

APPENDIX 2

Planning Committee Report 21/1564/OUT

1.0 Application information

Number:	21/1564/OUT
Applicant Name:	Police and Crime Commissioner for Devon and Cornwall and PBSA Heavitree Road S.A.R.L
Proposal:	Outline planning application with all matters considered in detail except landscaping, for the demolition of the existing buildings and construction of mixed-use development comprising Purpose-Built Student Accommodation (Sui Generis) and Co-Living (Sui Generis) with associated infrastructure. (Revised plans received)
Site Address:	Former Police Station and Magistrates Court, Heavitree Road
Registration Date:	7 October 2021
Link to Application:	21/1564/OUT
Case Officer:	Matthew Diamond
Ward Member(s):	Cllr Richard Branston, Cllr Jemima Moore, Cllr Matthew Vizard.

REASON APPLICATION IS GOING TO COMMITTEE:

The Director of City Development considers the application to be a significant application that should be determined by the Planning Committee in accordance with the Exeter City Council Constitution.

2.0 Update following 5 September 2022 Planning Committee

At the Planning Committee held on 5 September 2022 Members resolved to refuse this application for the following reasons and asked the Director of City Development to report back to the next Planning Committee with full technical reasons for refusal:

- height, massing, design, siting and landscaping of the development having an adverse impact on the surrounding buildings and the street scene of the Heavitree Road approach into the City Centre;
- insufficient usable external amenity space for both the Co-living and PBSA accommodation blocks, allied to a failure to adequately acknowledge the wider impact on amenity space in the surrounding residential areas and also the substandard quality and amenity space offered as part of the living accommodation within the Co-Living block itself; and
- loss of trees and biodiversity.

Accordingly, the technical reasons for refusal recommended by officers are:

1. The proposed development would harm the character of the area, including the streetscenes along Heavitree Road and Gladstone Road, and the setting of the locally listed St Luke's College buildings, by virtue of the heights and massing of the two buildings, which would be of a far greater scale than the majority of buildings in the area, and their siting in close proximity to the streets making them feel even more imposing on their surroundings. The proposed development is therefore contrary to Policy CP17 of the Core Strategy, which requires all proposals for development to complement or enhance Exeter's character and local identity, saved Policies H5 and DG1 of the Exeter Local Plan First Review 1995-2011, and paragraphs 130 and 197c) of the NPPF (2021).
2. The proposed development would harm the amenity, privacy and outlook of the adjacent residential properties, particularly in Higher Summerlands, due to the height, scale and massing of the proposed buildings on the site and their siting in close proximity to the properties taking into account their designs. The proposed development is therefore contrary to saved Policies H5(a) and DG4(b) of the Exeter Local Plan First Review 1995-2011, and paragraph 130f) of the NPPF (2021).
3. The proposed development would have a limited amount of external amenity space for use by the high number of residents of the two buildings and the external amenity space proposed in the form of the internal courtyards would be poor quality with a sense of feeling enclosed and with reduced levels of daylight due to the scale of the surrounding buildings. In addition, the small size of the studios within the co-living block combined with the amount of internal, shared communal space within the building would provide a poor living environment for residents that would have a negative impact on their health and well-being. The proposed development is therefore contrary to saved Policy DG4(b) of the Exeter Local Plan First Review 1995-2011 and paragraph 130e) and f) of the NPPF (2021).
4. Notwithstanding the applicant's agreement to pay £472,995 for the maintenance and upgrade of off-site public open spaces serving the development (to be spent on upgrades to Exeter City Council parks) and £121,095 for the maintenance and upgrade of off-site play areas serving the development (to be spent on the installation of outdoor adult fitness equipment) in accordance with the consultation response from the Public and Green Spaces team of Exeter City Council to mitigate the impact of additional demand on off-site Exeter City Council public spaces, the proposed development would have a negative impact on public spaces in the locality of the site, in particular Belmont Park approximately 400

metres north of the site, due to the additional use and demand of these spaces by residents of the proposed development and limited amount of on-site external amenity space provision. The proposed development is therefore contrary to Policy CP10 of the Core Strategy, which protects facilities that meet Exeter's community, social, health, leisure and recreational needs, and saved Policy DG4(a) of the Exeter Local Plan First Review 1995-2011 stating that residential development should be at the maximum feasible density taking into account site constraints and impact on the local area.

5. The proposed development would result in the loss of all trees on the site including several category A and B trees which contribute to the amenity of the locality and biodiversity of the site. Without a detailed landscaping scheme as part of the application, there is a lack of certainty that the loss of these trees will be adequately and appropriately compensated for to maintain or enhance the amenity and biodiversity value of the site. The indicative information submitted with the application in this regard does not demonstrate that this can be satisfactorily achieved. Therefore the proposed development is contrary to Policy CP17 of the Core Strategy, saved Policies H5(a), LS4 and DG1(c)(h) of the Exeter Local Plan First Review 1995-2011, and paragraphs 130 and 131 of the NPPF (2021).

It is also advised to add the following reason for refusal:

6. In the absence of a s106 legal agreement to secure the following:
 - 20% of the co-living units (i.e. 72) will be affordable private rented (5% of which will be wheelchair accessible) and priority will be given to essential local workers.
 - Habitats Mitigation = £370,612.34 (in relation to the co-living development only)
 - NHS Devon ICB contribution = £264,960.00 (£173,312 for PBSA and £91,648 for co-living)
 - Public open space contribution = £472,995.00 (£309,389 for PBSA and £163,606 for co-living)
 - Play (outdoor adult fitness equipment) contribution = £121,095.00 (£79,209 for PBSA and £41,886 for co-living)
 - Student Management Plan for PBSA block
 - Co-living Management Plan/Monitoring for Co-living block

the proposal is contrary to Exeter Local Development Framework Core Strategy 2012 Objectives 1, 3, 5, 6, 8 and 10, and policies CP7, CP10, CP16 and CP18, Exeter Local Plan First Review 1995-2011 saved policies L4, LS2, LS3 and DG4, Exeter City Council Affordable Housing Supplementary Planning Document 2014 and Exeter City Council Public Open Space Supplementary Planning Document 2005.

As a further update, Members are advised that the applicants have contacted officers requesting a further deferral of the application in order to revise the proposals accounting for the issues raised by the Planning Committee. Subject to an appropriate extension of time being agreed, the Director of City Development recommends that this time is granted so that Members can consider a revised set of proposals that better reflect Members' aspirations for the site and to ensure that any proposals considered at appeal are the most appropriate for the area.

A copy of the original 5 September Planning Committee Report is at Appendix 1.