

## *Planning Statement*

The Harlequins Centre, Paul Street, Exeter, EX4 3TT

Revised Scheme July 2021



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**Appendix A – List of Application Supporting Documents**  
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# 1 Introduction

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- 1.1 This Planning Statement has been prepared by JLL on behalf of the client, Curlew Alternatives Property LP, to provide support to a full planning application for the demolition and redevelopment of the existing Harlequins Centre, Paul Street, Exeter, EX4 3TT.
- 1.2 This comes following a previous application for the same site which proposed the demolition of the existing buildings and the development of a hotel and separate residential block, for Co-Living.
- 1.3 The application (planning application reference 19/1556/FUL) was submitted in November 2019 and ultimately determined at Exeter City Council’s Planning Committee Monday 26 October 2020.
- 1.4 The planning officer recommended the application for approval, subject to the completion of a Section 106 Agreement alongside a number of conditions. The recommendation was carried by the Committee, who resolved to approve the application subject to the completion of a Section 106 Agreement .
- 1.5 The Section 106 legal agreement between Exeter City Council, Devon County Council and Curlew Alternatives Property LP was signed on 23 April 2021, and the decision notice was issued on the same day. This consented scheme is therefore a material consideration in the determination of this revised scheme for the purposes of S38(6) Planning and Compulsory Purchase Act 2004.
- 1.6 This statement accompanies a revised application for the same site which now provides for:
 

***‘Development of two Co-Living (Sui Generis) accommodation blocks, following demolition of existing shopping centre and pedestrian bridge, change of use of upper floors of 21-22 Queen Street to Co-Living (Sui Generis), and all associated works including parking, landscaping, amenity areas, public realm improvements, new pedestrian bridge and provision of heritage interpretation kiosk.’***
- 1.7 The main change between the two applications is that this second submission proposes two blocks of Co-Living accommodation (amounting to a total of 378 bedspaces), whilst the original application included one Co-Living block (of 251 bedspaces) and a hotel (of 116 beds).
- 1.8 Since the submission of the first application in November 2019, the Covid-19 pandemic has resulted in significant changes to the economy. Therefore, following approval of the original application a review has taken place of the proposals. This has resulted in the decision to remove the hotel from the scheme.
- 1.9 The pressing need for residential accommodation within the city does though remain and therefore this second application on the Harlequins Centre site seeks to deliver high density residential accommodation in the form of Co-Living, within the footprint and envelope of the previously approved scheme.
- 1.10 This second application is a full application supported by a comprehensive set of drawings, elevations and supporting documents, as per the original application and listed in Appendix A.

## Environmental Impact Assessment

- 1.11 As part of the previous application, a formal request for a Screening Opinion was sent to Exeter City Council on 8 October 2019. This request was based on a scheme comprising two buildings, the first a Co-Living block of approximately 300 bedrooms and the second a hotel of approx. 120 bedrooms, a car park of 45 spaces together with associated landscaping and public realm improvements.
- 1.12 The EIA screening request related to the same site of 1.04ha as this second application and none of the characteristics of the site or the surroundings have changed since the original screening opinion was issued.
- 1.13 The council undertook the formal screening and confirmed by letter dated 28th October 2019 that Environmental Impact Assessment (EIA) was not required.
- 1.14 This revised application provides for a total of 378 Co-Living beds within two blocks that are within the footprint and envelope of the previously proposed and approved buildings. These previously approved buildings in turn provided for less development than was envisaged at EIA screening stage. This was due to negotiations which occurred following the screening stage and during the determination of the application which resulted in a reduction in the scale of buildings proposed.
- 1.15 Therefore, the original EIA Screening process concluded that development more significant than was finally approved, and larger than the development now proposed, did not require Environmental Impact Assessment.
- 1.16 It is therefore concluded that, given the previous screening opinion and the reduced scale of proposals since that was issued, the revised scheme would also not constitute EIA development.
- 1.17 Exeter City Council will formally screen the application in accordance with the Environmental Impact Regulations 1995 (as amended) as part of their initial review of proposals once submitted.
- 1.18 It is though acknowledged that the proposals will constitute a major development within the city centre, in close proximity to the city wall (a scheduled monument) and within the Central Conservation Area.
- 1.19 This planning application, in line with the original submission, is therefore supported by a full suite of environmental reports providing evidence of the impacts of development on the vicinity. A full list of this supporting material is included at Appendix A.

### **Supporting documents**

- 1.20 This planning statement is presented in support of the application and draws on all of the evidence submitted with this application and listed in Appendix A.
- 1.21 This reflects the application material provided to the Council at the time of the determination of the application at the end of 2020, including documents and reports prepared during the course of the determination period and the Section 106 which was ultimately concluded in April 2021.
- 1.22 The original application supporting material was prepared on the basis of the Council's Validation Checklist produced in March 2011. In June 2021 the Council produced a Local List (Consultation Draft) which is proposed to replace this earlier checklist. This consultation draft document is not adopted by the Council, but the material supporting this application has been reviewed in the light of this draft list and the supporting documents provided reflect not only the previously submitted material but also the requirements of the emerging local list.

### **Structure of Statement**

- 1.23 The structure of this report includes a site description, key planning considerations for the development of the site, and is structured as follows:
- Section 2 – describes the site and surrounding area
  - Section 3 – sets out the development proposals
  - Section 4 – provides an analysis of the planning considerations
  - Section 5 – sets out the conclusion

## 2 Site Context

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### **The Harlequins Centre Location and Setting**

- 2.1 The application site address is The Harlequins Centre, Paul Street, Exeter, EX4 3TT.
- 2.2 The site is shown edged red in the site location plan and extends to a total of 1.04ha. It is within the central area of Exeter city with a frontage to Queen Street, as well as Paul Street, which are main highways within the city centre.
- 2.3 The site is on the edge of the established primary shopping frontages of the city, which is dominated by High Street, which is approximately 200m from the site to the south east and Princesshay Shopping Centre, located at the northern end of High Street (circa 300m from the edge of the Harlequins Centre site).
- 2.4 To the north west, the properties are primarily residential, backing on to the application site and fronting on to Northernhay Street. A small pedestrian route, Maddocks Row, links through from the rear of the application site to Northernhay Street at its northern end.
- 2.5 Beyond the residential area around Northernhay Street, the area is dominated by the buildings of Exeter College, the Rougemont Hotel and Exeter Central Station, which is less than 150m to the west, along Queen Street. This is also a main bus route with a number of services linking to the city centre.
- 2.6 The site is therefore accessible by a variety of modes of transport, including rail, bus, foot and cycle, as well as the private car. The site itself has a car park for circa 90 cars, accessed from Paul Street, whilst there is a further car park, on top of the adjacent Guildhall Shopping Centre, where there are circa 440 spaces accessed via a ramp which crosses the Harlequins Centre site.
- 2.7 The vehicle ramp to the Guildhall Centre is accessed from Paul Street at the Harlequins Centre boundary and loops around, crossing the application site, but is owned by a third party and is to be retained as part of any proposals and has to be operational throughout any redevelopment phase.
- 2.8 In addition to the vehicular link, there is also a pedestrian link from the Harlequins Centre directly into the Guildhall Centre by way of an elevated walkway across Paul Street.

### **Site Description**

- 2.9 The site is presently occupied by the Harlequins Centre which is a small shopping centre built between 1984 and 1986. The centre is generally of contemporary design, of red brick with tile roof and aluminium windows and doors.
- 2.10 The exception to the contemporary design from the 1980s is the facade which fronts on to Queen Street (Nos 21-22). The building was substantially rebuilt as part of the redevelopment of the Harlequins Centre in the 1980s. However, the façade to Queen Street was retained.

- 2.11 The building fronts on to Queen Street providing retail accommodation at the ground floor (previously occupied by Poundland) and ancillary accommodation above. This unit was subject of a change of use application (Ref 19/1070) for the relocation of a hearing centre from the Harlequins Centre into the ground floor, following the closure of the Poundland. This application was approved on 13 September 2019 and works have recently (June 2021) started to implement that permission.
- 2.12 The majority of the Harlequins Centre buildings are orientated parallel with Paul Street, which drops down along its length from its junction with Queen Street at the north east corner, down to the junction of North Street/Bartholomew Street East/Iron Bridge at the south west end. This fall means that the building at the main entrance at the north-east end of the site is at grade with the highway, but at the south-west end of the site the building has a basement car park and further levels of accommodation (most recently occupied by a gym) below the main retail floor level.
- 2.13 The south-west end of the site is occupied by a surface car park, which shares a vehicular access from Paul Street with the basement car park which is under the main building and also the service yard, which wraps around the rear of the building.
- 2.14 The service yard provides access to the shopping centre and is dominated by hardstanding (pavers and tarmac). The only vegetation is found to the south west of the site, within the surface car park, and along the edge of the site with the adjacent city wall.

## 3 Proposed Development

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### Scheme evolution

- 3.1 This statement accompanies a second planning application for the redevelopment of the Harlequins Centre which follows a previous planning application (Ref 19/1556/FUL) which was approved following a long period of negotiation and revision, over which time the scheme has evolved.
- 3.2 The applicant, Curlew Alternatives Property LP purchased the centre in mid-2018, and at the time of the site sale a scheme was prepared by the previous owners to provide student accommodation in a single low block fronting Paul Street.
- 3.3 That scheme was submitted to the Council for a Pre-Application response and it was made clear that the officers had significant concerns regarding the proposed layout. Therefore, the Curlew design team undertook a thorough review of the existing site and very quickly identified that the scale of the existing building, with large blank facades to Paul Street, along with a similar brutalist approach of the Guildhall Shopping Centre on the opposite side of the road, created a very poor (canyon like) character for the important route.
- 3.4 Reflecting advice from the Council's officers, the initial focus for the redevelopment scheme was to maximize the external space created at the ground floor, so as to enhance the experience along Paul Street. As a result, the initial scheme options proposed two tall "towers" one either side of the Guildhall Shopping Centre access ramp, which was required to be retained.
- 3.5 This initial approach, of two tall (circa 20 storey) towers, was considered at a concept stage but the approach was subsequently amended to schemes of 18 and 13 storeys before a proposal which included two blocks of circa 11-12 storeys was arrived at. This initial layout provided for circa 320 student accommodation bedspaces, and a 170-bed hotel. This scheme was presented to the Design Review Panel in December 2018. The Panels comments were broadly very positive and commended the approach taken.
- 3.6 The same material was also presented to Historic England as part of a formal Pre-Application process with them and was discussed at a site meeting held in early 2019. The written response from Historic England raised concerns regarding the impact of the proposed development on the setting of the City Wall, the Central and St David's Conservation Areas and historic buildings notably the Cathedral.
- 3.7 Consequently, the scheme was further amended, and the revised scheme was subject of public consultation during June 2019. At this time the proposals were presented to the City Council Planning Members' Working Group and resubmitted to Historic England. The presented scheme included a 10-storey block accommodating 315 student beds and a second block of 9 storeys (plus basement parking) for a 140-bed hotel with 23 studios for student accommodation.
- 3.8 The key concerns expressed during the public consultation focused on the height of the buildings and the use of the northern block, at Queen Street, for student accommodation.

- 3.9 Further comments in regard of the scheme issued for public consultation were received from Historic England. This focused on the scale of the building and impacts on heritage assets. As a result, a further 2 floors were removed from Block 2, and one full floor from Block 1, along with cutting back of Block 2 at its southern end. At this point an EIA Screening Opinion request was submitted to the Council, which confirmed that the development was not considered to be EIA development.
- 3.10 The final scheme was then prepared and submitted to the Council in November 2019 (Ref 19/1556/FUL) The application provided for two blocks, the first providing 277 Co-Living bedrooms in a building of up to 8 storeys and the second building providing a further 21 Co-Living bedspaces and a 114 bed hotel. The building ranged in height from 8 to 4 storeys and below this block, a car park for 42 spaces was proposed.
- 3.11 The application was submitted November 2019 and there followed a period of consultation with statutory consultees and the public. During this period a total of 263 objections were received from the public, along with responses from consultees. The objections received focused broadly on the scale of the buildings and their uses.
- 3.12 As a result of the comments received, and in consultation with officers of the council, a revised set of plans was submitted in May 2020. These revised plans removed the Co-Living units from Block 2 of the proposal, meaning that this building became simply a hotel. The building height at its northern end was reduced to 7 storeys. Also, Block 1 was amended to reduce the highest element to 7 storeys.
- 3.13 These revised proposals were subject of consultation during May and June 2020, and a further 166 objections were received from the public, alongside comments from consultees.
- 3.14 Following further negotiations with the officers of the council and Historic England, a further revised scheme was submitted in July 2020. This removed further accommodation from the buildings and presented amended elevational treatments, notably for Block 2. These final amendments provided 251 Co-Living bedspaces in Block 1 in a building of part 6, part 7 storeys in height and a 116 bedroom hotel in Block 2 ranging from 6 to 3 storeys.
- 3.15 A total of 48 people raised concerns about the final scheme before it was finally considered at Planning Committee in October 2020. The committee resolved to approve the application on the basis of a series of conditions and a section 106 legal agreement. This agreement included provisions for 20% of the Co-Living accommodation to be affordable housing (which would be at no more than 80% market rent) and priority for occupancy of that affordable housing to be given to key workers. Tenancy's for the Co-Living accommodation were restricted to a minimum of 3 months. There were also financial contributions to be provided towards the maintenance of the adjacent City Wall, habitat mitigation, traffic regulation order and public open space. The section 106 was signed, and the decision notice issued on 23 April 2021

**Pre-application consultation**

- 3.16 As set out above, the previous application for redevelopment of the Harlequins Centre was subject of formal pre-application consultation with local residents and statutory consultees including the Council and Historic England. The application itself was subject of three rounds of consultation, based on the emerging plans and was finally approved at planning committee in October 2020, which was hosted virtually.
- 3.17 The previous proposals were therefore subject of a robust consultation process, which resulted in an application which was recommended for approval by the planning officers and approved by the members of the planning committee.
- 3.18 The revision of the scheme, as discussed below, took as its basis the form and scale of the approved buildings, which were subject of substantial debate during the course of determining the previous application. As such it has not been felt necessary to undertake formal pre-application consultation in regard of the revised scheme. Informal dialogue with officers of the Council have been undertaken and a formal pre-application video call with Historic England held. These enabled the officers to understand the emerging scheme and to provide some very informal initial advice as to the form of the application and supporting material.
- 3.19 The revised application will be subject to the normal consultation requirements of any application of a similar scale and the responses to this will be considered by the project team.

**Scheme Review**

- 3.20 The decision to approve the application in October 2020 provided certainty for the project team as to the parameters which the Council would find acceptable. However, the period since the submission of the application in 2019 has been the most significant in the past 50 years, with the worldwide Covid-19 Pandemic.
- 3.21 This resulted in a review of the proposed scheme which concluded that the hotel should be removed from the proposals. There is though still a significant need for housing across the UK and Exeter reflects this. It is established that the council is not able to evidence a 5 year supply of housing land and as a response to this the Council issued it's Liveable Exeter Vision, which identified eight key locations within the city for the delivery of high density mixed use development, including housing. This included the Harlequins Centre within one of those locations, North Gate.
- 3.22 The City Council has also, in parallel with this, announced its ambition for the city to be net zero carbon by 2030 and Exeter City Futures has produced the Net Zero Exeter 2030 Plan in mid-2020 as a way of achieving this.
- 3.23 Within this context the proposals for the Harlequins Centre have been reviewed and revised. The starting point for this review was the change of use of the second building in the approved scheme from a hotel to a Co-Living building. This necessitated the redesign of the building to reflect this alternative use.

- 3.24 The significant negotiations around the original scheme and notably around the scale of the building meant that it was clear that the envelope of the previously approved building should be the maximum extent of any proposals. Therefore, the review was predicated on a creating building no larger, and where possible smaller, than the approved.
- 3.25 In addition, in response to the push towards “net zero” the brief was that the buildings were to be as sustainable as is possible. During the consideration of the first application, Passivhaus Principles were adopted in regard to the Co-Living block and the project review provided the opportunity to apply these principles to the second block of accommodation, and to reconsider the fabric of the original Co-Living block from first principles.
- 3.26 Therefore, the revision of the scheme has enabled a thorough review of the previously approved Co-Living building (Block 1), as well as providing for a new Co-Living block (Block 2) to be designed. Block 1, over the course of the previous pre-application and determination periods undergone a number of changes both internally and externally. These had, to an extent, been compromises reflecting the previous layout or design. The opportunity was therefore taken to review the whole of the approach to Block 1 and to revisit some of the principles of layout and elevational treatment
- 3.27 The approved application included a car park in the basement of the building, which is to replace the existing public car park, operated by the Council. Discussions with the City Council confirmed that the car park remains a requirement to be provided as part of any future scheme and therefore a revised car park, to be operated by ECC, continues to be part of the scheme scope.
- 3.28 Also, part of the scheme scope are the interpretation centre which was previously proposed to sit within the application site, and the pedestrian bridge which is to link the site with the Guildhall Centre.

### **The Proposed Development**

- 3.29 The proposed development involves the demolition of all of the existing Harlequins Centre, save for the retention of a small part of the existing building (Nos 21-22 Queen Street) which predates the more modern centre.
- 3.30 The building fronting Queen Street (Nos 21-22) will be the only existing building to be retained. A change of use application (ref 19/1070/FUL) to allow for the relocation of Chime, a hearing centre, to the ground and part first floor of the amended building was approved on 13 September 2019 and recently implemented.
- 3.31 The two upper floors of the building are not to be occupied by Chime and are included in the wider redevelopment of the site, with Co-Living bedrooms extending into this building on these upper floors.
- 3.32 The wider proposal seeks to introduce two purpose-built Co-Living buildings. The two buildings will be split either side of the Guildhall Car Park access ramp, which has to be retained in order to provide access to the adjacent car park. This creates an open square at the heart of the proposals, within which it is proposed to create an interpretation centre which will, in association with the nearby Royal Albert Memorial Museum (RAMM), provide an insight into the history of the location and notably the City Wall.

## Co-Living

- 3.33 The revised proposals provide for a total of 378 bedspaces, which are to be operated as Co-Living.
- 3.34 Co-Living (sometimes referred to as Purpose Built Shared Living space (PBSL)) is an emerging hybrid living model and as such, there is no formal definition of this within planning legislation such as the *Town and Country Planning (Use Classes) Order 1987* or the National Planning Policy Framework (NPPF) (2019) The use is therefore technically considered to be Sui Generis, in that it falls within no particular use class.
- 3.35 Co-Living schemes are described further in a separate briefing note submitted with this application and the characteristics of this scheme are illustrated in the Design & Access Statement but in brief the use provides a purpose-built living space, designed to deliver quality serviced accommodation in convenient urban locations.
- 3.36 Co-Living schemes are designed for mobile young professionals, freelancers or people working on short-term contracts, and can be used as a steppingstone between temporary rented accommodation and a more permanent home.
- 3.37 The unique element of Co-Living is that it is a form of shared housing that combines smaller private living spaces with larger shared communal facilities. Each resident will have a lockable private room with an en-suite, however the other areas such as a kitchen or lounge area are generally shared with others within the building.
- 3.38 The shared spaces are designed to facilitate communal activities organised by the residents which promote relationship building and social engagement between them. This then forms a sense of community for residents and has well-being advantages, in addition to the networking opportunities and increased engagement and interaction.
- 3.39 The two buildings will operate as a single entity, with one management team and residents will have access to a range of different amenity spaces across the two buildings.
- 3.40 Within each floor of the buildings there are shared amenity areas which are proposed to be utilised by the residents on these floors. These will be designed to reflect the way in which the residents of those floors wish to use them. They are likely to be soft seating areas, for informal groups to utilise. But they may also include games areas or working areas.
- 3.41 On the lower floors of both buildings, there will be a range of shared amenity spaces, which will be available to all residents from both blocks. A separate Interior Design Concept document has been produced which illustrates the current proposals for those spaces. This is not an application document and the interior design of the building is not a planning matter. However, it is provided in order to provide some context as to the design philosophy for the building and to suggest the mix of uses which might be provided.
- 3.42 The concept document suggests that within the lower ground floor of Block 1 there might be a mix of lounge area and Co-Working space, along with reception and the office for managers/security (who will be present on site 24/7).

- 3.43 The ground floor of Block 1 will accommodate a separate lounge and event space, along with a cinema and private dining room, with a small terrace and a larger courtyard space which is larger than the previously approved scheme due to a reduction in the footprint of the building in this area.
- 3.44 The lower ground floor of Block 2 is proposed to have a gym and separate yoga studio and spa suite, along with a laundry (which includes café space). On the ground floor there is then a lounge, co-working area, games zone and separate cinema room, with access from the open areas out onto an external courtyard space.
- 3.45 All of these spaces will be open to residents and, where relevant, they can be booked by individuals through the management team, who will also co-ordinate events. In this way the buildings are designed to enable and encourage engagement and foster a sense of community, in a high quality environment, which is the basis of the Co-Living model.

### **Block 1**

- 3.46 The building is located at the north eastern end of the site, at the junction of Queen Street and Paul Street. The building access is to be directly from Paul Street on the northern corner of the building. This has been relocated from the previously approved position to increase the visibility of that access point and give the building added presence on the street.
- 3.47 The previously approved scheme had a generally blank faced to Paul Street itself due to the presence of the bid store on the frontage, to ease access to the adjacent loading bay. That store has now been relocated slightly within the building, so that an amenity area can be provided to the street frontage and provide a more active frontage.
- 3.48 As described above, the ground and lower ground floors are occupied by shared amenity spaces, providing active frontages to the small square at the north east corner of the site and also on the pedestrian link to Maddocks Row, which is also retained from the original scheme.
- 3.49 The bedrooms in the upper floors have been reconfigured to provide slightly shorter but wider rooms, and they have generally increased in size by approximately 1m each. Within the building there are a total of 143 studio rooms, which each have a small kitchenette as well as bed and seating area and there are 107 cluster bedrooms which are grouped into 18 flats each with 5 or 6 bedrooms, sharing a central kitchen.
- 3.50 On each of the upper floors there is a shared amenity space, which is designed to be used by the residents on those floors as a gathering and meeting location.
- 3.51 The review of the building has provided the opportunity to consider the internal arrangements and notably the circulation space within the building. This has resulted in an actual reduction of the footprint of the building from what was previously approved. The frontage of the building, to Paul Street, has been retained as previously approved, and therefore the reduction in footprint has meant that the building is set back from the line which was previously proposed. This is most significant at the northern end of the building, where a larger private amenity space has been created.

**Block 2**

- 3.52 The change of scope from a hotel to a Co-Living building has meant that the design of the second building on site could be reconsidered completely. Discussions since the preparation of the initial scheme indicate that there is more demand for individual studio accommodation than for shared cluster flats. Therefore, the second building is proposed to provide 128 studio units which will each have a kitchenette as well as bed and sitting area.
- 3.53 The ground and lower ground floors will provide shared amenity spaces, as described above, and these provide for a far more active frontage to the street than was possible with the previous scheme and a small private outdoor area has been provided within the central area between the buildings.
- 3.54 The footprint of the building is contained within that of the previous hotel, and substantially reduced at the ground floor due to the absence of “back of house” requirements (kitchen etc...) which was present with the hotel. Therefore, the ground floor of the building is significantly smaller than the approved and the upper floors are also within the profile of the previous building.
- 3.55 The redesign of the building from a hotel has also enabled a reduction in the overall height of the building, as the hotel had higher ceilings in public areas than the Co-living building requires. Therefore, the overall height of the building has been reduced by approximately 750mm from the approved scheme.

**Landscaping and public realm**

- 3.56 The proposal looks to improve the existing streetscape and highways along Paul Street and Queen Street with a focus on shared surfaces and improved pedestrian permeability and active frontage. The changes made to the buildings has significantly enhanced the frontages to Paul Street from the approved scheme, with more amenity spaces being provided at street level, increasing activity.
- 3.57 Within the heart to the site, between the two buildings, a publicly assessable landscape area will be created, with links though from Paul Street to Maddocks Row, either along the alignment of the city wall, as existing (though diverted) or across the centre of the site in a colonnaded route (as proposed in the approved scheme)
- 3.58 In addition, the land at the junction of Paul Street and Iron Bridge is still proposed to be laid out as a “pocket park” removing the existing car parking and increasing the level of planting and informal recreation space
- 3.59 Within the proposals the same four Norway Maple and a cherry tree which were previously agreed to be removed will be felled. However, the landscaping scheme retains the three maples located closest to Iron Bridge and proposes the introduction of additional planting in mitigation.
- 3.60 Within the open space it is still proposed to create a small exhibition space where interpretation material will help individuals to understand the history of the site and notably the City Wall

### **Parking and Servicing**

- 3.61 A key part of the original proposals was to remove servicing from the rear of the buildings, and so enhance the setting of the City Wall, as well as removing this source of disturbance from the neighbouring properties.
- 3.62 This was achieved through servicing of the buildings via two dedicated laybys off Paul Street and this same approach is proposed for this revised application. These bays will be created through the widening of the pavement and thereby the reduction in carriageway width for the length of the road.
- 3.63 Bin stores for waste and recycled material will be provided close to the servicing bays and waste collection regimes have been discussed with and agreed by officers of the City Council. Weekly bin collections will be made, utilising the on-street parking bays provided.
- 3.64 Vehicular access to the site will be limited to cars, utilising an access point at a similar location to the existing, which will serve a basement car park which will accommodate 33 car parking spaces (reduced from the 44 in the approved application and 92 existing spaces). These spaces will be managed as a public car park by the City Council but will include 2 Electric Vehicle Charging Points which it is proposed will be occupied by Co-Cars. Within the car park, 9 spaces will be dedicated to a local business which currently has spaces within the site, and which need to be re-provided as part of the proposed scheme.
- 3.65 Cycle parking for residents of the Co-Living accommodation will be provided on the ground floor of the two blocks . A total of 128 spaces will be provided in two separate stores within building 1 and a further 72 within a store in Building 2. In addition 56 other visitor and public spaces are proposed: 14 outdoor visitor spaces to the rear of Block 1; 10 is the public space outside Block 1; 16 public spaces in the undercroft car park and 16 new public co-bikes spaces to be located on Paul Street..

### **Energy and sustainability**

- 3.66 (ECC) was amongst the first adopters of Passivhaus , delivering the UK's first Multi-Residential Certified Passivhaus (PH) development and is in the process of delivering the UK's first Extra Care and Leisure Centre PH schemes. In parallel with this the original application sought to adopt these principles and a review of the previously approved Co-Living building was undertaken during the course of the application determination period.
- 3.67 In recognition of the Climate Emergency and Exeter Net Zero 2030 Plan , the revised scheme is looking towards adoption of Passivhaus for both of the proposed buildings, as a response to the need to reduce carbon emissions.
- 3.68 By adopting a fabric first approach, harnessing form factor and solar orientation afforded by PH, it will mean reduced energy consumption. The two buildings will be operated together, and as such a single combined heat and power (CHP) plant is proposed, which will be more efficient than two separate provisions and the incorporation of a CHP plant , supported by onsite micro generation via photovoltaics on the roof of both buildings and mechanical ventilation with heat recovery (MVHR) will robustly minimise energy use, generate renewable energy and afford healthy homes. A Passivhaus approach coupled with the scheme's energy strategy is expected to far exceed the Government's reduced carbon emissions targets planned to be introduced through the Future Homes Standard in 2025. In addition, reasonable allowances for connection to a district heating network can be made, if and when appropriate to connect to do so.

## 4 Planning Analysis

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- 4.1 This section considers the proposals for the redevelopment of the Harlequins Centre, as set out in Section 3, in the light of the Development Plan policies and material considerations, providing an analysis of how the proposals align with the policies of the Council, where relevant.
- 4.2 A full description of relevant planning policies at the time was included in the Planning Statement issued with the original application in November 2019. A comprehensive list of relevant policies was subsequently included in the Committee Report prepared by officers in October 2020 and was the basis upon which the previous application was determined. For ease of reference this list of policies has been reproduced in Appendix B.
- 4.3 Since the determination of the previous application the Development Plan for the city has not changed, the abandonment of the Greater Exeter Strategic Plan (GESP) in 2020 has meant that a previously proposed draft plan has not, as yet, emerged. The Council has recently confirmed that an Issues Consultation on a new Local Plan is proposed for autumn 2021, to be followed by a draft plan consultation a year later (2022). Even at this stage, the emerging plan will have very limited weight and therefore it is considered that the existing development plan policies will provide the basis for decision making in regard to this application.
- 4.4 In addition to the statutory development plan documents, the Council has issued its Liveable Exeter Vision. This is not a statutory development plan document, but it does provide a vision as to the way in which the Council consider the city might develop and address the significant shortfall of housing land that it is able to provide.
- 4.5 The Harlequins Centre lies within one of the eight Neighbourhoods that the Council has identified and though it does not have any weight in decision making, it does indicate a “direction of travel” for development proposals and establishes a vision for the city which proposes high density living within the city centre as a sustainable form of development
- 4.6 The following sections consider the key issues in regard to the proposed development, in the context of the Development Plan policies. This considers the current scheme in the light of the already approved application (Ref 19/1556/FUL) and adopts as its structure the headings used by the planning officer in the Planning Assessment section of the Committee report in October 2020.

### **Sustainable Development and the application of the NPPF**

- 4.7 The first section of the committee report set out the framework for determining the application. This commenced by confirming that the Harlequins Centre site is an accessible location and its redevelopment is thus acceptable in principle as sustainable development in accordance with the requirements of the NPPF and adopted local plan policies.
- 4.8 At the time of the previous decision, the Council did not have a 5 year housing land supply, and this is a situation that continues. The planning officer made it clear that this would normally ‘tilt’ the determination towards permission of sustainable development unless other material considerations indicate otherwise.

- 4.9 However, in the case of the Harlequins Centre it was acknowledged that there are a significant number of heritage considerations which also have to be taken into account and which require a different balance to be applied first. The basis for this is the wording of the NPPF at Paragraph 11, which identifies the balance to be struck, and the officers report confirmed “that policies for the protection of assets of particular importance are of major importance and these can provide a clear justification to refuse permission if granting permission would “significantly and demonstrably outweigh the benefits”. The officers report therefore progressed to consider the harm which the proposals might cause and the benefits which would arise.
- 4.10 This initial assessment of the harm which might come to heritage assets was undertaken applying a “non weighted balance” considering the benefits of any scheme. Only if the decision maker considers that the benefits of the proposal outweigh any harm caused to heritage assets, then they may go on to consider all relevant planning factors against NPPF Para 11, applying the tilted balance.
- 4.11 It is acknowledged by all parties that there will be some harm to heritage assets as a result of the re-development of the Harlequins Centre. The full list of heritage assets has been considered throughout the process of determining the previous application and then reviewing the proposals and preparing the revised application for development.
- 4.12 The assessment of the original application concluded that the impact of the proposals by virtue of the scale and the design of the buildings would be “Less than substantial” which is the test applied in the NPPF para 196 and as such it is for the decision maker (Exeter City Council) to then consider the balance of impact against harm.
- 4.13 Overall, the Council concluded that the benefits of the previous application outweighed the harm to heritage assets.
- 4.14 This revised application proposes a different use for the site, removing the previously proposed hotel and providing instead for more Co-Living accommodation. Therefore, the impacts and benefits of the use will be different than previously. However, the proposed buildings are within the same footprint and are slightly smaller than the previously proposed buildings. Therefore, the physical impact of the proposed development will be the same as, or less than, that previously approved.
- 4.15 The substitution of additional Co-Living accommodation for the previously approved hotel will have a slightly different impact due to the difference in operation of the building, though both uses are residential in nature and result in people residing in the centre of the city.
- 4.16 The following sections consider the impacts of the proposed developments (both benefits and harm) in the context of the development plan and the previously approved proposals.

**The Principle of the Proposed Development (including Economic Benefits and Housing Supply)**

- 4.17 The Harlequins Centre site is identified as part of the Primary Shopping frontage of the city centre in the adopted local plan. The change of use of the site from retail use was controlled by the implementation of Policy S3 which sought to protect such uses.
- 4.18 However, the centre has struggled to maintain commercial viability for many years and the Council’s own Exeter & West End of East Devon Retail & Leisure Study 2016 noted that the site had a far higher vacancy rate than the remainder of the city centre and concluded that the shopping centre’s classification within the Primary Shopping Area did not appear appropriate. The study noted that the centre was tired and had a dated appearance and went on to suggest a change to Secondary Shopping Frontage.
- 4.19 The Council’s assessment of the shopping centre was supported by a retail report prepared for the original application demonstrating the lack of demand for the accommodation.
- 4.20 The redevelopment of the site and re-use for alternative (non retail) uses was therefore accepted in determining the original application and it is considered that this principle has been established through this decision. The impact of the Covid-19 pandemic on demand for retail space has only exacerbated that situation.
- 4.21 Therefore, having established the principle of redevelopment from retail use, the next step is the consideration of appropriate alternative uses and their impact.
- 4.22 The proposed development provides for 378 new Co-Living bedspaces. This will require an investment of over £30m in the construction of that accommodation and the Economic Impact Assessment prepared in conjunction with this revised application concludes that this will generate 19 permanent construction jobs. During operation of the accommodation, residents will also generate expenditure of £7.3m per annum in the local economy and supporting 36 net additional jobs. Therefore, this is the first benefit to be balanced in any decision making.
- 4.23 Co-Living is a new and emerging form of high-density accommodation, which has characteristics similar to other uses, including Build To Rent accommodation. However, it has specific characteristics which means that it is not an identified use class within relevant legislation. As such, the use does not fall within the normal categorisation of residential uses and is considered to be a “Sui Generis” use and is considered to be a form of specialist housing.
- 4.24 This form of housing is supported in Policy CP5 of the Local Plan which states that specialist housing should be provided as part of mixed communities in accessible locations close to facilities and this is further established through the Council’s own Liveable Exeter Vision and Paragraph 85 of the NPPF which states that Council’s should seek to promote the long-term vitality and viability of town centres *‘by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters’*.
- 4.25 The Co-Living accommodation will therefore contribute to the councils target of delivering least 12,000 dwellings over the plan period, as per CS Policy CP1. However, as this is not a standard residential C3 Use Class, it is acknowledged that the contribution towards housing delivery will not be 1:1 and this will be reflected in the Governments calculation of housing delivery.

- 4.26 The Housing Delivery Test Measurement Rule Book (July 2018) sets out the method for calculating the number of net homes delivered against the number of homes required within a local authority area. The rule book states that the ratio applied for ‘other communal accommodation’ is based on the national average number of adults in all households in such accommodation. At present this equates to a ratio of 1.8. The Harlequins Centre scheme comprises 378 rooms in total, therefore when the ratio of 1.8 is applied, the scheme will contribute 210 additional dwellings to the Council’s housing delivery figures and this is the second key element in the balance of decision making.
- 4.27 In considering the previous application, concerns were raised from objectors in regard to the operation and the characteristics of the Co-Living accommodation. There was concern raised in regard to the size of rooms, the level of amenity space and the management of the building, particularly in the context of Covid 19 and the potential for future pandemics.
- 4.28 The review of the scheme has allowed for a reassessment of the rooms and it has been possible to revisit the internal arrangements and this has resulted in cluster rooms increasing in size by approximately 1m. In addition, the amount of amenity space within the building, as a ratio against rooms has also increased. In the original scheme the Co-Living block provided for 2.84 sqm per room of shared amenity space, whilst in the revised scheme this has risen to 3.11sqm per room for Block 1. The design of Block 2 provides for 3.57sqm per room of amenity space, which, over the whole scheme, provides an average of 3.27 sqm per room of amenity space.
- 4.29 This has been achieved through rationalisation of the building design and most notably a review of the circulation space. Therefore, it has been possible to increase the room sizes, as well as the amenity space and still to keep the buildings within the footprint and the envelope of the approved scheme.
- 4.30 The shared amenity space is a key element of the Co-Living model, providing opportunities for interaction and for a sense of community to be created. This remains the ethos of the development and further consideration has been taken of how the spaces within the building will be used and designed. This is through a managed building and there will be an onsite presence 24/7 which will be the management team during the day and a security presence overnight. This will be controlled through a management plan and will set out the way in which the building will be managed.
- 4.31 The concept is for each individual to have their own bedroom and bathroom but to then share communal spaces including lounges, work areas, cinema room, gym and laundry. These spaces will be bookable and there are proposed to be a series of events hosted within the spaces and organised by the management team. It will be positively managed, and this is a key consideration in terms of planning for future pandemics. It is clear that the pandemic will have an impact on the way people live in the future. However, equally there is a priority for sustainable living patterns and the needs of the community cannot be met through single family homes alone. Therefore, well designed and managed high density accommodation will provide for a safe spaces for individuals, particularly when the alternative will be a room in a shared house or HMO. Therefore, it is considered that the Co-Living accommodation will provide for good quality specialist accommodation, in line with Policy CP5 and is a further benefit in the planning decision process.
- 4.32 The local plan and the NPPF encourages the redevelopment of previously developed land and that development at low densities should be avoided in order to maximise the benefits arising from the reuse of that land. It is considered that the proposed use of the previously developed land for high density housing (Co-Living) is in line with NPPF including para 121 and 123 and Local Plan policy CP4.

4.33 Therefore, it is considered that the following principles are established:

- (i) The loss of the shopping floorspace
- (ii) The redevelopment of the site for a high density residential use
- (iii) The economic benefits that redevelopment will bring
- (iv) The addition of residential development, helping to meet the housing delivery targets for the council.

### **Affordable Housing**

- 4.34 Co-Living is acknowledged to be a form of residential development but does not fall within the “normal” Use class C3 definition . It is considered to be a form of Build to Rent accommodation and the Government’s National Planning Practice Guidance, which is more recent than the Development Plan documents, states that a level of affordable housing within this form of accommodation should be set at 20%. This was agreed as part of the previously approved application and is proposed to be adopted for this submission.
- 4.35 The provision of this accommodation was agreed to be provided at no more than 80% of market rent and the priority for this accommodation was previously agreed to be key workers. The Council’s Affordable Housing SPD also requires that 5% of affordable units are wheelchair accessible. Each of these are proposed to be adopted for this revised application and to apply to both Co-Living buildings.
- 4.36 The delivery of affordable housing will be subject of a Sc106 agreement and a Head of Terms for that agreement is included as part of the application submission
- 4.37 It is therefore considered that the proposed development is in line with the most recent Government guidance in regard to affordable housing as set out in the NPPF.

### Access and impact on local highways

- 4.38 The location of the application site is within the city centre, in a highly sustainable location and can be accessed via a range of modes of travel. Therefore, redevelopment for high density housing will be in line in principle with national and local development plan policies and with the Council's priority of Net Zero Exeter 2030.
- 4.39 The environment of Paul Street, onto which the proposals front, is very poor with the existing buildings of the Guildhall and the Harlequins Centre enclosing the space and the provision for alternative modes of transport being very poor. The enclosure of the space is discussed in later sections of this chapter, However, in terms of the physical design of the highway, the previously approved scheme provided for significant benefits to layout through the rationalisation of space to reduce highway carriageway, increase crossing points and provide enhanced footpath and cycle space. All of these were secured through legal agreement and the proposals for the revised application replicate these previous proposals and are considered to continue to be in line with development plan policies including CP9, T1, T2 and T3.
- 4.40 A key element of the original application was the removal of servicing from the rear of the existing buildings, removing the vehicle movements from adjacent to the City Wall and from the neighbouring properties. This was achieved through the provision of servicing bays on Paul Street, removing the need for vehicles to circulate to the rear of the buildings. This approach remains the same and all servicing of the buildings will be from Paul Street, utilising drop off bays.
- 4.41 This approach means that the central area of the site, between the two main buildings, and the land to the south west (at the junction of Paul Street and Iron Bridge) can remain open and the previously approved designs for the creation of publicly accessible open spaces is maintained. The detailed landscape proposals have been amended but the principle of access and notably access from Paul Street to Maddocks Row through the site, is maintained.
- 4.42 There is an existing public footpath from Paul Street to Maddocks Row which follows the line of the city wall and this route is to be retained, though diverted in places to reflect the amended layout of the buildings and landscaping. However, public access to the City Wall will be maintained along this public footpath and this will be in a far enhanced landscape setting from the existing situation.
- 4.43 The proposals do retain the vehicular access to the Guildhall Shopping Centre ramp (which is required to be retained throughout redevelopment of the site) and also provide for access to parking beneath Block 2 (which is discussed further below). The highway layout and provision for access, along with pedestrian and cycle provision are though the same as that approved under application 19/1556/FUL and therefore considered to be in line with national and local policies and best practice and therefore similarly acceptable.

## Parking

- 4.44 The existing site includes car parking beneath the Harlequins Centre and a surface car park to the south west, together providing for a total of 91 cars. The approved application proposed the removal of the open car parking area and its replacement with a pocket park, along with a reduced car park under the hotel building for 44 spaces.
- 4.45 This revised application retains this approach, with the pocket park replacing the car parking at the south western end of the site and a car park for 33 spaces to be provided under Block 2. Nine of these spaces are provided for a business who have long established rights for these spaces within the existing car park. The remainder of the spaces are to be managed by Exeter City Council as a public car park, in the same way that the existing is.
- 4.46 The Council's adopted policy (Policy T11) states that development in the city centre will be subject to ensuring that there is no significant change in the number of public off street parking spaces. The loss of 58 spaces within the context of the overall number of city centre spaces is not considered to be significant.
- 4.47 The Council's Local Plan is though now fairly old and though the adopted policy of the council, the corporate priority is for the drive towards Net Zero. In this context, the delivery of any car parking in the city centre has to be considered and the Co-Living accommodation will be car free and residents will not have spaces within the car park. The provision of the car parking is a balance between encouraging alternative modes of transport and recognising that in a city such as Exeter, which serves a wider hinterland, there will also always be those who have to drive to access services and facilities.
- 4.48 Therefore, the City Council has indicated the desire to retain some car parking as part of the overall provision for the city centre. This parking is proposed to include for two Co-Car spaces which is a car club and which residents of the accommodation will be encouraged to utilise. The spaces for these vehicles will include EV charging points, which will enable them to be all electric.
- 4.49 In addition to this, there will be a total of 256 bicycle parking spaces across the site. This will be made up of 200 spaces within the ground floor of the two buildings, with 56 visitor spaces in locations around the outside of the buildings.
- 4.50 The Council's local plan policies H2(d) T11 and the Sustainable Transport SPD requires a total of 200 spaces to be provided for a scheme with this level of accommodation and this is provided for within the buildings. The cycle parking provision are therefore considered to accord with the councils adopted policy in this regard.
- 4.51 Therefore, it is considered that the proposals accord with the development plan policies, as well as representing a step towards the realisation of the Council's goal for the city to be Net Zero by 2030.

## Design and landscape

- 4.52 The previous planning application was subject of substantial negotiations both pre application and during the determination. Much of this discussion related to the mass of the proposed building and throughout the scheme evolution (as discussed in Chapter3) the buildings height in particular was reduced. These amendments resulted in the Council considering the overall mass of the building to be acceptable, as set out in detail in the officer’s previous report to committee.
- 4.53 The revised application proposes two buildings in the same location as the approved buildings and adopting the same massing approach, with the tallest buildings being located at the northern end, close to Queen Street, stepping down to reflect the topography of the area towards Iron Bridge. The submitted Design & Access Statement demonstrates that the buildings sit within the envelope of the previously approved application and in the important elevations to the west, facing towards Northernhay Street, the footprint in some areas has been pulled back, increasing the distance between the proposed buildings and the existing properties.
- 4.54 On this western side of the building, the City Wall is a significant feature and the assessment of the previous scheme noted how this provides a dividing line between the more intensely urban and commercial character of Central Conservation Area, and the more residential character of St Davids Conservation Area. Therefore, the council considered that “its presence is considered to justify a change in character between the site and Northernhay Street in terms of the scale of the townscape”.
- 4.55 The proposals were therefore considered to accord with policies CP17, DG1 and DG7.
- 4.56 A key aspect of this design approach, and the negotiations which occurred during the determination of the previous application related to the way in which the buildings presented to Paul Street. The existing buildings provide a blank façade to the highway and create a canyon with the Guildhall opposite. The previously approved scheme sought to enhance the frontage to the street, through active frontages where possible.
- 4.57 Block 1 included a courtyard at its northern end, which is retained in these revised proposals and has active frontages fronting the street. However, the bin store was located at the front of the previous building, onto Paul Street and the main entrance was to be onto the space between the buildings. This approach has been rationalised through the review of the buildings and the main entrance brought onto Paul Street, with the bin store behind. This creates more active frontage to the building, whilst keeping the bin store within easy distance of the layby for collection. This means that the previous artwork which was proposed for this location is not required as the street is fronted by shared amenity spaces.
- 4.58 Block 2 was previously a hotel and therefore had a restaurant bar space at ground floor, fronting onto the space between the buildings. However, the frontage to Paul Street was dominated by service access for the hotel and the car park. Through the review of the building, the use of this block for Co-Living now means that a series of active frontages can be provided along Paul Street, with the car park screened from view by the rooms.
- 4.59 As a result the scale and mass of the buildings as viewed from Paul Street will be very much as per the approved scheme. However, the way in which that frontage interacts with the street will be much enhanced, improving further the character of this area.

- 4.60 The review of the scheme has also provided the opportunity to reconsider the elevational treatment of the two buildings. The previously approved scheme adopted different approaches to the two buildings, an approach which was agreed following the submission of the application, which originally proposed a similar approach to both buildings. It was considered that the original scheme, which had a similar approach to both buildings, provided for a monotonous appearance and therefore it was agreed that different elevational treatments for the two buildings would be adopted.
- 4.61 This approach has been adopted for the revised scheme with four building hierarchies being adopted, as described in the Design and Access Statement. These serve to differentiate the areas of the building, reducing the overall mass and create additional interest in the streetscene and roofscape.
- 4.62 Between and around the buildings, the proposals provide for a significantly enhanced public realm when compared to the existing. The removal of servicing and car parking from the site provides the opportunity for greater planting and landscaped areas to be created.

### **Impact on Heritage Assets**

- 4.63 The application site lies with the Exeter Central Conservation Area, adjacent to the southern boundary of the St David’s Conservation Area, adjacent to the City Wall (a scheduled monument) and close to a number of listed buildings and locally listed buildings. Therefore, a key consideration of any application on this site is the impact of any proposals on heritage assets, both above ground and below.
- 4.64 These were key considerations in the determination of the previous application and a thorough Historic Environment Desk Based Assessment (HEDBA) accompanied the application. This included a baseline (as Volume 1) and then an Impact Assessment (Volume 2). This assessment adopted a tabular approach in assessing the impacts which concluded that the harm was “less than substantial”. This was supplemented by a further Heritage Statement, produced by Turley in May 2020 which further considered the impact on above ground heritage assets and adopted a narrative approach.
- 4.65 This previous work provided a thorough understanding of the heritage issues associated with the site and the development proposals and has formed the basis for the revised scheme which is now proposed.
- 4.66 The Councils local plan has a number of relevant policies in regard to assessing these impacts (Policies C1, C2, C3, C4, C5 and CP17) but the NPPF has been issued more recently and the local plan policies are therefore not fully up to date. The NPPF requires at Para 189 that the significance of heritage assets are described and this has been presented in the Heritage Statement (Turley July 2021), whilst the presence of below ground archaeology is discussed in the Archaeological Impact and Mitigation Statement (Cotswold Archaeology June 2021).
- 4.67 Revised assessments have been undertaken that considers the revised proposal against the full list of heritage assets considered in the first application.
- 4.68 In regard of below ground archaeology the revised assessment reconfirms the position that there is the prospect of important archaeological remains within the area. However, this is likely to have been disturbed by the previous development on the site and the proposals for foundations for the new buildings are only likely to have a limited impact. Therefore, the original assessment concluded that the risk to buried archaeology was limited and the revised building proposals further limit the footprint of the building, and thereby the foundations, to that which was previously proposed and assessed.

Therefore, it is concluded that the impacts on buried archaeology will be limited and less significant than that proposed under the previously approved application.

- 4.69 In regard to the heritage assets above ground, it should first be noted that no heritage assets (listed buildings or the City Wall) will be physically impacted by proposals. There are no above ground heritage assets within the application site and the City Wall is adjacent to, but outside of, the application area.
- 4.70 Therefore, the assessment of physical impacts of the proposed development have focused on the potential implications of development on the City Wall due to construction impacts and changes to the local environment brought about by the development. These potential impacts have been carefully considered in a suite of studies submitted within this application, which were all prepared in conjunction with the approved scheme. These studies consider the structure of the wall and the potential impacts of the proposals due to changes in water and air movement. The findings of these studies are that the proposals are anticipated to have a limited physical impact on the wall.
- 4.71 In regard to wider above ground heritage assets, the Heritage Statement which accompanies this revised application has revisited the previous assessment as set out in the HEDBA. The revised proposals are no larger, and in some instances marginally smaller, than the approved proposals. The assessment has therefore reconsidered all of the assets identified previously in the HEDBA which had potential to be affected by the proposals and undertaken a further assessment of the potential impacts. Where the previous assessment concluded that there was not any potential for the asset to be affected, the assessment has not revisited this assessment.
- 4.72 The assessment draws on the plans and drawings submitted with the application and notably the Landscape and Visual Impact Assessment, which includes views from agreed locations demonstrating the impacts of the development.
- 4.73 The Heritage Statement considers each of the affected heritage assets and undertakes an assessment of significance in each case. This concludes, in line with the previous decision, that there will be no harm to some of the nearby heritage assets but some harm to a limited number of assets including the Conservation Areas, RAMM and Exeter Dispensary, along with properties 39 and 42 Northernhay Street. However, the level of harm caused to these assets is assessed as “less than substantial”.
- 4.74 Paragraph 196 of the NPPF provides that, where the assessed impact is “less than substantial” the decision maker can weigh the public benefits of the development against that harm in coming to a decision. Paragraphs 132 and 133 of the NPPF make it very clear that substantial harm amounts to the total or near complete loss of significance of a designated heritage asset. The NPPF use of ‘substantial harm’ therefore sets a high threshold for significance of effect.
- 4.75 The assessment of the previous application concluded that the impact on heritage assets was “less than substantial” and this was a conclusion which was agreed by the Council and Historic England in determining the previous application. The assessment of the revised scheme, which is no larger than the previously approved, has come to the same conclusion. Therefore, it is for the decision maker, Exeter City Council, to balance the harm against wider public benefits.
- 4.76 A list of benefits to be weighed in the balance was included within the officer’s report of the previous application and a similar list is included in the final chapter of this statement, providing the basis for the Council to determine this application.

## Residential amenity

- 4.77 The development proposals relate to the provision of residential development in the form of Co-Living accommodation. Given the specialist nature of this accommodation it was previously agreed by the Council that local or national space standards should not be applied to such schemes. Therefore, in regard to the proposals the national space standards are not considered to be relevant, though the provisions of Policy DG4, which relates to provision of amenity space which allows residents to feel at ease, will still be applicable.
- 4.78 As previously described the Council accepted the proposed layout of the Co-Living building in the previous application, including the amount of amenity space, both internally and external to the building. The revised application proposes a total of 778sqm of communal space in Block 1 and 457sqm in Block 2.
- 4.79 These amenity spaces are to be shared by all residents of the two blocks and the indicative internal room layouts suggest that this will include lounge space and co-working areas, as well as small cinema, gym, spa and dining areas.
- 4.80 In addition to these spaces, there will be shared communal space provided on each floor of the buildings, which are intended principally for informal use by residents on those floors and within Block 1 there are also 18 cluster flats, which each have their own kitchen, shared by the residents of the particular flat.
- 4.81 When all of this amenity space is included, the total shared space across the two buildings equates to an average of 3.27sqm per bed across the development (compared to 2.84sqm per bedspace in the approved scheme).
- 4.82 It is also the case that the range of different spaces and the uses that they can be put to provide a flexible approach for residents to live their life and to build their own community within the buildings.
- 4.83 Externally, the proposals include a significant increase in the extent of public realm available to be accessed by residents and the public, including the space between the buildings and the pocket park to the south west of Block 2. These provide opportunities for outside recreation, but they are public spaces. Two private courtyards are provided within the proposals, the first to the west of Block 1, is a larger area than was previous provided as part of the approved application. The second courtyard is on the northern side of Block 2.
- 4.84 It is acknowledged that each of these private outdoor spaces is relatively small, but this reflects the city centre nature of the site and its proximity to public open spaces, such as Northernhay Gardens, as well as the city centre. It is therefore accepted that the delivery of additional dwellings within this area will result in additional pressure on local open spaces which it will be for the Council to maintain.

- 4.85 Therefore, in line with Policy L4 and the Public Open Space SPD, a financial contribution was agreed as part of the previous application towards off site public open space and play area (which are most likely given the nature of the residents, to be in the form of outdoor gym equipment and/or trim trails). It is anticipated that similar contributions will be applicable to this revised application and this is included in the Sc106 Heads of Terms included with this application. However, the scale of that provision is assumed to be reduced for this application, due to the provision of the external private amenity space which has been included in these proposals.
- 4.86 In the previous committee report the Council also referred to bin collection within the context of residential amenity. Discussions with the Council confirmed that a bi-weekly domestic bin collection service will be provided by the Council, and that a separate trade collection will be provided by the operator in order to provide a weekly service. On this basis the bin stores were agreed, and the revised application provides for the same bin store capacity within Block 1 for the same level of bedspaces (251 v 250) as was previously approved. Whilst in Building 2 8 no. 1100 litre refuse bins are to be provide, which represents the same proportion as per Block 1 for the 128 bedspaces.

### **Impact on Amenity of Surroundings**

- 4.87 Policy DG4 and the Council's Residential Design Guide provide guidance in regard to the protection of the amenity for neighbours within and to a new development. The policy requires that development be provided at the maximum feasible density whilst taking into account and protecting the amenity of all residents. The policy and the SPD both confirm that any standards should be applied flexibly and subject of testing and robust evidence.
- 4.88 It was also recognised during the negotiation of the previous application that the Design Guide was prepared in the context of suburban housing, and all of the aspects of that guide are not necessarily appropriate for a city centre site, such as Harlequins. Therefore, the standards should be applied in the context of a city centre site.
- 4.89 The application site is bounded to the west by the rear of properties to Northernhay Street and the original application focused on the potential issues of overlooking and loss of amenity that might be an impact of a proposed scheme. During the course of the assessment of the application a series of drawings were produced to indicate and assess the likely impacts of overlooking. This analysis and negotiations with officers resulted in changes to the buildings which included the provision of angled windows and obscure glazing in locations, which overcame concerns about overlooking.
- 4.90 The location of the building is no closer and in some respects further away from the boundary and the buildings on Northernhay Street than the approved scheme and in all cases the building is no higher and often lower than previously approved. The practical changes to the building, including the angling of windows and obscure glazing proposed in the original scheme have generally been adopted for this revised application. Therefore, in regard to privacy and overlooking, it is considered that the revised application addresses all of the issues originally raised and found to be accepted as part of the approval of application 19/1556/FUL.

- 4.91 The planning officers report also considered the issue of outlook in regard to the requirements of the Residential SPD. This considered in detail the impact of proposals on the one existing habitable room that would face onto a largely blank wall of Block 2, the French windows of No.42 Northernhay Street. It was concluded that the impact of the development is significantly impacted already by the presence of the City Wall only 3m from the window and it was therefore concluded that the quality of the outlook will not be further affected.
- 4.92 In support of the previous application a daylight and sunlight report was prepared which assessed in detail the implications of development on 255 windows on properties along Northernhay Street Northernhay Square, North Gate Court and Northgate. This assessed all windows against the metrics of Daylight Distribution, Annual Probability Sunlight Hours and Vertical Sky Component. In the majority of cases (over 95%) the impacts of the proposed development were considered acceptable and the small number of rooms which did not meet standards, were generally not habitable rooms but bedrooms, bathrooms or hallways.
- 4.93 The Council therefore concluded that the proposed development would not have a negative impact in regard of the BRE Guidance in regard to light to surrounding properties.
- 4.94 The revised proposals are no larger or closer to the neighbouring properties than the previously approved blocks and as such the impact of the development on daylight and sunlight will be the same, or marginally improved.
- 4.95 In parallel with these assessments in regard to daylight and sunlight, technical reports have also been produced which relate to the potential for noise and light nuisance from the proposed development.
- 4.96 It has been noted that the site will be managed 24 hours a day and this will serve to minimise disturbances which may otherwise arise from the activities of residents. However, a Noise Assessment of the approved development was undertaken to consider the implication and has been revised to reflect the current scheme.
- 4.97 This assessment included measurements of the prevailing noise climate at the locations of the proposed development. The measured noise levels have been assessed in accordance with the National Planning Policy Framework with reference made to the relevant guidance set out in ProPG: Planning and Noise for new residential developments.
- 4.98 The noise assessment considered the requirements for mitigation measures as appropriate for the proposed residential development, to achieve suitable internal and external noise levels, and acoustic specification requirements for proposed façade elements and other mitigation have been determined on the basis of the relevant guidance.
- 4.99 The potential for noise emissions from the proposed development have been considered and noise criteria have been proposed based on the requirements of BS4142:2014, which confirms that the development will not result in negative impacts, in line with policy DD13.
- 4.100 Overall, the previous scheme was assessed as according with policy DG4 and it is considered that this revised application will also meet this policy test.

### Impact on Trees and Biodiversity

- 4.101 The revised application proposals utilise the same footprint at the originally approved scheme and as such the same five trees (A Cherry tree and 4 Norway Maples) are to be removed. Within the landscape proposals 12 new trees will be planted, which will compensate for the loss, as they did for the approved scheme.
- 4.102 The existing site was subject of habitat and protected species surveys in 2018 to inform the original application and these have been revisited to inform the revised proposals. The site remains of low ecological value, but a single common pipistrelle bat was identified to be utilising the existing building. Following this finding further surveys will be undertaken of the building ahead of demolition and all works will be undertaken within the scope of a Natural England Bat Mitigation Licence. Also, it is proposed that Six Habitat 003 bat tubes (or similar) would be integrated into the walls on the south-west elevations of the new buildings plus one Schwegler 1FF and one Schwegler 2F-DFP bat boxes (or similar) be installed on two of the retained trees.
- 4.103 In line with the original application, a Biodiversity Net Gain calculation has been undertaken and this provides for a 669% enhancement as a result of the proposals, significantly more than the 10% threshold and an increase above the previously approved scheme. This is a result of the provision of the new pocket park, soft landscaping throughout the site, green roofs to both buildings and a “green wall” on one elevation of Building 2.
- 4.104 In total these proposals therefore clearly enhance the biodiversity of the city centre, in line with Policy CP17.
- 4.105 The site lies within the impact zone of the Exe Estuary Special Protection Area (SPA) and as such the previous application was screened in respect for the need for Appropriate Assessment, in line with the Conservation of Habitats and Species Regulations 2017. This concluded that Appropriate Assessment was required and was subsequently carried out by the Council. The assessment concluded that, due to the nature of the development for residential accommodation, that there would be an impact on the SPA due to recreational activity of residents. This impact can be mitigated through a financial contribution as set out in the Southeast Devon European Site Mitigation Strategy and a contribution was agreed and included as an obligation within the Sc106 agreement.
- 4.106 The revised application provides for an increased level of residential (Co-Living) accommodation and it is therefore anticipated that Appropriate Assessment will be required for the application, which will be undertaken by the Council during the course of determination. This is assumed to result in the same outcome, that a financial obligation is to be applied via a Sc106 agreement for the mitigation of the impacts and this is included in the Sc106 Heads of Terms submitted with this application. This contribution will reduce the impacts of the development to a level where the integrity of the European Site will not be adversely affected and the conservation objective of the SPA are achieved.
- 4.107 Therefore, it is considered that the revised application, as did the previously approved scheme, will accord with policies CP16, CP17 and LS4, along with the relevant paragraphs of the NPPF.

### **Contaminated land**

- 4.108 A Preliminary Geoenvironmental and Geotechnical Assessment was submitted with the original application and has been resubmitted as part of the revised application pack.
- 4.109 The report states that made ground was found beneath the site with elevated concentrations of lead, beryllium and several PAHs. Loose asbestos fibres were also recorded at one location. The report includes a preliminary remediation approach for the site, involving provision of a suitable cover system in areas of soft landscape and that basic radon protection measures are necessary on the northern section of the site.
- 4.110 Further ground water and gas monitoring were undertaken in summer 2020 to reconfirm and expand on the findings of the original investigations.
- 4.111 A condition requiring the contamination be remediated prior to occupation of the development was included in the decision notice of application 19/1556/FUL and it is anticipated that the same condition will be imposed should this application be approved.
- 4.112 This approach accords with Policy EN2 and Paras. 118 and 170 of the NPPF.

### **Impact on Air Quality**

- 4.113 The site lies within the city centre is partly within the Air Quality Management Area (AQMA) which includes Queen Street and notably the junction of Queen Street with Paul Street. As such an Air Quality Assessment was produced within the original application, was amended during the course of the determination of that application, to address changes in the scheme design and questions from the Council's officers and has been revised for submission with this application.
- 4.114 The report concludes that the impacts of the development on air quality will not be significant and the reduction in height of the buildings and changes to the energy strategy provide benefits for the scheme above those of the previously approved application.
- 4.115 It is acknowledged that there is a risk to air quality through the construction phase and therefore a Construction Environmental Management Plan (CEMP) is likely to be required and a condition imposed on any decision, as per the previous decision. In this way the proposals meet the requirements of Policy CP11 and EN3.

### **Flood Risk and Surface Water Management**

- 4.116 The site lies within flood zone 1 and redevelopment for the use proposed would accord with the sequential test and be in line with Policy EN4.
- 4.117 A Flood Risk Assessment and drainage design has been prepared for the revised application, which reflects the proposals previously approved in relation to the original application. Infiltration within the site is not viable and there are no local water courses to discharge to, therefore the proposals is to implement sustainable urban drainage techniques of green/brown roofs and permeable paving before discharging surface water to the local sewer network. In this way the peak discharge rate is to be controlled and reduced in line with Policy CP12.

### **Sustainable Construction and Energy Conservation**

- 4.118 The review of the proposals for the site have resulted in the opportunity to comprehensively review the approach to sustainable design. During the course of the previous application determination a Passivhaus Pre-Assessment Report was produced in regard to the Co-Living building. This provided the basis for the building to be delivered in line with Passivhaus principles.
- 4.119 The review of the project has allowed for this approach to be robustly applied to both buildings within the revised application.
- 4.120 In this way the development meets the requirements (and exceeds) Policy CP15
- 4.121 Policy CP13 requires new development comprising 10 or more dwellings to connect to any existing, or proposed, Decentralised Energy Network (DEN) in the locality. The site is not located within an existing DEN or within one of the proposed DEN areas referred to in emerging Policy DD32, as shown on the Development Delivery DPD Proposals Map. However, both buildings will be constructed to facilitate a connection in future.
- 4.122 Policy W4 of the Devon Waste Plan requires planning applications for major development to include a waste audit statement. A pre-commencement condition was imposed on the previous planning approval for this to be provided and it is anticipated that, should this application be approved, a similar condition will be imposed.

## 5 Conclusion

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- 5.1 This Planning Statement has been prepared to support an application for the redevelopment of the Harlequins Centre, Paul Street, Exeter. The statement has set out the background to the site and the proposals, the Development Plan and provided an assessment of the scheme against the relevant policies of the City Council and the NPPF in the light of a previous, very similar, application on the same site.
- 5.2 The previous application considered the principles relating to the replacement of the existing use (retail) for alternative uses, in that case a hotel and Co-Living accommodation. Its approval is a material consideration in the determination of this, revised, proposal.
- 5.3 This application has removed the hotel element and proposes two buildings, both of Co-Living accommodation, which is considered to be an appropriate use on this sustainable city centre location which is sequentially preferable in regard to flood risk.
- 5.4 The revised application proposes buildings which are the same scale or smaller than the approved, in the same location.
- 5.5 The previous application was approved by the Council following a robust consultation exercise which resulted in significant changes to the buildings, and generally their reduction in size to the level which was then agreed to be acceptable.
- 5.6 The application was judged by the planning officers through a series of tests. The first of which was the impact of proposals on heritage assets. This concluded that the impact would be “less than substantial” and as such it was for the Council to consider the benefits of the proposals against the limited harm to heritage assets.
- 5.7 The planning officers report of October 2020 summarised the benefits of the scheme in coming to the decision and a similar list (following the case officers’ format) for this application is set out below:
- Bringing vitality back to the site with appropriate town centre uses.
  - Job creation (approximately 78 gross jobs of which 36 are estimated to be net additional jobs to the local economy).
  - Approximately £7.3m per annual resident expenditure from co-living.
  - Delivery of the equivalent of 210 dwellings to help with lack of 5 year housing supply.
  - Delivery of affordable housing with priority for essential local workers.
  - Redevelopment of brownfield site.
  - Public realm improvements to Paul Street and Paul Street/Queen Street junction, improving accessibility for pedestrians, cyclists and people with mobility difficulties, and the character and appearance of the Conservation Area.

- Improved public access to the scheduled City Wall and landscaping works enhancing the setting of the City Wall.
- 'Interpretation Centre' enhancing public engagement with the City Wall.
- £25,000 contribution towards management, maintenance, repair and promotion of City Wall.
- Public cycle parking provision.
- Electric vehicle charging points.
- Removal of 1980s building with limited active frontages and replacement with high quality designed buildings with active edges improving the character and appearance of the Conservation Area, and natural surveillance of the public realm.
- Wider view of corner of RAMM from Paul Street through set back building line.
- Smaller footbridge will improve views up and down Paul Street within Conservation Area.
- Off-site public open space contribution.
- Off-site play areas contribution.
- Biodiversity net gain of 669% from new habitat pocket park, soft landscape works, green roofs, green wall and integral bird boxes.
- Remediation of contaminated land.
- Reduction in surface water flow from the site to the public sewer.
- Energy efficient buildings – Passivhaus principles adopted and use of renewables (CHP, photovoltaics).

5.8 Given this list of benefits, it is concluded that the positive implications of the proposals will outweigh the harm that the scheme will have, and that the council, as it did previously with application 19/1556/FUL should support the proposals and approve this revised application.

## Appendix A– Application Documents

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## **Application supporting documents**

- Acoustic Design Statement - Clarke Saunders Acoustics
- Additional Groundwater Monitoring – TEC
- Air Quality Technical Note - Kairus Ltd
- Arboricultural Impact Assessment Report - Aspect Tree Consulting
- Arborocultural Method Statement - Aspect Tree Consulting
- Archaeological Impact and Mitigation Statement - Cotswold Archaeology
- Co-Living Report – JLL
- Community Infrastructure Levy Forms
- Consented Scheme Solar Study - Corstorphine & Wright Architects
- Design and Access Statement - Corstorphine & Wright Architects
- Drainage Strategy - Cambria Consulting Ltd
- Ecological Assessment Addendum Report – EAD Ecology
- Economic Impact Assessment - Porter Planning Economics Ltd
- Energy Statement – Hydrock
- Exeter City Wall Section Between Northernhay Street and Paul Street Conservation Assessment Summary Results- Tobit Curteis Associates LLP, Odgers Conservation Consultants, Mann Williams Consulting Civil and Structural Engineers
- Exeter City Wall Section Between Northernhay Street and Paul Street Condition Survey and Conservation Appraisal - Odgers Conservation Consultants
- Exeter City Wall, lying between Northernhay Street and Paul Street – Overview report on the Structural Condition, relating to the Harlequins Centre Redevelopment - Mann Williams Consulting Civil and Structural Engineers
- Exeter City Wall, Lying Between Northernhay Street and Paul Street – Preliminary Assessment of the Environmental and Conservation Impact of the Development of the Harlequins Centre - Tobit Curteis Associates LLP
- External Lighting Strategy - Hydrock
- Flood risk assessment Cambria Consulting Ltd
- Geoenvironmental Assessment – TEC
- Heritage Statement – Turley
- Landscape and Visual Impact Assessment – Corstorphine & Wright Architects
- Landscape and Visual Impact Assessment Report - Corstorphine & Wright Architects
- Landscape and Visual Impact Assessment Viewpoints Assessment Table - Corstorphine & Wright Architects
- Lighting Assessment Report – Hollis
- Passivhaus Planning Package Pre-assessment Report - Exeter City Living
- Planning Statement – JLL
- Preliminary Geoenvironmental and Geotechnical Assessment – TEC
- Proposed Scheme Solar Study – Corstorphine & Wright Architects
- Solar Comparison Study - Corstorphine & Wright Architects
- Transport Assessment - AWP
- Tree Constraints Plan - Aspect Tree Consulting
- Tree Protection Plan - Aspect Tree Consulting
- Tree Survey - Aspect Tree Consulting

## Appendix B – Development Plan Policies

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## **Development Plan Policies**

As per Exeter City Council Committee Report 26<sup>th</sup> October 2020

### **Core Strategy (Adopted 21 February 2012)**

Core Strategy Objectives CP1 – Spatial Strategy

CP4 – Density

CP5 – Mixed Housing

CP7 – Affordable Housing

CP9 – Transport

CP11 – Pollution

CP12 – Flood Risk

CP15 – Sustainable Construction

CP16 – Green Infrastructure, Landscape and Biodiversity

CP17 – Design and Local Distinctiveness CP18 – Infrastructure

### **Exeter Local Plan First Review 1995-2011 (Adopted 31 March 2005)**

AP1 – Design and Location of Development

AP2 – Sequential Approach

H1 – Search Sequence

H2 – Location Priorities

H5 – Diversity of Housing

H7 – Housing for Disabled People

TM1 – Hotel Development

TM5 – Developments on sites adjacent to the City Wall

L4 – Provision of Youth and Adult Play Space in Residential Development T1 – Hierarchy of Transport Modes

T2 – Accessibility Criteria T3 – Encouraging Use of Sustainable Modes

T11 – City Centre Car Parking Spaces

C1 – Conservation Areas

C2 – Listed Buildings

C3 – Buildings of Local Importance

C4 – Historic Parks and Gardens

C5 – Archaeology

LS2 – Ramsar/Special Protection Area

LS3 – Sites of Special Scientific Interest LS4 – Nature Conservation

EN2 – Contaminated Land

EN3 – Air and Water Quality

EN4 – Flood Risk

EN5 – Noise

DG1 – Objectives of Urban Design

DG2 – Energy Conservation

DG4 – Residential Layout and Amenity

DG7 – Crime Prevention and Safety

### **Devon Waste Plan 2011 – 2031 (Adopted 11 December 2014) (Devon County Council)**

W4 – Waste Prevention

W21 – Making Provision for Waste Management

## **Other Material Considerations**

### **Development Delivery Development Plan Document (Publication Version, July 2015)**

DD1 – Sustainable Development  
DD5 – Access to Jobs  
DD8 – Housing on Unallocated Sites  
DD9 – Accessible, Adaptable and Wheelchair User Dwellings  
DD13 – Residential Amenity  
DD17 – Hotels  
DD20 – Accessibility and Sustainable Movement  
DD21 – Car and Cycle Parking  
DD25 – Design Principles  
DD26 – Designing out Crime  
DD28 – Conserving and Managing Heritage Assets  
DD30 – Green Infrastructure  
DD31 – Biodiversity  
DD34 – Pollution and Contaminated Land

### **Exeter City Council Supplementary Planning Documents:**

- Affordable Housing SPD (April 2014)
- Archaeology and Development (Nov 2004)
- Sustainable Transport SPD (March 2013)
- Planning Obligations SPD (April 2014)
- Public Open Space SPD (Sept 2005)
- Residential Design Guide SPD (Sept 2010)
- Trees and Development SPD (Sept 2009)

### **Devon County Council Supplementary Planning Documents:**

- Minerals and Waste – not just County Matters Part 1: Waste Management and Infrastructure SPD (July 2015)
- Conservation Area Appraisals and Management Plans:
  - Central (August 2002)
  - St. Davids (November 2005)



## JLL

The Senate, Southernhay, Exeter  
EX1 1UG  
+44 (0)29 20722 7666

**Lowri Thomas**  
Graduate Planner

T +44 (0)29 2072 6056  
M +44 (0)7720 070495  
Lowri.Thomas@eu.jll.com  
jll.co.uk

**Chris Dadds**  
Director

T +44 (0)139 242 9316  
M +44 (0)7774 338208  
Chris.Dadds@eu.jll.com  
jll.co.uk

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