

## **PLANNING COMMITTEE**

Monday 5 September 2022

### **Present:-**

Councillor Emma Morse (Chair)

Councillors Sutton, Asvachin, Bennett, Bialyk, Branston, Foale, Jobson, Lights, Mitchell, M, Moore, D, Newby and Snow

### **Also Present**

Director of City Development, Assistant Service Lead Development Management (Major Projects), Planning Solicitor, Principal Highway Development Management Officer - Exeter and Democratic Services Officer (HB),

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### **MINUTES**

Subject to the amendment of the first bullet point at the beginning of page eight in Minute Number 24 to read “this development should seek higher carbon neutral standards to future proof houses and seek to reach Net Zero in line with the Council’s Net Zero 2030 plan, which is a material consideration”, the minutes of the meeting held on 25 July 2022 were taken as read, approved and signed by the Chair as correct.

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### **DECLARATIONS OF INTEREST**

No declarations of interest were made by Members.

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### **PLANNING APPLICATION NO. 21/1564/OUT - FORMER POLICE STATION AND MAGISTRATES COURT, HEAVITREE ROAD, EXETER**

The Director City Development presented the 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 were received). He set out a detailed description of the site and surrounding area, and the proposed development, including aerial views, site plan, elevations and photomontages showing the proposed new buildings in the context of their surroundings.

The proposal comprised the demolition of all existing buildings comprising the former Heavitree Road Police Station and Magistrates Court, clearance of the site and re-development to provide a mixed Co-Living and Purpose Built Student Accommodation (PBSA) scheme in two separate building blocks with associated access, parking and infrastructure. The former would comprise 358 studio apartments and the latter 677 rooms including a mixture of studio rooms and cluster flats.

The Co-Living block would occupy the western (lower) part of the site with the student accommodation block sitting between this and Gladstone Road. The two buildings would be separated by a pedestrian walkway and associated landscaping. The Co-Living block would comprise a roughly rectangular building set around a sunken central courtyard. The proposed student accommodation would occupy the

upper part of the site and would be provided in a block with frontage onto both Heavitree Road and Gladstone Road. This block comprised two quadrangles arranged around two external courtyards and a small wing on the Gladstone Road frontage facing northwards towards the adjacent former ambulance station site.

The Director City Development detailed the following key elements of the application:-

- Sustainable Development and Application of the National Planning Policy Framework 2021 (NPPF) - due to the lack of a five year housing supply there was a presumption in favour of sustainable development through a “tilted balance” approach”;
- the proposal was considered to be a sustainable development when balancing the development plan policies, NPPF policies, including the presumption in favour of sustainable development in paragraph 11, National Planning Practice Guidance (NPPG), and the constraints and opportunities of the site;
- the Principle of the Proposed Development providing much needed new homes in a very sustainable location; optimising ‘brownfield land’, building at higher density in a strategic ‘gateway’ location, supporting Liveable Exeter (Eastgate) promoting active travel in a virtually car free development and contributing to Exeter’s Net Zero Carbon 2030 Plan; and
- the type of residential accommodation being the Co-Living element helps meet the five year housing supply and includes an element of ‘affordable housing’. Both PBSA and Co-Living would support economic growth, especially within the city centre’s wider strategic importance to the City.

The Director City Development set out the following responses to objections received to the development:-

- the building line had been brought forward along Heavitree Road, but would still retain a 15 metre set back and would allow for some softening in appearance with landscaping;
- given the site was a gateway to the city centre, the opportunity had been taken to create a strong urban edge with active frontages and good interaction with the street. Main entrances and ground floor amenity areas would be along Heavitree Road;
- improvements to minimise scale and massing had been negotiated and building heights had been reduced. Although an eight storey build in part, these would appear as six storeys along Heavitree Road;
- the proposal had been independently assessed by a panel of experts with the Design Review Panel meeting three times and had expressed qualified support as follows “...in terms of the proposed building height, it is considered this is at the absolute maximum that could be considered appropriate for the site location.”;
- the corner of Gladstone Road/Heavitree Road would provide a strong bookend;
- the development would have a strong architectural response inspired by surrounding context and topography;
- a Section 106 legal agreement and conditions were necessary to secure affordable housing, infrastructure contributions and other aspects of the development to make it acceptable in planning terms; and
- the plans had been revised three times since submission in response to comments received, in January, June and August 2022. The latest set of plans submitted in August had been submitted specifically to address the concerns raised by the Health and Safety Executive, therefore only the Health and Safety Executive had been re-consulted on these plans.

The Director City Development, the Assistant Service Lead Development Management (Major Projects) and the Principal Highway Development Management Officer - Exeter, in response to Members' queries, advised that:-

- of the 26 trees on the site, 25 would be removed and the remaining tree would be protected during construction. Tree removal was not a significant reason to refuse the application and it was considered that the proposed landscaping would enhance the view along Heavitree Road. Most of the trees to be removed were ornamental such as cherry trees and not larger, native species and could be replaced by ecologically friendly species. The landscaping had been supported by the Design Review Panel and would be a matter to be addressed at reserved matters stage;
- it was a statutory requirement to consult the Health and Safety Executive on the plans, the Executive having confirmed that they had no objections including the issues of dry risers, ventilation, heat management and private fire hydrants. Elements relating to fire safety would be addressed at the detailed design stage and subject to building regulations;
- as with other Co-living sites at Gladstone Road – the Gorge - and the Harlequins, a 20% requirement for affordable housing had been set in accord with the latest Government guidance, incorporating a requirement to prioritise key local workers;
- following on from a recent appeal decision, the ability to include all Co-Living accommodation units towards the five year land supply rather than clusters/studios taken as a single unit would be examined to determine a revised ratio. At present, and as confirmed at the appeal, the city did not have a five year land supply and it was appropriate therefore to apply the “tilted balance” approach;
- the number of Co-Living units had increased from 352 to 358 and the number of student units decreased from 689 to 677;
- the impact of the development on the St. Lukes campus was set out in the design and access statement;
- the University of Exeter has a national and international reputation and PBSA was seen as the way forward to provide student accommodation. The provision of additional student accommodation was set out in the development plan;
- the distances from the back doors of the Higher Summerlands properties to the development were between 18 and 20 metres;
- the distances from the development to the front of the pavement fronting Gladstone Road were between six meters and seven and a half metres and three metres on the corner with Heavitree Road;
- the Highway Authority was satisfied with the highway arrangements and did not consider that there was a safety issue at the Gladstone Road/Heavitree Road junction. Therefore, it had no reason to object to the proposal; and
- landscaping was a reserved matter and would be controlled to the satisfaction of the Committee by condition. A detailed landscape strategy had been submitted but this could be improved at reserved stage such as better biodiversity.

The Director City Development provided the following concluding points in support of the recommendation which was for approval, subject to a Section 106 Legal Agreement and the conditions as set out in the report.

- a high quality design;
- optimises a brownfield site in a strategic and highly sustainable location;

- the development would deliver a number of substantial economic, social and environmental sustainable benefits through employment, residential accommodation likely to be in the price range of young people who cannot obtain a mortgage, purpose built student accommodation that reduces the need to convert the existing housing stock to Houses in Multiple Occupation (HMO's), the provision of 20% affordable housing and the re-use of a brownfield site in a sustainable location that reduces the need for reliance upon car travel;
- it contributed towards meeting the five-year land supply;
- the buildings were designed by UK based architects with a strong international track record and who had designed a strong and bold architecture, appropriate for an ambitious and confident city like Exeter;
- it would repair some of the urban fabric along a key gateway to the city centre;
- the proposal had been developed with reference to the Design Review Panel that had supported the scale, massing and density; and
- the corner of Heavitree Road/Gladstone Road acts as a focal point and announces the approach to the city centre.

Councillor Vizard, having given notice under Standing Order No. 44, spoke on the item. He raised the following points:-

- this was a major application which, while it was a private development, would have a serious role in defining the City's aspirations for development of the key Heavitree Road corridor under the Liveable Exeter plans;
- whilst the need to maximise capital receipts was understood, it was disappointing that the Police and Crime Commissioner's office should grant an option to a tender that proposed a high profit, low aesthetic contribution to a key corridor in the city by seeking to impose two monolithic blocks rather than an alternative, high quality, sustainable, green development in keeping with the Council's own vision for its city. A high quality development of family homes would have generated far less local objections;
- it was an application for two monolithic blocks for students and Co-Living that would eliminate the existing green, tree lined buffer to Heavitree Road, would impact severely on the residents of Higher Summerlands and St. Matthews Close, and clash with the St. Luke's campus university site and surrounding St. Leonard's, Higher Summerlands and Mont Le Grand Conservation Areas;
- student developments were sensitive and the City had to provide PBSA housing to meet the need of an increased student population that was outside of the Council's control, or there would be an overwhelming conversion of family homes to HMO's across the city centre wards. The concern was the spread of PBSA from the city centre Paris Street quarter to Heavitree Road which ran through the neighbourhoods of Newtown and St. Leonards;
- with Co-Living came a reduced percentage of affordable housing and a huge additional burden on local amenities given that the proposed courtyard areas "*would not alone adequately cater for the outdoor amenity of residents*". As not a single Co-Living flat had yet come on line in Exeter this was an unproven model for lower cost housing;
- despite the amendments to the scheme, it remained a huge development that would fundamentally change the landscape of the area. Its blandly, modern, suffocating frontage would dominate and impact the historic and much-admired architecture and aesthetics of the St. Luke's campus building opposite. The Council's heritage officer states had stated that this development would harm the setting of the locally listed St. Luke's Chapel building opposite and the Conservation Areas;
- an attempt to retain the grass and tree-lined buffer to the edge of the road would have better followed the example of the Waitrose and Atlas House sites

which were both set back with some soft landscaping and trees and a more pleasing visual amenity;

- the long-standing residents of modest, mixed housing on Higher Summerlands and St. Matthews Court would be faced with an overbearing and intrusive block, just a few metres away with a loss of vital visual amenity. It was not an appropriate scale and massing regardless of design choices around windows or gable ends, and should be refused;
- the mature tree loss and associated harm to biodiversity was not mitigated by the new planting on site, and the loss of the trees on the Heavitree Road frontage would be felt acutely by residents and visitors to the area. The blocks did not meet the aims or criteria of the NPPF in achieving well-designed places as they did not *“function well and add to the overall quality of the area, they are visually attractive, unsympathetic to local character and history and fail to establish or maintain a strong sense of place”*;
- the volume of additional residents will impact adversely on the residents of Newtown and St. Leonards as local amenities were already stretched. Whilst the contribution to local amenities in the form of ‘enhancements’ is welcomed, the size of Belmont Park cannot be increased. Any game-changing development on this scale needed much clearer thought about the provision of outside space and local amenity. Additional community green space was needed to provide the health and wellbeing needs of the community with the additional homes and residents likely over the next 20 years;
- the application also fails on another NPPF criteria, namely to *“optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users”*;
- even with Section 106 contributions, this application did not meet the needs of the public realm or local amenity. It would be far better if the site owner and developer were to consult with the City Council and bring forward the kind of sustainable, Garden City concept set out in the Liveable Exeter vision. Through that vision, the Council rightly aspired to an excellence in architectural design, sustainable new homes and a greener environment with more public outside spaces. A key site that could be a beacon of good design for this model and set the ball rolling for the Garden City, would, instead, inflict a hugely damaging blow to the Council’s bold and imaginative vision;
- it could be argued that this site is of such significance and importance, it needed a site-specific policy and extensive discussions to ensure the development brought forward is suitable. Planners and developers should return to the table to discuss something that truly enhances the area, the community, health and wellbeing and visual amenity; and
- there were serious concerns about the scale, mass, design, impact on local amenity and on neighbouring residents and its failure to meet the Liveable Exeter vision. It was not the right development for this landmark site and had the potential to harm the city gateway and the local community.

Responding to a Member’s query, Councillor Vizard felt that the amenity space within the development itself was inadequate for the 1,000 plus residents proposed and that, should they use alternative open spaces such as Belmont Park, this would be an added pressure on the park itself.

Councillor J. Moore, having given notice under Standing Order No. 44, spoke on the item. She raised the following points:-

- the Police Station site does need to be re-developed but this development is not right for Exeter;
- it is huge, overbearing and in no way sympathetic to, or in keeping with, its surroundings. It was not in keeping with the attractive St. Luke's campus or nearby housing. Unlike the building on Gladstone Road - the Gorge - this development would entirely change the feel of a key route into the city. It is also significantly larger and higher. The green tree lined banks would be replaced by oppressive, looming buildings;
- whilst classed as brownfield, it had a substantial green presence with mature trees which provide an important continuity of a green corridor towards the city centre. The development would build close to the edge of the site, entirely disregarding the importance of the green spaces;
- whilst replacement trees would be planted, a plan for the planting should have been provided. The destroyed trees would be replaced on a one to one basis but the established trees would be replaced by far smaller specimens which will take many years to reach a similar size. The blossoming of the trees along Heavitree Road would be lost;
- oppose maximisation of profits. Better sized housing, designed around the wellbeing needs of residents and neighbours were required;
- the disabled parking is at the back of the building while the disabled access to the building itself is at the front of the block;
- once occupied, the development would put pressure on nearby parks and green spaces, for example, Belmont Park was often extremely crowded. A financial contribution towards park maintenance cannot make existing open space any larger;
- as well as very limited outdoor space, residents of this development would have living spaces with windows on just one side of their room. Those looking out onto Heavitree Road, would have views of an air polluted road. Residents within the property also have uni-directional windows and therefore in close proximity to, and overlooked by, potentially hundreds of neighbours. Some windows facing each other were just 15 meters apart whereas the national standard between on-looking aspects is 22 metres. A Co-Living development did not make this inter-visibility between the private apartments acceptable;
- the Gladstone Road/Heavitree Road Junction is a pinch point and pedestrians waiting to cross the road to Waitrose will have to share a pavement with students moving between lectures, whilst also competing for space with cyclists using this as a cycle path in two directions. Public safety would be compromised;
- the Gladstone Road Co-Living development - the Gorge – had set a precedent for this low standard of housing. It is wrong to approve permanent dwellings of just 18 square metres which is under national space standards. The Co-Living concept was untested and unlikely to provide comfortable living conditions which meet people's wellbeing needs;
- the suggestion that the development would free up family sized homes from being houses of multiple occupancy was unlikely. The Gladstone Road development bedsits – the Gorge - had been advertised for between £926 and £1,106 per month. This was not affordable and renting a three or four bedroom house with friends would continue to be a far more affordable option; and
- to hold high standards of housing for the people of Exeter and to protect trees and green spaces the proposed development should be rejected.

Responding to a Member's query, Councillor J. Moore advised that the proposed shared space of 22 metres per resident was inadequate and such a standard may contribute to mental health problems.

Mr Tipping, speaking against the application, raised the following points:-

- there were substantive reasons to refuse the application, including the adopted Local Plan Policy H5 which should be sufficient on its own;
- the development compromised Exeter's excellent green policies on the environment, carbon reduction, and public open space as it failed to reflect a previous pledge to keep the open space, trees and other initiatives on a site similarly sited close to the city centre;
- the site was unsuitable for eight floors of student accommodation and paved the way for future applications to ignore significant issues relating to the city centre community;
- the scale, massing, height, and total loss of all existing habitat was wrong. It was a greedy scheme that grabbed every inch of the site with circulation roads pushed to the very edge. The visual impact on the neighbouring properties would be intolerable with the impact on Higher Summerland's being the most extreme;
- this green lung and habitat should be protected for all time and not cast aside to maximise the numbers of student housing units. The test for developing green open space in a city centre should be similar to developing the greenbelt by showing the impact the development had and the evidence of very special circumstances to justify the loss of the land;
- protecting city centre wild life habitat should be at the core of any emerging "Green, Carbon Neutral policy" and a very high bar and weighting should be used to justify the loss of any tree in the city centre;
- its additional three floors were higher than the adjacent Gorge which also pushes design parameters too hard; and
- the application should be refused.

Ms Allen, speaking in support of the application, raised the following points:-

- she was attending in capacity as the Treasurer for the Devon and Cornwall and Isles of Scilly Police and Crime Commissioner with responsibility for the Police Estate across the Force area;
- the Commissioner thanked the Planning authority for its engagement with the Police Estates Team and the developer for this application which covered the former Heavitree Road Police Site and Magistrates Court;
- to achieve a suitable development. a robust tendering process was undertaken by the Police Estates Team, Devon and Cornwall Police and the Courts Service involving a number of potential applicants and their submissions with support from Planning authority officers to achieve the right fit for the site and Exeter;
- the developer combination of Brookfield and Student Roost was considered the right mix based on planning officers' views and not the capital receipt;
- it was a high quality residential scheme;
- the Pandemic and current cost of living crisis had both presented significant challenges and the Commissioner was keen to support the economy of the city and to build on brownfield sites to the benefit of the wider community;
- the development would bring in £100 million to the city resulting in additional jobs during the construction and operational phase and provide some half a million of CIL funding;
- the Heavitree Road buildings were at capacity, outdated and no longer suitable and a new Police Station and custody suite had been provided on the Middlemoor site providing an up to date 21st Century environment for the public, staff and detainees. The new £30 million centre is state of the art and one of the most sustainable buildings of its kind in the UK and, coupled with a permanent

police city centre presence based at the Civic Centre, had been a successful co-location move; and

- the Police estate was a vital aspect of the policing infrastructure element and essential to ensure accessibility and visibility across the area.

Responding to Members' queries, Ms Allen stated that she was unable to advise what public consultation had been undertaken by the Police authority with the Council, University and local community prior to approaching developers. She also reported that she understood that the Co-Living community space would be available to residents in perpetuity with no requirement to hire as a bolt on to the rental and that the Section 106 Agreement would condition the availability of the affordable housing element.

A Member stated that there was a need to ensure that the community space, which equated to 2.2 metres per resident per head, could be available in perpetuity unlike the adjacent Gorge accommodation where community space had to be hired. It was noted that it was not possible to include this as a condition in the Management Plan. The Assistant Service Lead Development Management (Major Projects) advised that the affordable housing requirement would be included in the Section 106 Agreement if the application was approved.

Members expressed the following views:-

- the proposal is contrary to Policy H5 due to scale, intensity and impact on local character and street scene, Policy DG 4 residential layout and amenity and Section 130 of the NPPF relating to good design;
- internal Co-Living space of 18 square metres was insufficient and would impact adversely on the mental health of residents and the external open space would not ameliorate this problem;
- there was insufficient contribution to the NHS to help cope with the significant number of some 1,000 additional residents;
- it did not accord with Garden City expectations and the residents of Higher Summerlands will be significantly adversely affected;
- some key workers, who may also consider this accommodation option, were shift workers and may seek a quiet environment during the day which may not be achievable given the student element and shared Co-Living spaces. Many may not be able to afford the rentals;
- attracting single, potentially transient residents, may discourage families from remaining in the area;
- whilst occupants may be single initially, subsequent partners may have children leading to a need to find alternative accommodation and possible pressure on the housing waiting list as Co-Living space would be inadequate in these circumstances;
- oppose development on grounds of design, height and adverse impact on neighbouring Higher Summerlands;
- the proposal would harm the character of the St. Lukes Chapel;
- there would be a negative impact on the route into the City Centre;
- the development would block the views of Haldon Hill;
- the Exeter Civic Society had stated that the development was too high and too close to Heavitree Road;
- the removal of trees and impact on biodiversity was contrary to the Exeter's Net Zero Carbon 2030 Plan;
- there was minimal external open space and reference to the Clifton Hill golf driving range and the Magdalen Court Playing Field as available open space was misleading as they were not in close proximity to this development;



- University student accommodation should be limited to city centre sites and the two main campuses and not the Heavitree residential area;
- a further PBSA development created an impression that some areas of the city were student ghettos;
- disappointment that the applicant had not provided a representative speaker to answer technical planning questions;
- whilst PBSA accommodation was good in principle, mixing Co-Living with PBSA was a dangerous departure from policy;
- given the proximity of the Gladstone Road development - the Gorge - the proposal tipped the balance too much towards high density purpose built accommodation resulting in an unbalanced community;
- with short term tenancies it was possible that some residents could be described as transient and the principle of the development does not reflect Government guidance of offering tenancies of up to three years where possible;
- internal space of 18 square metres for the Co-living units was inadequate and disregards national space standards;
- the 2.2 square metres amenity allocated per room did not accord with the Council Policy DG4 13.4 which sets 10 square metres amenity per dwelling as a rule of thumb for flats which should also be applicable for this development and, accordingly, would not be an acceptable living standard as set out in clause 125 of the NPPF;
- the management plan was weak especially as it may result in residents being required to pay for the use of community rooms;
- welcome efforts made to reduce massing but the density and scale remained of concern and were inappropriate for the site;
- the City Council policy was to protect existing and maturing trees and the removal of the green space reflected poor urban design;
- concerned that the Co-Living concept was not being used to address the housing land supply issue;
- the closeness of the building to the pavements destroyed the street scene and should have mirrored the approach for the Waitrose store where green space remained fronting Heavitree Road;
- parking in surrounding areas would be a problem as students do own and bring cars to the city;
- a number of PBSA's in the city remained empty;
- in light of the increase of student numbers from 20,075 in 2017 to the latest figure of 27,276, the University should seek to provide further accommodation on the main site campus as well at St. Lukes itself. Additional student numbers increased the burden on community facilities and there was no evidence that new PBSA's had resulted in reductions in the number of HMO's;
- the concept of Co-Living sought to help address housing difficulties in the city and to provide alternatives to many who find the housing market very challenging. The term "transient" was an inappropriate description. The proximity to the city centre made the site suitable for a largely, car free development and there were a number of examples close to the site where properties were built up to the pavement line;
- it was very important to achieve a balance between climate change challenges and the serious housing crisis. Additional housing in the city, including that offered by the development, could provide opportunities to many who would prefer not to commute into Exeter but lived in the city and thereby reduce reliance on transport and the associated carbon footprint; and
- the Chair stated her concerns in respect of scale, massing and design and also reported that work on the Local Plan would help clarify the approach to Co-Living. In addition, there was evidence that PBSA's in the city were having a positive impact on the numbers of HMO's.

Members were therefore minded to refuse the application and the following suggested reasons for refusal were moved, seconded and carried. Members requested the Director City Development to report back to the next meeting of this Committee with the 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.

**RESOLVED** that the application be **DEFERRED** for the Director City Development to report the reasons for refusal to the next meeting.

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

The report of the Director City Development was submitted.

**RESOLVED** that the report be noted.

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#### **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 at 9.30 a.m. on 27 September 2022. The Councillors attending will be Councillors Hannaford, Lights and D. Moore.

(The meeting commenced at 5.30 pm and closed at 8.00 pm)

Chair