

## **PLANNING**

Date: Monday 13 January 2025

Time: 5.30 pm

Venue: Rennes Room, Civic Centre, Paris Street, Exeter

Members are invited to attend the above meeting to consider the items of business.

If you have an enquiry regarding any items on this agenda, please contact Pierre Doutreligne, Democratic Services Officer (Committees) on 01392 265486.

Entry to the Civic Centre can be gained through the rear entrance, located at the back of the Customer Service Centre, Paris Street.

### *Membership -*

Councillors Knott (Chair), Patrick (Deputy Chair), Asvachin, Atkinson, Banyard, Bennett, Hughes, Hussain, Jobson, Ketchin, Miller-Boam, Mitchell, M, Pole and Rolstone

## **Additional Information**

### **Part I: Items suggested for discussion with the press and public present**

#### **9 Update Sheet**

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8)

### **Date of Next Meeting**

The next scheduled meeting of the Planning Committee will be held on **Monday 27 January 2025** at 5.30 pm in the Civic Centre.

**Individual reports on this agenda can be produced in large print on request to Democratic Services (Committees) on 01392 265107.**

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## PLANNING COMMITTEE

13<sup>th</sup> January, 2025

### ADDITIONAL INFORMATION

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

##### **Item 4: Planning Application No. 24/0911/MDO – The Harlequins Centre, Paul Street, EX4 3TT**

Following the publication of the committee report, the following comments were received from Mr Paul Barkley (in italics):

*I wish to comment on the report to Planning Committee in relation to the above item. I would be grateful if this could be circulated to members and relevant officers in advance of the meeting.*

*At page 15 of the report it says that the Affordable Housing SPD provides that in "exceptional circumstances" a commuted provision may be acceptable at the Council's discretion and to be applied in order of priority, first to off-site provision, secondly to off-site purchase and thirdly to a financial contribution spent on the provision of affordable housing in the city.*

*On page 16 the report says "off-site provision and off-site purchase of affordable housing in lieu of on-site provision were not given consideration in negotiations. The specialist nature of this type of housing does not lend itself to these options....", but the report fails to give any explanation as to why this is so. The 2018 Planning Policy Guidance on Build to Rent says that although the expectation is on-site provision "the requirement can be met by other routes such as a commuted payment **and/or other forms of affordable housing**" which does not suggest the options are limited to either on-site provision or a commuted payment.*

**Planning Case Officer comment:** Off-site provision of affordable private rent co-living units would require the developer to find another site in the city and develop it for co-living with 20% of the units as affordable private rent in addition to the 55 affordable private rent studios and 21 affordable private rent cluster flat bedrooms from this application. Such a scheme is unlikely to be viable or deliverable, and would need to be granted planning permission before or in tandem with the current application. The applicant has not come forward with such a site or proposal and it was not considered realistic for them to do so.

The Affordable Housing SPD states that as a second priority developers may buy dwellings of an equivalent number and size on the open market for use as affordable housing. Off-site purchase of 55 co-living studios and 21 co-living cluster flat bedrooms to be used as affordable private rent would require such units to be available on the open market. There is currently limited co-living housing stock in Exeter and Planning Practice Guidance states that affordable housing in build to rent schemes must be

managed by the same landlord as the market accommodation. Therefore, this is also considered to be unrealistic and could mean that additional open market co-living units would need to be purchased alongside those intended to be used as affordable private rent to ensure that all the units in the off-site scheme were managed by the same landlord to comply with national guidance.

As stated in the committee report, the Affordable Housing SPD was not written geared towards co-living. It was considered more appropriate to determine the financial value of the affordable units and negotiate an appropriate commuted sum to the Council to help deliver affordable housing elsewhere in the city, taking into account the viability of the approved scheme. The Council can then decide the best way to spend this money for the maximum social value. Furthermore, this approach aligns with the future direction for dealing with co-living schemes in the city, taking into account emerging Policy H6 of the Exeter Plan.

In terms of the comment on the 2018 Planning Policy Guidance on Build to Rent, unlike the 2014 Affordable Housing SPD, it does not state an order of priority for the other routes of delivery of affordable housing in build to rent schemes. For clarity, at paragraph 004 (ID: 60-004-20180913) it states:

*"It is expected that developers will usually meet their affordable housing requirement by providing affordable private rent homes. However, if agreement is reached between a developer and a local authority, this requirement can be met by other routes, such as a commuted payment and/or other forms of affordable housing as defined in the National Planning Policy Framework glossary. The details of this must be set out in the section 106."*

Therefore, the proposed modification accords with this aspect of national planning practice guidance, subject to the Planning Committee agreeing to it.

Mr Barkley continues as follows:

*Further on page 16, the report says "The Civic Society has objected partly due to the lack of information on how the financial contribution would be spent. This is not a matter for the Planning Committee to determine; however, the Asset Management Lead on behalf of Housing has confirmed that the funding can be used to unlock other sites in the city in need of investment". With respect, the Planning Committee are being asked to agree to a financial contribution in lieu of on-site provision and should be provided with some further information about how this would be used to "unlock other sites" (without specifying which sites).*

*I don't know enough about the convoluted financial relationship between the Council and Exeter City Living but clearly that experiment was a financial disaster. I would therefore assume the Council would be anticipating working with housing associations.*

*However, a lack of housing association capacity or appetite to invest has been reported in the planning press in recent months. Links to articles in Planning magazine in September and December 2024 are provided below. I presume this is subscriber only content but no doubt the Council is a subscriber and can access the material.*

<https://www.planningresource.co.uk/article/1888260/why-collapse-housing-association-demand-section-106-homes-planning-crisis>

<https://www.planningresource.co.uk/article/1900780/homes-england-launches-section-106-clearing-service-help-deliver-affordable-homes-hbf-warns-may-not-enough-halt-drop-build-out>

*The December article refers to a report from the Home Builders Federation "Bid Farewell: An examination of the crisis in S106 Affordable Housing". That appears to be a public document and a link is below.*

<https://www.hbf.co.uk/research-insight/bid-farewell/>

*I consider that the committee (and the public) should be informed how the Council is going to provide Affordable Housing when housing associations are unlikely to. A "confirmation" that the funding "can be used to unlock other sites" is insufficient to enable the committee to make a decision.*

**Planning Case Officer comment:** In accordance with the constitution, the Planning Committee are required "To exercise and perform the powers and duties of the Council under the Town and Country Planning Act 1990 and appropriate regulations, planning and related legislation, except such powers and duties as are:

- a) delegated to the Service Lead – City Development or other officer in accordance with the constitution;
- b) a function of Council, Executive or any other Council Committee or Panel."

As set out in the committee report, the deed of variation will specify that the financial contribution will need to be spent towards the provision of affordable housing elsewhere in the city. 'Affordable housing' will carry the same meaning as that set out in the glossary to the National Planning Policy Framework (2024) and may include social rent, other affordable housing for rent, discounted market sale and shared ownership. There is therefore flexibility in how the financial contribution is used.

The constitution delegates approval of the use of commuted sums towards affordable housing to the Head of City Development, subject to consultation with the Portfolio Holder for City Development and Finance and Estates Officers:

Function	Consultation or Agreement	With Postholders/Group
<u>Affordable Housing</u> Approve the use of Commuted sums, as required, to acquire new affordable housing	Consultation	Executive Member with Relevant Portfolio and Finance and Estates Officers

Further, the constitution delegates decisions on use of s106 funding where the terms are not prescribed by the agreement to the Head of City Development, subject to the agreement of the Portfolio Holder for City Development:

Function	Consultation or Agreement	With Postholders/Group
<u>Section 106 Planning Obligations</u> Minor variations of existing Section 106 agreements, new agreements involving sums of less than £10,000 and those considered necessary with regard to planning appeals.	Consultation	Chair of Planning Committee
<b>Decisions on use of Section 106 funding where the terms are not prescribed by the agreement.</b>	Agreement	Executive Member with Relevant Portfolio

Decisions on how the financial contribution is spent towards the delivery of affordable housing in the city will be made after it's received, based on current needs. As set out in the committee report, the financial contribution will be paid in instalments linked to the delivery of the scheme. Whilst definitive timings cannot be provided, based on the information in the submission, it is estimated that these will be in the summer 2025 (£1,000,000.00), late 2025/early 2026 (£1,000,000.00), early-mid 2028 (up to £2,750,000.00) and early-mid 2029 (up to £2,750,000.00); the latter two instalments could be delayed by 12 months if the Council chooses to delay the independent valuation and would be subject to the outcome of the independent valuation.

As set out in the committee report, the Asset Management Lead on behalf of Housing has confirmed that the funding can be used to unlock other sites in the city in need of investment. This includes sites belonging to the Council.

Mr Barkley continues as follows:

*Finally, the report to committee does not mention (and there is no reason why it should) that a section 106 agreement for a commuted payment will include an agreement by the Council to repay the money (with interest) if it is not spent within a specified period. Therefore the possibility cannot be discounted that this development will deliver no Affordable Housing.*

**Planning Case Officer comment:** This is what is often referred to as a 'clawback clause'. The developers have not sought a clawback clause as part of the agreement. This means the financial contribution shall be available to spend on affordable housing in the city in perpetuity and there will be no deadlines for its expenditure.

**Item 5: Planning Application 24/0820/FUL – 47-48 Sidwell Street, EX4 6NS**

Following the publication of the committee report, comments were received from Devon County Council Highways Authority.

DCC Highways raised no objection to the proposal and advised that the proposed use of an adult gaming is unlikely to generate significant levels of movement, put the existing highway over capacity or result in a severe highway safety concern. Additionally, it is noted that advertisement details were not submitted in this application. Should the applicant wish to use overhanging or footway signs it would be beneficial to approach the Highway Authority for guidance on licensing and legal agreements.

**Planning Case Officer comment:**

The impact of the proposed use on highway safety is not considered to be problematic. The premises is of a small size and capacity with a total floor space area of 125.7 sqm. The site is located close to a range of public transport nodes including Exeter Bus Station and is highly accessible by sustainable modes of travel. There isn't external space available in the application site to accommodate customer cycle parking but existing offsite provision in Sidwell Street and other streets nearby is sufficient.

**Item 6: Planning Application 22/1620/FUL – The Boat House, Ferry Road, Topsham, EX3 0JJ**

Following the publication of the committee report, comments were received from Historic England:

Historic England – raised no objection and states it, *is not opposed to redeveloping the boat repair facility in principle*, however they recommend the Council seek amendments to address the concerns raised regarding the application on heritage grounds, in accordance with NPPF paragraphs 208, 213, and 215, specifically the impact on the Grade II\* listed Church of St Margaret's.

HE states that the redevelopment would introduce a prominent addition to Topsham's river edge through increased mass, scale, and extensive glazing.

The development would impact on church views as the upper floors would:

- Partially obscure views of the church tower
- Form a conspicuous addition in views from across the water
- Potentially erode the church's landmark status

HE recommends:

1. The Council ensures any harm is "clear and convincingly justified"
2. All opportunities to minimize harm should be explored, including reducing upper levels
3. Any remaining harm must be weighed against the public benefits

**Planning Case Officer comment:**

The concerns raised by HE have been addressed in the Committee report. HE have stated that *'Trouts Boatyard remains an important expression of the town's relationship to its waterway heritage'*.

- The 2-storey height of the boatyard development enables it to serve more modern, larger boats in order to be operational into the future and preserve this important heritage of Topsham.
- The uplift in the scale of the residential provision, further aids the facilitation of the redevelopment.
- The above ground floor, residential offering, is set back from the building frontage facing the river, by 5.2m, responding to earlier Officer comments and having subsequently undergone a number of earlier iterations to reduce and scale and bulk of the scheme which is now more in line with the building fronting the river, at 2.5-storeys high.