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BY EMAIL ONLY

Our ref 0061/Outgoing

Dear Matt,

Harlequins Centre – 19/1556/FUL.

Response to Late Representation by Mr G Hall

Earlier today we received copy of a late representation submitted by Mr Gavin Hall in regard to our client's application, which is to be considered at Planning Committee this evening.

The representation relates to the report prepared for the committee and we would like to make some response to the key points raised, which can then be presented to the committee members ahead of their deliberations.

We have used the headings provided by Mr Hall to structure our response

Substantive Policy Objections

Mr Hall incorrectly states that "student housing which 'co-living' units are most directly comparable to and which are defined as 'specialist housing' and are reasonably excluded from the 5YHLS calculation".

Government Guidance on Housing supply and delivery, Published 22 July 2019
(<https://www.gov.uk/guidance/housing-supply-and-delivery>) states:

All student accommodation, whether it consists of communal halls of residence or self-contained dwellings, and whether or not it is on campus, can in principle count towards contributing to an authority's housing land supply....

Therefore, the council can, we believe, include an element of this accommodation as counting against its housing figures.

We agree with Mr Hall that the hotel bedspaces do not count in the same way.

Mr Hall then points to the London Plan and their emerging policies in regard to Co-living. He is of course quite right, that the form of housing has emerged in London, and elsewhere, ahead of the provision in Exeter. Therefore, London has considered this use and has prepared a policy specifically for this use, based on local evidence. Exeter City Council has not yet done this and therefore it is for the council to determine any application on the basis of the existing policies of the adopted plan, where they are up to date.

It is acknowledged that in Exeter the adopted plan does not relate specifically to co-living or indeed to other emerging housing models. Therefore, the Council is required to look at more recent policy, such as the NPPF, as the basis for decision making.

In time, we expect Exeter City Council will prepare its own policy on such uses, and this will be based on evidence from the city and be tested at an examination. At this point it will have the full weight of adopted policy. But until this time, it is for the council to determine any application on the basis of existing policies and material considerations, including the NPPF.

Affordable Housing Contribution

Mr Hall raises objection to the provision of 20% on site affordable housing being provided as part of the application. He argues that the appropriate rate should be 35%, as per policy CP7.

As set out above, the Adopted Local Plan was prepared before Co-Living emerged as a housing model. Therefore, the adopted policy makes no reference to the use.

However, Government Guidance in regard to wider Build to Rent uses is in place <https://www.gov.uk/guidance/build-to-rent> and is considered to be the most relevant up to date (evidenced based and tested) guidance for similar uses. This guidance provides that 20% on site affordable housing is the appropriate benchmark. This is the level that is required nationally for this form of use and in the absence of any evidence that in Exeter it is appropriate to provide a higher figure than this, then it has been agreed that this be provided on site.

Size of units

Mr Hall criticises the scale of accommodation provided, referring to the national housing standards as the basis for such assessment.

As discussed above, Co-living is a new and emerging living model which attracts a certain demographic of people who are generally progressing from student life into the working world. Therefore, it attracts people for who traditionally the alternative would be a room in a shared house (Known as an HMO – House in Multiple Occupancy).

These properties were not built specifically for the purpose and the extent of space for any individual varies considerably.

A purpose built co-living block is specifically designed to meet the needs of this group in society. There is a mix of spaces, both private and public, with the public spaces taking on different characteristics, depending on the residents of each block.

In recent months, with the advent of Covid-19, we have seen an increase in demand for such uses. For some this is counterintuitive, however the benefits of living in a purpose built, centrally managed, Co-living block over a HMO are obvious to prospective residents.

Mr Hall specifically refers to the communal areas identified and to the 667sqm of shared space. It should be made clear that this refers only to the space shared by all residents in the building and excludes the kitchen/lounge areas which are associated with each of the cluster flats. These spaces are shared with smaller numbers of people, living as a group but who are also able to access the wider shared spaces as well.

Car Parking

The proposals do result in a loss of car parking, and as Mr Hall acknowledges, this loss is small in comparison with the car parking in the city centre. It should also be noted that the remaining car parking is to be managed by the city council (as it is at present) and will be available for the public. The co-living and the hotel can both be car free developments and the council's Liveable Exeter Vision and the Net Zero Exeter 2030 Plan both rely on reducing the need to travel by private car and increasing the numbers of residents and visitors within the city centre, where they can access services, facilities and work on foot and by cycle. Therefore, the creation of the new buildings in this location helps to achieve these goals, with the provision of significant cycle parking spaces within and around the buildings. Within the car park electric vehicle charging points will be provided and negotiations with Co Cars and Co Bike for a presence on the site have been undertaken.

Conditions

Mr Hall criticises the committee report and draft conditions for their lack of detail in regard to access to bicycle storage and to pick up/drop off. These are points of detail that will be addressed during the subsequent phases of development, should consent be granted. The exact size of a door within the building, to the cycle store can be confirmed prior to commencement on site and the exact management arrangements for any servicing will be prepared by the operators of the buildings, in conjunction with the city council, before occupation. This is normal practice and it is not necessary for these particular details to be confirmed ahead of a decision.

Heritage Assets

Mr Hall suggests firstly that some heritage assets are not itemised in the officers report at Section 5, but they are then "elaborated" in Section 10. We therefore assume that he is content that all of the heritage assets are noted and certainly the Heritage & Desk Based Assessment submitted with the application lists all of identified assets and assesses the impact on them.

Mr Hall then states that "*The required tests set out in the Framework and interpreted by case law are clear that when considering whether to allow a development that would cause 'less than substantial harm' to a designated heritage asset that harm alone gives rise to a strong presumption against the grant of planning permission.*" I am afraid that this is not correct. Para 195 of the NPPF only provides for this strong presumption where the is "substantial harm".

Where the impact is less than substantial, NPPF para 196 requires this harm to be weighed against the public benefit and as Mr Hall goes on to say "It is a matter of planning judgment as to the extent of the "great weight" to be given to the significance of any affected heritage asset". It is clearly correct that it is a matter of planning judgement what weight to apply and this is the process that the council's own Heritage officer and Heritage England's officers have gone through (as well as our own team) in arriving at the recommendation before the committee today.

The heritage experts on both sides have concluded that, on the basis of professional judgement, the impact of the development will be less than substantial and therefore it is for the planning officers to weigh that impact against the benefits of the proposals. These benefits are set out by your officers and are simply dismissed by Mr Hall in his letter. However, those benefits have been carefully considered, the economic impacts have, for instance, been calculated based on clear methodology and best practice. They are not just "assumptions" as suggested by Mr Hall.

Indeed Mr Hall criticises the process for its lack of transparency and objectivity. However, the whole process has been undertaken in an open manner, stretching back to summer 2019, when a pre-application public event was held, which was on the basis of a 340 bed student scheme and 140 bed hotel. At that time comments were received which suggested that the buildings were too high and people also questioned why the accommodation couldn't be open to all.

The scheme was amended and the buildings reduced in size and the student accommodation replaced by co-living. The application was supported by a full suite of documents, and the proposals have been further amended during the application phase, to reflect comments from officers and Heritage England, as well as others. This has all be documented on the council's website, where it is available for all. It is then summarised in the officers committee report.

We therefore consider that the application has been conducted in a transparent manner and, as a culmination to that process, the Council has concluded that the less than substantial harm to heritage assets is outweighed by the substantial benefits that the scheme will deliver.

Conclusion

The officers report provides a clear assessment against the development plan and the wider material considerations, which specifically include the NPPF, as the most recent statement of policy. It is also in line with the Council's own Liveable Exeter Vision and will contribute towards the Net Zero 2030 Plan

There have been a substantial number of objections to the application. However, at each stage we have sought to address those concerns and there have been amendments to the proposals during the course of the application to the point where all objections from statutory consultees have been withdrawn and the officers now recommend approval, based on the development plan and material considerations.

We hope that you can support the application this evening

Yours sincerely,

Chris Dadds
Director

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