

PLANNING COMMITTEE

Monday 1 June 2026

Present:

Councillor Knott (Chair)

Councillors Cookson, Baker, Chelvanayagam, Hussain, Jobson, Ketchin, Miller-Boam, Mitchell, M and Richards

Apologies:

Councillor Darling

Also Present:

Strategic Director for Place, Principal Project Manager - Development Management, Team Lead - Property, Planning & Non-Contentious, Planning Property and Contracts Lawyer and Democratic Services Manager

1

MINUTES

The minutes of the meeting held on 27 April 2026 were taken as read, approved and signed by the Chair as correct.

2

DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

3

PLANNING APPLICATION NO. 25/0676/FUL - HEAVITREE ROAD POLICE STATION

The **Principal Project Manager (Development Management)** presented the application **No. 25/0676/FUL – Heavitree Road Police Station** which included:

- the site location plan with red line;
- reason for this decision being before the committee: this exact proposal had been considered by planning committee on 8 December 2025. The committee resolved to approve the application subject to changes proposed on the amendment sheet and to a further minor change to the officer recommendation in regard of a public path through the scheme.
- there were two reasons for returning the application to committee: firstly, six months had been given to negotiate and sign the section 106 agreement. This period will expire on 08 June 2026 and more time is needed. Secondly, the applicants had requested one minor change to the proposal in respect of the affordable housing it would deliver (which applied only to the co-living proportion of the development and not the PBSA part). The previous scheme proposed that 20% (83 units) of the Co-Living studios be affordable housing, the applicant had requested that the level be reduced in line with national policy for Vacant Building Credit(VBC). This did not change the nature of the scheme;
- officers accepted that VBC was applicable and that a lower level of affordable housing was required, as the planning balance on which planning committee took their decision on 08 December 2025 had changed. It was necessary for planning committee to consider the application;
- the limited impacts that this change had on the overall scheme, relevant parts of the appended report had been highlighted;
- changes from the December update sheet (which included changes to proposed conditions) were now incorporated into the updated officer recommendation;

- the amendment made by the committee regarding the public path through the development remaining open 24 hours a day, rather than being closed at night was now fully incorporated into the proposal;
- whilst the December decision was relevant as a change to the level of affordable housing would change the planning balance and required a further committee decision, the focus of the presentation was on the affordable housing issue;
- the report was comprehensive and covered all issues; and
- officers were happy to respond to questions on any aspect of the application.

A short break due to technical issues was taken at 5.51pm and the meeting recommenced at 5.58pm

The **Principal Project Manager (Development Management)** continued to present the application for **No. 25/0676/FUL – Heavitree Road Police Station** which included:

- outlining the national policy (NPPF) and guidance (PPG) which established VBC, including an example. The objective of VBC was to incentivise development on previously developed (brownfield) land and as such it allowed existing floorspace to be offset from the affordable housing requirement such that it was liable only on any net increase in floorspace proposed;
- VBC was considered prior to the 8 December 2025 committee, and member's attention was drawn to a paragraph in that report which explained that it may apply, but that the applicant had not requested it;
- Since the December resolution the applicant had made a formal approach and asked that VBC be applied;
- VBC was a legitimate policy for this site and legal advice had confirmed that the credit should apply to the 20% requirement (which was applicable to the development under national NPPF policy on 'Build To Rent' housing) or to the 35% which was usually required by the local plan;
- there was disagreement between officers and the applicant about the methodology for calculating VBC: officers considered that the proposed floorspace to be included in the calculation should be that of the whole development whilst the applicant argued that only the co-living floorspace should be included. The two approaches resulted in a significantly different affordable housing requirement for this application;
- the amount of existing floorspace on site had been subject to discussion with the applicant and had increased significantly since the application was first submitted. This impacted on the level of affordable housing required following the application of VBC. Officers drew attention to existing buildings in two particular areas of the site;
- the table on page 34 presented several different scenarios based upon different floorspace inputs and the methodology preferred by both officers and the applicant. This generated affordable housing requirements varying from the applicant's preferred 9.34% (39 units) to the 64 units (15.49%) included in the December 2025 committee report;
- Officers considered that the requirement should be 14.5% which resulted in 60 affordable studios plus a residual commuted sum of £10,179.86;
- officers suggested that the S106 agreement allow the number of units to be rounded up to 61 if the applicant preferred not to pay the commuted sum;
- planning obligations were set out with only those highlighted in yellow within the report being different from those considered in December 2025;
- within the December report and presentation, the proposal had been compared to the appeal scheme and it had been determined that the

impact on neighbours was less and the design significantly improved. Some harm had been acknowledged in the loss of trees but new tree planting was deemed sufficient to overcome the loss of trees. Officers considered that the multitude of benefits would outweigh the harm;

- officers considered that this conclusion remained: despite a proposed reduction in the affordable housing provision, the outcome of the planning balance remained the same. Officers recommended approval subject to the planning obligations and conditions set out in the report;
- it was acknowledged that the reduction was unfortunate but it would not significantly change the planning balance;
- there were two further details to share, an objection from Exeter Civic Society had been received on Thursday 28 May which objected on the basis that affordable housing was too important to delegate to officers; and
- secondly the applicant's agent had written to officers only a matter of hours before the meeting. The Principal Project Manager (Development Management) read key aspects of the letter to the committee. The letter confirmed that despite discussions so far they accepted the officer preferred position in terms of VBC of 60.07 plus £10,179.86 and asked that their acceptance be conveyed to the planning committee. They explained that there was no clear methodology provided and maintained that their approach was valid but in the interests of moving the application forward they would accept the officer's methodology.

The **Principal Project Manager (Development Management)** responded to Member questions and clarification points as follows:-

- VBC was seen infrequently as where a site had existing buildings a developer often had the opportunity to gain financial incentive through a reduction in CIL payment. Developers were not able to offset through both CIL and Vacant Building Credit;
- CIL relief was not applicable in this case as the site had not been in use for six months during the previous three years as it had been vacant since 2021. It was unusual for buildings to stand vacant for this length of time;
- officers could not give assurance that the applicant would not come back with further viability elements as these processes were set nationally;
- this particular type of affordable housing was Affordable Private Rent where properties were rented at a twenty percent discount to the market;
- the five year housing land supply would be updated in light of the local plan. If the plan was found sound and adopted, the Council was likely to find itself with a 5 year supply, but as a result of the target changing rather than the number of houses with planning permission in the supply. The process did not allow for a planning authority to delay a decision to await an update which would allow a different decision to be reached. Local Plan officers had stated that the planned 813 homes would contribute towards housing supply which would have a large impact;
- harm would arise from the loss of trees but this harm had been flagged as a landscape impact rather than ecological, however officers acknowledged the multiple benefits trees delivered. The appeal scheme had been refused with loss of trees cited as a reason but the council had conceded that the loss could be mitigated;
- Biodiversity Net Gain(BNG) was subject to strict rules and methodology and exact BNG would only be confirmed after a decision had been made. This scheme was showing as plus 14%. There was no ability to request off-site or early tree planting as a mitigation. If the resolution were granted it would allow the scheme to be built in two phases and the condition wording proposed by officers had been drafted to try to prevent unnecessary premature loss of trees if the scheme is built out in phases;

- none of the proposed building were designated tall buildings under the Act;
- the local planning authority's view was that contributions requested by the hospital were not fully justified or compliant with CIL regulations and the reasons for this were complex; notwithstanding any issues about justification the RDUH had not requested contributions on this occasion;
- South West Water had commented but raised no issues and confirmed that works planned by them would ensure that adequate foul sewerage capacity would exist; and
- officers accepted that VBC did apply therefore the 83 affordable housing units would be superseded and untenable. 61 would therefore be policy compliant and the applicant had acknowledged that they accepted the methodology.

The Strategic Director for Place responded to members' questions in the following terms:

- the local plan examination had heard the reasons for the police vacating the site, being that it was no longer fit for purpose and they wished to move to a new headquarters;
- the information before the committee was that upon which a decision must be made and speculation could not be made about what might happen in the future with regard to the five year land supply;
- having an adopted local plan would strengthen the council's position in relation to housing supply. The contribution that the 813 units proposed would make to housing supply was significant. The government approach has also changed such that a 20% buffer would need to be included in the housing land supply calculation going forward. This may make it more difficult to achieve a five year land supply;
- compared to the original application, which was an outline application with landscaping reserved, the landscaping proposed was significantly better;
- height references were likely in relation to Above Ordinance Datum(AOD), with regard to street scene rather than building height;
- there had been discussions about the collection of S106 planning obligations towards the Royal Devon University Hospital in future. These had arrived at a suitable position and had put this to the planning inspector for the local plan; and
- in future s106 and CIL contributions toward health infrastructure would be considered on a site-by-site basis in accordance with CIL test regulations but the authority would await the outcome of the local plan examination.

Councillor Mitchell moved, and the Chair, Councillor Knott, seconded the recommendation.

It was proposed by Councillor Jobson and seconded by Councillor Ketchin that the following amendment be made:

- 1) the words "agreed by the Head of City Development, in consultation with the Chair, under delegated authority" under the heading of "Affordable Housing" close to the top of page 43 of the report be replaced with "as per the letter from the applicant today: 60 units of Affordable Private Rent plus a contribution of £10,179.86, or 61 units of Affordable Private Rent"

On a vote, the amendment was CARRIED unanimously.

Following a unanimous vote the recommendation as set out in the report and amended was CARRIED.

RESOLVED to:

- a) delegate to the Head of City Development to GRANT permission subject to completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) as set out in the report and amended; and
- b) REFUSE permission for the reasons set out below if the legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) is not completed by 01 December 2026 or such extended time as agreed in writing by the Head of City Development:

In the absence of a Section 106 legal agreement in terms that are satisfactory to the Local Planning Authority being completed within an appropriate timescale, and which makes provision for obligations to address the matters identified as being required in Part a) of the recommendation set out within this report, the proposal is contrary to Exeter Core Strategy 2012 Objectives 3, 6 and 10, and policies CP7, CP10 and CP18, and Exeter City Council Affordable Housing Supplementary Planning Document 2014.

4 **REPRESENTATION ON PLANNING MEMBER WORKING GROUP 2026-27**

The committee discussed representation on the Planning Member Working Group and following advice from the Solicitor eight members put their names forward as detailed below:

Councillor Cookson (Chair)
Councillor Baker
Councillor Chelvanayagam
Councillor Hussain
Councillor Jobson
Councillor Ketchin
Councillor Knott
Councillor Mitchell, M

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

The Chair invited questions or comments but none were raised.

The report of the Strategic Director for Place was noted.

6 **APPEALS REPORT**

The report of the Strategic Director for Place was noted.

(The meeting commenced at 5.30 pm and closed at 7.26 pm)

Chair