order (TRO) was of sufficient merit to progress the application. The Development Manager Highways and Transport advised that, subject to this proviso, the application could be supported by Devon County Council as Highway Authority.

The City Solicitor and Head of Human Resources advised that if Members were considering approval of the application on that basis, it would also have to be subject to confirmation from Highways England that this did not affect their current recommendation of no objection to the proposal. It was also pointed out that this would require further modelling work by the applicant to demonstrate that there would be no adverse impact on the operation of Junction 30 arising from the introduction of one-way restriction on Old Rydon Lane.

The Principal Project Manager (Development) (MH) advised that a Section 106 Agreement under the Town and Country Planning Act 1990 would be required to secure a financial contribution of £40,000 from the applicant to Devon County Council in respect of the TRO relating to the introduction of the partial one-way restriction on Old Rydon Lane together with appropriate conditions.

Members re-iterated their concerns regarding the lack of progress in relation to the completion of a Section 106 Agreement relating to the adjoining land and their desire to reconsider this matter at a future Committee. Officers noted this and undertook to raise the matter with the applicant for that development and bring a report on this issue back to Planning Committee in due course.

**RESOLVED** that the decision to deal with the application be delegated to the City Development Manager subject to:-

- (a) a Grampian condition prohibiting implementation of the permission until such time as a TRO relating to the introduction of a partial one-way system of Old Rydon Lane has been agreed and implemented;
- (b) the proposal in (a) above being to the satisfaction of Highways England who would require modelling of the potential impact of the introduction of a one-way scheme upon the distribution of trips and details of any impact on the operation of Junction 30;
- (c) the completion of a Section 106 Agreement under the Town and Country Planning Act 1990 securing a contribution of £40,000 from the applicant to Devon County Council in respect of the proposed TRO; and
- (d) conditions to be reported to a Delegation Briefing and subsequently agreed with the Chair of the Planning Committee.

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

The report of the City Development Manager was submitted.

**RESOLVED** that the report be noted.

91

#### **APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

**RESOLVED** that the report be noted.

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#### **SITE INSPECTION PARTY**

**RESOLVED** that the next Site Inspection Party will be held on Tuesday 21 November 2017 at 9.30 a.m. The Councillors attending will be Bialyk, Denham and Newby.

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**UPDATE SHEET**

Additional Information Attached after Agenda Dispatched - circulated as an appendix.

(The meeting commenced at 5.30 pm and closed at 8.43 pm)

Chair

**PLANNING COMMITTEE  
30 October 2017  
ADDITIONAL INFORMATION**

**Correspondence received and matters arising following preparation of the Agenda**

**Item 5: Application Ref: 17/0750/FUL – The King Billy, 26-28 Longbrook Street**

One additional letter of comment stating the uncertainty in respect of the Bus and Coach Station will mean that the highway works as expressed by the Highway officer in their comments may no longer go ahead.

The Highway Officer has stated that there is still no highway objection to this scheme even if the proposed signalling works on Longbrook Street/King William Street are not implemented.

**Item 6: Application Ref: 17/0848/FUL – Gipsy Hill Hotel, Gipsy Hill Lane**

As the applicant has appealed against non-determination, the recommendation in the report of the City Development Manager for this application is updated as follows:

If Exeter City Council were the determining Authority for this planning application, it would REFUSE the proposed development for the following reason:-

The proposed development will increase vehicle traffic on Gipsy Hill Lane and Pinn Lane, which are adopted Green Streets in the Sustainable Transport Supplementary Planning Document (March 2013) intended for use as footpaths and cycleways with no access for motorised traffic. Gipsy Hill Lane is also a Green Infrastructure Route in the adopted Core Strategy and a primary cycle route as part of the adopted (in principle) Strategic Cycle Network for Exeter. The additional traffic generated by the proposed development will reduce the attractiveness and functionality of these routes for walkers and cyclists, contrary to Policy CP17 of the adopted Core Strategy, saved Policies T3 and DG1(a) of the adopted Exeter Local Plan First Review, emerging Policies DD20(a) and DD25(g) of the Development Delivery Development Plan Document (Publication Version July 2015) and paragraph 41 of the NPPF which seeks to protect routes critical in developing infrastructure to widen transport choice. In addition, the roads giving access to the site (Gipsy Hill Lane and Pinn Lane) by reason of their inadequate widths, lack of segregated footways/cycleways, lack of street lighting, and poor visibility at the junction between them, do not provide safe and suitable access to the site for all users, contrary to saved Policy AP1 of the adopted Exeter Local Plan First Review and paragraph 32 of the NPPF, and the increased traffic generated by the proposed development will make these routes less safe for existing users, particularly walkers and cyclists.

A late letter of support was received from Mr Paul Boulton, Senior Leader for Isca Community Church. This stated that the hotel has been important for the church group in making connections with the local community and hosting events. Mr Boulton believes that the application will help improve the facilities at the hotel for everyone and, as the facility is in the heart of the community, it is vital that a quality service can continue to be provided and the property is fit for the future.

**Item 7: Application Ref: 17/0665/01 – Sandy Park Hotel, Old Rydon Lane**

In response to the on-going concerns of the Highway Authority the applicants have, through their Transportation Consultant, submitted a proposal for a traffic island within the carriageway of Old Rydon Lane immediately outside the proposed vehicular access to the hotel site itself (drawing attached as Appendix A). The purpose of the proposed traffic island being to prevent

vehicles travelling east along Old Rydon Lane from turning right into the hotel staff/servicing car park, and to prevent vehicles leaving the site from turning left to travel up Old Rydon Lane. The applicant's consultant has advocated that this measure, along with the proposed contribution to a Traffic Regulation Order introducing one way traffic along a section of the road, would successfully mitigate the impact of the hotel scheme and address the Highways Authority's concerns.

DCC as Highway Authority have considered this additional measure but have indicated that in their view this would not overcome their concerns and therefore their recommendation of refusal as previously set out remains.

In response the potential introduction of a one way section on Old Rydon Lane as part of the scheme Highways England have indicated that this could potentially affect their consultation response and recommendation. In order to establish whether or not this would be the case Highways England have sought clarification whether or DCC have modelled the potential impact of the introduction of such a one-way scheme upon the distribution of trips, or considered the impact on the operation of junction 30. At the time of preparing this update to Committee it is not clear whether or not this is the case.

In the event that Members sought to approve the application incorporating the one-way proposal notwithstanding the Highway Authority's recommendation of refusal, any such decision would have to be subject to further clarification that Highways England were satisfied with the scheme before the decision was issued.



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