

## **EXECUTIVE**

Tuesday 28 February 2023

Present:

Councillor Bialyk (Chair)

Councillors Wright, Denning, Ghusain, Morse, Parkhouse, Pearce, Williams and Wood

Also present:

Councillor Jobson (as an opposition group Leader);

Councillor K. Mitchell (as an opposition group Leader); and

Councillor D. Moore (as an opposition group Leader).

Councillors in attendance under Standing Order No. 44

Councillor Atkinson speaking on item 8 (minute 39 below)

Also present:

Chief Executive & Growth Director, Service Lead City Development, Assistant Service Lead – Local Plan, Principal Project Manager Local Plans and Democratic Services Team Leader

33

### **MINUTES**

The minutes of the meeting held on 7 February 2023, were taken as read, approved and signed by the Chair as a correct record.

34

### **DECLARATIONS OF INTEREST**

No declarations of disclosable pecuniary interests were made.

35

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

No questions from members of the public were received.

36

### **EDDIE LOPEZ**

The Leader announced that the Labour Party organiser Eddie Lopez had sadly passed away after a long illness. Mr Lopez was a good friend to all who knew him, and the Leader passed on his thoughts and those of the Executive Members to his family.

37

### **APPOINTMENT OF TWO DIRECTORS TO THE BOARD OF EXETER CITY LIVING**

The Executive received the report which provided information of a decision made by the Shareholder Representative to appoint two new Directors to the Board of Exeter City Living (ECL) under reserved matters through the Management Agreement for Exeter City Living. The appointments were on a temporary basis until 31st December 2023.

Members noted that the report addressed a perceived conflict of interest raised by the external auditor relating to the appointment of the Section 151 Officer and the Monitoring Officer to the Board, and had since stood down from their roles on Board.

The interim Chair of the Board had raised concerns about the ability to make decisions and appointments had therefore been made for a new Development Director and Finance Manager under delegated powers, in consultation with the Council Leader.

**RECOMMENDED** that Council:-

- (1) note the decision taken by the Chief Executive & Growth Director under delegated powers to appointment two Directors to the Board of Exeter City Living on a temporary basis; and
- (2) note that once a new Shareholder Representative has been identified to replace the Chief Executive & Growth Director, that the Shareholder Representative will undertake a review of Exeter City Living to include a review of progress, governance, future direction and the appointment process for the Managing Director position. The findings of the review, along with any appropriate recommendations will be brought forward for Members' consideration.

38

### **REVIEW OF THE ARTICLE 4 DIRECTION AND HOUSES IN MULTIPLE OCCUPATION SUPPLEMENTARY PLANNING DOCUMENT**

The Executive received the report which set out the progress that had been made on reviewing the Article 4 Direction that restricted permitted development rights from dwellings (Use Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended)) to Houses in Multiple Occupation (HMOs) (Use Class C4), together with the related HMO Supplementary Planning Document (SPD).

The Council's Article 4 Direction had been in place since 2010 which restricted Permitted Development rights for homes converting to HMO's and the areas covered by the Article 4 Direction had last been reviewed in 2014. The Council had also adopted a Supplementary Planning Document (SPD) in relation to HMOs which set out how planning applications for the conversion of homes to HMOs within the Article 4 area would be determined.

Members noted that a consultant had been recruited to review the Article 4 Direction and SPD, and had produced a report on future options which was outlined in Appendix C of the report. Members also noted that that Option 5 had been discounted and Option 2 was the preferred option for the future of the Direction.

The report sought approval to undertake a consultation on proposals to amend the Article 4 Direction and HMO Supplementary Planning Document in line with the preferred choice for option 2. Consultation was proposed to take place between May and July 2023 and would include information about the alternative options.

Councillor D. Moore, as an opposition group leader, spoke on this item. She raised the following points:-

- The proposed option highlighted a potential disadvantage, in that the relatively small expansion in the area could reduce the supply of student HMOS' and impact on rent. She enquired on whether these potential impacts would be monitored.
- The preferred option in the report suggested that it would help maintain a balance between student and non-student homes for various areas and manage the relevant impacts. However, neither the draft SPD, the Article 4

Direction or Policy C1 of the St. James's Neighbourhood Plan had defined what the balance would be. Other Council's had defined how balance would be assessed in respect of individual planning applications and this was an opportunity for the Council to remove any ambiguity by doing the same.

- It was important to understand the impact that HMO's would have on an area, especially when combined with purpose built student accommodation and future Co-Living accommodation.
- City Centre Wards were being let down by the lack of joined up thinking between policies and clarity on these matters, which would continue to cause difficulty for the Planning Committee in determining planning applications.

During the discussion the following points were raised:-

- the report was welcomed by Members and thanks were given to the Planning Officers and consultants for the work undertaken;
- HMOs were a concern in the Pennsylvania Ward and an expansion of the Article 4 Direction would be welcomed by residents, who had pushed for this to be considered by the Council;
- option 2 in the report would provide a good balance for communities;
- the consultant's report was welcomed and provided detailed information to support future decision making;
- the St. James Ward had a large number of HMOs and the proposal would be welcomed by residents;
- the proposal would provide a good balance for housing options, particularly in the housing crisis, to ensure there were enough homes for people in the city; and
- thanks were made to the residents of Sylvan Road for an invitation to a Resident's Association meeting in July 2022. A request for a review of the Article 4 Direction had been made, and since that time, work had been undertaken quickly and the report was a great response to residents.

The Leader highlighted that the recommendation in the report was seeking to commence a consultation. He requested Members engage with the consultation and put their points raised at this meeting into the consultation process. A report would be brought back to Members later in the year, after the consultation process.

The Portfolio Holder for City Development thanked the officers for the work undertaken and highlighted the importance of the report to residents. A budget to undertake the work had been sought and officers had worked hard to bring the matter forward whilst undertaking other areas of work. The public consultation would be held after the election in May and would follow the guidelines of the Council's Consultation Charter.

**RESOLVED** that the draft revised Article 4 Direction (including the Article 4 area plan) attached at Appendix A of the report be approved and the draft revised HMO Supplementary Planning Document (SPD) attached at Appendix B of the report be approved for public consultation.

The Executive received the report which set out the issues associated with the final consultation draft of the Teignbridge Local Plan in relation to cross-boundary implications for Exeter. Two particular areas of consideration which were close to

the edge of the city were Attwells Farm near Exwick and Markham Village near Alphington.

Teignbridge District Council were working on the final draft of their plan, covering the period up to 2040 and were currently consulting on the final draft before it was submitted to the Planning Inspectorate. This was the last opportunity for Exeter City Council to respond to the plan before its submission. A key component of the Teignbridge Plan was their proposed Development Strategy. A significant element of this was on accommodating housing requirements by looking at proposals close to existing facilities and settlements to reduce travel requirements and support Net Zero.

Specific locations for consultation were at Atwell's Farm, Peamore and Markham Village, which were located on the edge of the city. During previous consultations, the City Council has previously supported the Peamore proposal, but had raised concerns about the proposals for Atwell's Farm and Markham Village in relation to the impact on landscape, infrastructure, and transport.

Particular reference was made to the emerging Exeter Plan and the Development Strategy, which focused on accommodating the majority of developments on brownfield sites in order to minimise the need to travel, regenerating areas and protecting the landscape setting of the city. It was appropriate for the Council to consider these aims when thinking about the potential impact of developments close to, but outside of Exeter. A formal response to the consultation would be submitted based on the issues raised for Atwell's Farm and Markham Village.

Councillor D. Moore, as an opposition group leader, spoke on this item. She raised the following points:-

- It was right for the Council to reject the proposed sites at Markham village and Atwell's Farm, which would not be sustainable and would be car led housing estates developments, and wasn't focussed on creating sustainable communities. She supported the reason for rejecting the proposals but considered that the report should also highlight that the areas were important agricultural land.
- The Peamore and West Exe sites made up 46% of the Teignbridge proposed sites. The Council needed to look closer at the areas, such as Peamore, which had been identified as having a high impact on the Exeter air quality management area. The area was remote from local services and facilities and would require substantial investment to create paths for walking, wheeling and cycling.
- The Teignbridge documentation stated that the major roads surrounding the site currently provided natural barriers to the expansion of Exeter and breaching these would have landscape implications. New communities would look to the city for amenities but would feel out of reach due to the natural barriers and would become car led developments.
- The £50 million grant referred to in the report was focussed primarily on new junctions and roads and the Council needed to ensure that Devon County Council wasn't solely focussed on developing carbon neutral roads.
- The developments were not suitable for Exeter in terms of sustainable transport solutions and encouraged additional car use. The Council needed to go further in its reason for rejecting the proposals.

- Exeter City Council and Teignbridge District Council needed to have a detailed conversation about the extensions to the south west area of Exeter.

The Leader suggested that Councillor D. Moore formally submit the points raised as a City Councillor response to the Teignbridge Consultation.

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

- Teignbridge District Council should not solve its housing needs by having a Housing Strategy, which puts their new developments onto the south west of Exeter and the Alphington Ward.
- Teignbridge was in the process of building 2000 houses on Alphington's boundaries with a net increase in traffic movement on Chudleigh Road and Dawlish Road and issues relating to the new developments were still being addressed.
- Highways Planners have had difficulties in turning down developments for safety concerns and highway capacity. There was currently a vision and validation approach in moving away from highway considerations which would provide and maintain a sustainable community and transport system. The Teignbridge proposals would encourage more car use.
- The development would have a severe impact on the existing road network and introduce safety concerns and there would only be two routes in and out of the development at Ide Lane and Markham Lane onto Shillingford Road.
- The site was not appropriate for sustainable modes of transport due to safety concerns. It would be difficult to encourage people to walk or cycle across the A30 roundabout at Ide Lane, which was a dangerous roundabout and not suitable for cyclists or pedestrians. It was not reasonable to suggest residents should cycle and walk from the site using the A30 roundabout.
- The second access to the development was at Markham Lane to Shillingford Road, which had no pavements and was not wide enough for a separate cycle route. A forthcoming development at the location would install limited paving space, but was on a steep hill. This was not suitable for sustainable transport for safety reasons.
- Under the current system, a developer would make a Section 106 contribution to fund a bus route, but the route would need to be established. If the service failed, the residents would have to risk walking on the roads or resort to driving and Devon County Council would not be able to subsidise the bus service.
- The current development by Tilia Homes in Exeter was intending to develop 120 homes which would come out onto Shillingford Road. Planners had stated that the development couldn't be built until another exit was made available onto Chudleigh Road. The Teignbridge proposal was, now suggesting an additional 900 homes exiting onto Shillingford Road, which would be against the Council's own policy.

- The development issue could be alleviated if a new slip road onto the A30 outside Shillingford Abbott / Markham Lane was created to divert traffic, however there was no proposal to do so. The proposed E15 cycle route from the new development on the south west area of Exeter did not link to the site and was therefore, not sustainable.
- The developments wouldn't be sustainable freestanding settlements or provide enough funding for a new school or community centre, leading children being forced to travel further to either West Exe School, Alphington Primary School or the new Matford Brook School, taking children through dangerous roads and roundabouts.
- Other facilities would be required to create sustainable communities, such as a GP surgery, extra care housing and affordable housing. The more developers were asked to fund infrastructure the less affordable housing they would be prepared to fund.
- Teignbridge District Council had a high housing target set by the government for 750 new homes a year. This target should not overshadow the need for proper infrastructure to be put in place. Developers should not be allowed to build, generate a profit and then leave existing communities to find funding for new infrastructure at public expense.
- The government needed to change its planning laws to ensure that infrastructure was provided before building went ahead. The Council needed to be clear that this was not a sustainable development and that Alphington should not pick up the cost.
- The development would be located on a hill and be visible across Exeter and Alphington and therefore was not acceptable for landscape reasons.
- Exeter City Council should not support the inclusion of Markham Village and Atwell Farm in the Teignbridge District Council Local Plan and Councillor Atkinson would also be making her own submissions to the consultation.
- New settlements for the Peamore area in the Teignbridge Local Plan needed to consider whether the proposed locations were close to facilities, jobs and services. Peamore had greater links to Exeter with a better chance for developing a sustainable community.
- It was hoped that a slip road would be built in to the A38 for less traffic going through Alphington and would go forward as part of the Peamore development with a new transport hub being provided.
- Peamore had improved transport/ traffic, infrastructure and landscaping, however it was unclear for the Alphington development, whether there would be facilities available or whether residents would have to drive to Alphington to access facilities. Teignbridge needed to ensure their proposals were sustainable and provided shops and services.

The Leader thanked Councillor Atkinson for the points raised and advised that the points raised should be taken into consideration when responding to the consultation. He advised Councillor Atkinson to submit her points to the Assistant Service Lead – Local Plan for inclusion in the response.

During the discussion the following points were raised:-

- the detailed contribution from Councillor Atkinson was acknowledged, and the concerns raised were also mirrored in Pinhoe Ward, in terms of development in East Devon. Proposed bolt on communities were not sustainable and impacted on local resources and travel options; and
- it was pleasing that Teignbridge were progressing with their local plan, but was also disappointing that some of their proposals were not sustainable and would have a negative impact on the city. It was likely that Teignbridge would receive a large volume of responses to their consultation, allowing Exeter residents to assert their views.

The Leader highlighted the issues raised in relation to transport, lack of facilities and infrastructure, which were important to the city. The priority was to continue protecting the green space on the borders of the city.

In response to a Members question, the Assistant Service Lead – Local Plan advised that the Council had a duty to cooperate with other authorities, and discussions with Teignbridge had been ongoing for a period of time, leading to development of their plan. Although not all issues had been resolved, engagement had been valuable and would continue. Though there was a duty to cooperate, it was not a duty to agree and Councils could have differing views on some matters.

The Portfolio Holder for City Development thanked Members for their contributions for consideration as part of the Council's response. She noted that there was a level of convenience for other authorities to build on the edge of the city which was not sustainable or beneficial to Exeter. She highlighted that some elements of the Greater Exeter Strategic Plan had been incorporated, notably the site boundary and welcomed the excellent points made by Members.

**RESOLVED** that delegated authority be granted to the Director of City Development, in consultation with the Council Leader and Portfolio Holder for City Development, to prepare and submit a response to the consultation on the proposed submission version of the Teignbridge Local Plan based on the issues raised in report presented at the meeting.

40

### **LORD MAYORALTY**

The Leader proposed, and the Deputy Leader & Portfolio Holder for Arts & Culture and Corporate Services seconded, that Councillor K. Mitchell be nominated as Lord Mayor Elect for the 2023/24 Municipal Council year, and Councillor Read be nominated as the Deputy Lord Mayor Elect for the 2023/24 Municipal Year.

Councillor K. Mitchell thanked Members for his nomination and highlighted that his term would also coincide with the 75<sup>th</sup> Anniversary year of the NHS.

**RECOMMENDED** to Council that Councillor K. Mitchell be nominated as Lord Mayor Elect for the 2023/24 Municipal Year and that Councillor Read be nominated as the Deputy Lord Mayor Elect for the 2023/24 Municipal Year.

(The meeting commenced at 5.30 pm and closed at 6.20 pm)

Chair

**The decisions indicated will normally come into force 5 working days after publication of the Statement of Decisions unless called in by a Scrutiny Committee. Where the matter in question is urgent, the decision will come into force immediately. Decisions regarding the policy framework or corporate objectives or otherwise outside the remit of the Executive will be considered by Council on**