

# Planning Committee Report 25/1082/FUL

## 1.0 Application information

Number:	<a href="#">25/1082/FUL</a>
Applicant Name:	Zinc RE UK Ltd
Proposal:	Demolition of existing commercial building and redevelopment of the site comprising student accommodation with associated amenity space (Sui Generis), flexible commercial floorspace (Use Class E) and/or community floorspace (Use Class F1/F2), public realm and landscaping works, cycle parking, refuse storage, access and servicing, and other associated works.
Site Address:	Clarendon House Western Way Barnfield
Registration Date:	8 August 2025
Link to Documentation:	<a href="#">25/1082/FUL - Related Documents</a>
Case Officer:	John Douglass
Ward Member(s):	Cllr Andy Ketchin, Cllr Matthew Vizard, Cllr Lynn Wetenhall

### REASON APPLICATION IS GOING TO COMMITTEE

The Head of City Development considers the application to be a significant application that should be determined by the Planning Committee in accordance with the Exeter City Council Constitution.

## 2.0 Summary of recommendation

DELEGATE to GRANT permission subject to completion of a S106 Agreement relating to matters identified in the report and subject to conditions as set out in the report, but with secondary recommendation to REFUSE permission in the event the S106 Agreement is not completed within the requisite timeframe.

## 3.0 Reason for the recommendation:

The loss of employment floorspace from the site is justified by way of a 'fallback position' and 210sq m of equivalent floorspace would be re-provided in the scheme. The proposed use as PBSA is considered acceptable in this highly accessible location, and will make efficient use of this city centre gateway site. The site is considered to be an appropriate site for a taller building, taking into account the surrounding topography and other buildings in the vicinity. The height of the building has been significantly reduced as a result of pre-application engagement with the developers, including Design Review, but will still result in some townscape impacts,

which is such that it obscures views of the Grade I listed Cathedral from Clifton Hill (within the Belmont Conservation Area), and coalesces with the main body of the Cathedral in the historically significant view from Dunsford Road. Given its listed status and historical significance, this townscape impact gives rise to a degree of harm to the Cathedral's setting, and to the character and appearance of the Belmont Conservation Area. Heritage impacts would also arise at closer distance in views down Heavitree Road. However, the harm is considered in all cases by officers to be 'less than substantial' and as such should be weighed against the public benefits of the scheme. Officers list these in section 16(14) of this report, and conclude that they are sufficient to outweigh the harm.

As the proposal has been assessed to be beneficial in transport, air quality, sustainability, flood risk/drainage and economic terms and consider that any negative impacts on amenity can be adequately managed through conditions, officers recommend that the application should be approved subject to the security of relevant S106 obligations and to conditions as proposed. The recommendation is not reliant on the application of the 'tilted balance' (NPPF paragraph 11), which should be applied because the Council is currently unable to demonstrate a 5 year housing land supply, but the proposal would contribute the equivalent of 202 homes to this supply, and the tilted balance lends further weight to the officer recommendation.

#### 4.0 Table of key planning issues

Issue	Conclusion
The Principle of the Proposed Uses	The proposed loss of existing employment floorspace is considered acceptable due to the existence of a 'fallback position' established through the allowance of a change of use to residential under The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). The proposed commercial/community floorspace in the scheme also offsets any harm and is acceptable in this city centre location. The proposed Purpose Built Student Accommodation (PBSA) use is considered acceptable in this highly accessible location despite recent data revealing that student numbers at the University have reduced since the 21/22 academic year. Recent data suggests that although PBSA supply exceeds the <u>minimum</u> target of 75% of additional student numbers since

Issue	Conclusion
	<p>2006/07, occupancy levels in both UoE and private PBSA remain very high, and Council Tax data reveals a reduction in the number of homes occupied by students, i.e. subject to an 'Exemption N' (100% student occupancy). The bedspaces proposed will contribute the equivalent of 202 dwellings to the City's annual housing target (currently 804), which the Local Plans team has confirmed will assist the Council in being able to demonstrate a five year housing land supply and will help ensure the Exeter Plan is found sound at Examination. The Council must apply 'the tilted balance' to its planning decisions as the national requirement to demonstrate a 5 year housing land supply is not currently met.</p>
<p>Design and Impacts on Character and Townscape, Including Landscaping and Public Realm</p>	<p>The proposal for a tall building on the site has been the subject of significant Townscape and Visual Impact Assessment. Efficient use of this highly accessible site is welcomed in line with government guidance, but the height does result in some townscape impacts, including those impacting on the primacy of the Cathedral in strategic townscape views: the proposal would obscure the Cathedral in the view from Clifton Hill (within the Belmont Conservation Area) and the building would coalesce with the east end of the main body of the cathedral (eroding its silhouette to a small degree from behind) in views from the historic route into the city along Dunsford Road. In close up views from Heavitree Road, the change in scale from the adjacent Grade II Listed Eaton Place would also be marked and ideally its east facing flank elevation would be more animated.</p>

Issue	Conclusion
	<p>However, the design is thoughtful, considered and contextual, and through the use of appropriate tones of brickwork, brick features and detailing, the building would be locally distinctive. Overall, the building design is considered high quality and acceptable in this city centre gateway location.</p> <p>The scheme will deliver high quality landscaping, including public realm improvements of significant public benefit. These include a new, more direct route to the City Centre from the Triangle Car Park through a new 'Garden Lane' and via a relocated signalised pedestrian crossing which would improve the safety of the frequently used uncontrolled crossing point adjacent to the site. The Advertising hoarding would also be removed better revealing the 'Kindness' mural on the gable end of the adjacent listed building, and footway paving surrounding the site will be replaced.</p>
Impact on Trees, Ecology and Biodiversity	<p>Two trees would be lost but others would be adequately protected and new tree planting would more than compensate for the proposed loss. The landscaping proposals on site would deliver a Biodiversity Net Gain of 139%, and bird and bat boxes are proposed.</p>
Heritage Impact Assessment	<p>The primary heritage considerations arise from the Townscape Impacts discussed above, most notably the impact on views of the Grade I Listed Cathedral from Clifton Hill (Belmont Conservation Area) and Dunsford Road. Minor townscape impacts would also arise to views of the Southernhay church spire in views from the southern extent of the Barley Valley Nature Reserve. Local impacts would be</p>

Issue	Conclusion
	<p>mainly impacts on the setting of the adjacent Grade II listed Eaton/Eaton's Place and the Lower Summerland Conservation Area.</p> <p>Overall, officers conclude that the heritage harm is generally minor and therefore technically referred to as 'less than substantial', and as discussed in section 16(14), outweighed by the public benefits of the proposal.</p> <p>Although it is thought that remains were removed during post-war redevelopment, a condition is required as there is still some scope for archaeological impact as the site was historically used as a burial ground.</p>
Access, Car Parking, and Transport Considerations	<p>The proposal would reduce vehicle trips significantly in both the AM and PM peak times, and is ideally located for a high density residential use. The off-site highway works proposed are acceptable, and are a significant benefit of the scheme. The cycle parking is good quality and a space for a future city-wide E-Bike rental scheme will be safeguarded. A Travel Plan is proposed and contributions towards walking and cycling improvements in the immediate vicinity have been agreed. Servicing, delivery and student drop-off arrangements are acceptable.</p>
Living Standards and Welfare of Future Residents	<p>The studios and bedrooms in the cluster flats would be acceptable in size and well laid out, and adequate communal facilities are proposed on the ground floor. Outdoor amenity spaces at ground floor and roof terrace level would be high quality. Space for pastoral care/welfare facilities is proposed, and details of management</p>

Issue	Conclusion
	will be agreed through the proposed management plan.
Impacts on the Amenity of Neighbouring Residential Occupiers.	Amenity impacts of significance will be limited to the construction phase, and can be managed through a Construction Environmental Management Plan (CEMP). The operational phase may generate noise. However noise from plant will be controlled by condition, and noise from residents will be managed through the proposed management plans such that noise levels need not be any greater than those of other uses in the area.
Flood Risk and Surface Water Management	<p>The site is at significant risk of flooding from surface water sources, but only the lower ground floor (where no accommodation is proposed) would be impacted in the event of a flood. Flood resilience treatments will also be required to the proposed commercial unit. A flood evacuation plan has been submitted and conditions are needed to ensure the management of the building in accordance with it.</p> <p>The development will rectify existing problems found in the surface water sewerage infrastructure serving the site, and the integration of high quality SuDs solutions will allow run-off rates from the site to be reduced to sustainable Greenfield levels (1.4l/s).</p>
Sustainable Construction and Energy Conservation	The proposal will achieve BREEAM Excellent, and the scheme will incorporate a suite of sustainability measures including a connection to the District Heat Network. The existing building is unsightly and its reuse would not lead to the efficient use of this brownfield site.
Contaminated Land	No issues anticipated – condition recommended.

Issue	Conclusion
Air Quality	<p>Improvements will arise from the reduction in car trips. Emissions from the diesel emergency generator (for life critical safety systems) will exhaust at roof level and (non-emergency) usage will be less than 10hours per year. There is scope for dust impacts during the demolition and construction phases but these are typical of any major redevelopment and can be managed through the CEMP.</p>
Economic Impacts	<p>Whilst the economic impacts of the scheme have been quantified, officers note that there will be a reduction in commercial floorspace as a result of the loss of the existing commercial use. However, the commercial/community floorspace proposed has the potential to deliver economic benefits, particularly if the aspiration to house an Innovation Centre in the building can be realised. In addition, officers anticipate economic benefits from the physical regeneration itself, from spend brought by new residents as well as from construction employment, supply chain and worker spend, and on site jobs in management and maintenance. Officers also consider that good quality PBSA can help the University to attract students to the city, and in this respect the scheme can help to reinforce the significant economic benefits already brought to the city by the University.</p>
Planning Obligations	<p>A full package of financial planning obligations has been agreed, in addition to the new and improved public realm and off-site highway (pedestrian) works proposed.</p>
Heritage and Planning Balance and Presumption in Favour of Sustainable Development	<p>Heritage harm is considered to be outweighed by the considerable public benefits of the scheme, and officers conclude on the overall planning balance (without the tilted balance) that the scheme is acceptable. As the</p>

Issue	Conclusion
	Council is currently unable to demonstrate a 5 year+ supply of deliverable housing, the 'tilted balance' must be applied when determining this application in accordance with NPPF paragraph 11. Applying this balance lends further weight to the conclusion that permission should be granted.

## 5.0 Description of site

The site comprises of a post-war office building in a prominent position facing the roundabout (Western Way/Paris St/Heavitree Rd) and St Sidwells Point Leisure centre. The site is occupied by the Department of Work and Pensions (Exeter Job Centre). Historic maps reveal that roads in this area were realigned to create the roundabout, and this has resulted in the building having an unusual relationship with Russell St to the rear (the short spur immediately east of the site is the only remaining element of the historic alignment of Paris St).

Adjacent, to the east of the site, the terraced properties (featuring a recently added mural) are Grade 2 Listed and in mixed commercial/service/residential uses. Between the site and this terrace is a large billboard on land owned by ECC, adjacent to which a publicly accessible flight of stairs leads down to Russell St. To the north is the Leonardo Hotel. Between the building and the hotel a small courtyard car parking area accessed from Russell St forms part of the site.

The majority of the footprint is limited to 2 storeys in height (comprising of LGF car park accessed from Russell St with some offices accessed from Heavitree Road), with office use extending across the whole first floor (except for a central lightwell courtyard). The floor levels are, however, split such that it is difficult to accurately describe the building's height in terms of storeys. The taller part of the building comprises of a rectangular floor plate orientated East-West which extends up to level 4, giving the building a total of 5 storeys plus a small basement (below the LGF level) at its south-eastern end.

The building has a typical mid 20<sup>th</sup> Century appearance comprising of brown brick with rendered panels and what appear to be single glazed metal framed windows.

## 6.0 Description of development

The proposal is to demolish all parts of the existing commercial building to facilitate redevelopment. The redevelopment would create a mixed use building comprising of Purpose Built Student Accommodation (PBSA) with associated amenity space (Sui Generis), flexible commercial floorspace (Use Class E) and/or community floorspace (Use Class F1/F2), along with cycle parking, refuse storage, plant and infrastructure and other supporting facilities. The total building area measured in accordance with

the RICS Code of Measuring Practice would be 11,182 sqm Gross Internal Area (GIA), or 12,536 sqm Gross External Area (GEA).

The site occupies a topographic dip which was presumably partly artificially raised when the roundabout was created. As a result, there is a significant level change between the highest point of the site (at its northern end) and the south eastern corner of the site where the former Paris St is its lowest point. As this is the lowest point in the surrounding area, it suffers from surface water flooding, with any water flowing out of drains to the east (in the event of the system capacity being exceeded) flowing down roads and pooling in this area.

The difference in levels allows for a full storey below the roundabout level fronting onto Russell St. At Lower Ground Floor, the building occupies the majority of the site (although the floorspace does not extend all the way to the eastern site boundary) and forms a podium on which the upper floors are constructed. The main entrances are at the Ground Floor (roundabout) level with only service entrances to the building from Russell St. The lower ground floor contains the plant and machinery which is not sensitive to flooding towards the southern part site where it can be accessed from the western end of Russell St. It is from this location that refuse stored in the two refuse stores located centrally beneath the upper ground floor amenity space would also be collected. A staff room and a laundry (accessed from a stairwell in the northern wing of the building) will also be provided in the central area of the Lower Ground Floor.

Beneath the northern wing of the building at lower ground floor level is the area which would be dedicated to cycle storage. This would be accessed via a dedicated stairwell which features a continuous, integrated bike ramp system built into a generously proportioned staircase. Adjacent to these stairs a lift for cycle use is also proposed as an alternative for those with accessibility needs or heavy e-bikes. This would lead directly to an area dedicated to non-standard cycle storage, and the main cycle store would also be accessible via this facility.

The cycle parking for residents would comprise of 160 secure spaces provided as follows:

- 8 cycle spaces as Sheffield hoops
- 142 spaces in the form of two-tier racks (with 2.7m head height)
- 10 oversized spaces for non-standard vehicles (5.6% total provision)

At ground floor level and above, the buildings have a 'C' shaped form, with the east facing enclosed area above Lower Ground Floor serving as a courtyard amenity space for future residents. The building comprises of two linear East-West blocks linked by a lower central element which faces the roundabout. From roundabout level, the northern wing is up to 10 storeys high, the southern wing up to 9 storeys,

and the linking element 7 storeys. Both the northern and southern wings step down to the east to 6 storeys, although a mezzanine level is included in the southern wing such that it accommodates 7 floors within a building of the same height.

The ground floor is split into two separate uses: The student use is accessed via the garden lane to the north via a generous reception and 'meet and greet' area, and around three quarters of the ground floor is allocated to communal, support, and infrastructure facilities for the student use. To the southern part of the development fronting Heavitree Rd, a 210sq m (GIA) commercial/community floorspace is proposed. This would have its own separate entrance and would be completely separated from the remainder of the ground floor. The applicant hopes that an innovation centre run by the University can be accommodated in this unit, but the consent seeks flexibility in terms of Use Classes to allow for alternative commercial/community uses.

In addition to the communal facilities for the student use, the ground floor would accommodate the plant and machinery that is required to ensure the safe operation of the building at all times (for example the generator room which is essential in the event of a fire) – whilst it would be preferable to locate such equipment at lower ground floor level to maximise active uses at ground floor, that is not possible in this case due to the risk of flooding.

Above ground floor level, all of the floorspace will be dedicated to student accommodation. The scheme delivers 297 student bedspaces, comprising 163 cluster bedrooms (55%) in 29 cluster flats, and 134 studios (45%) which are mixed together on each floor. The studio provision includes a mix of standard (18sq m), premium (20sq m), and accessible units (27+sq m). The mix of accommodation by floor and size can be seen in the table below (from page 57 of the latest Design and Access Statement).

LEVEL	CLUSTER FLATS						STUDIOS				TOTAL BEDS
	4B	5B	6B	7B	8B	TOTAL CLUSTER BEDS 13sqm	STUDIO 18sqm	STUDIO 20sqm	Acc STUDIO 27+sqm	TOTAL STUDIOS	
MZ			1			6	5			5	11
1	1		2	1		23	14	1	2	17	40
2	1		2	1		23	14	1	2	17	40
3	1		2	1		23	14	1	2	17	40
4	1		2	1		23	14	1	2	17	40
5	1		2	1		23	14	1	2	17	40
6	1		1	1		17	12	0	1	13	30
7	1	1				9	12	0		12	21
8		1	1			11	12	0		12	23
9		1				5	7	0		7	12
10											
11											
12											
13											
<b>TOTAL</b>	<b>7</b>	<b>3</b>	<b>13</b>	<b>6</b>		<b>163</b>	<b>118</b>	<b>5</b>	<b>11</b>	<b>134</b>	<b>297</b>
						55%				45%	100%

Each of the northern and southern wings is served by two staircases, one of which in each wing is a firefighting stair. Above the mezzanine level (which is in the southern wing only, above the commercial unit), the floor plan is the same at floors 01 to 05. The layout is such that the Communal Kitchen Diners to Cluster units are at the two external corners facing the roundabout, and at floors 01-05 also on the end of the southern wing providing views up Russell St/Heavitree Rd. At level 07 there is no accommodation in the central section, and a roof terrace accessible from both the northern and southern wings is instead provided. Level 09 features accommodation only in the northern wing.

In addition to the roof terrace and podium amenity courtyard, the scheme would deliver a new area of public realm to the north. This 'Garden Lane' would separate the new building from the adjacent Leonardo Hotel, and would provide a new public route from Western Way to Russell St and the Triangle Car Park. The application also proposes to relocate the existing pedestrian crossing of Western Way westwards towards the roundabout (where it would replace an informal crossing point) to align with the Garden Lane. Improvements are also proposed to the informal crossing over Cheeke St which is via the island on the northern arm of the roundabout.

The Garden Lane would include a retained tree along with new tree planting. A soft landscaping area would be provided against the Hotel wall, with areas of seating proposed to create a social area. 10 Sheffield stands would provide parking for 20 visitors' bikes, and an area for a future public E-bike Hire scheme is also identified.

To the south east of the scheme it is also proposed to remove the advertising billboard and carry out some minor improvements to the space between the proposed building and the adjacent Grade II Listed Eaton terrace. 4 Sheffield Stands (for 8 bikes) are also proposed in the footway to serve the commercial unit.

## **7.0 Supporting information provided by applicant**

Received 08 August 2025:

- (Ecology) Bat Emergence and Re-Entry Surveys (V2 23.07.25)
- (Ecology) Endoscope survey Clarendon House Western Way Exeter EX1 2DA
- (Ecology) Preliminary Ecological Appraisal and Roost Assessment -Bats and Breeding Birds v1 140124
- Air Quality Assessment\_28626-HYD-XX-ZZ-RP-Y-2001-P04
- Arboricultural Impact Assessment\_Arbtech AIA 01
- Archaeological Desk Based Assessment (24-14 April 2024)
- Biodiversity Metric Calculations (Excel, Tool Version 1.0.3) v4
- Biodiversity Net Gain Assessment v4 (24/07/25)
- BREEAM Planning Statement 28626-HYD-XX-XX-RP-BR-0002 P01
- CIL Form 1 - Final

- Construction Environmental Management Plan C0259-DCC-CEMP-25-02-25-R2 (with Appendices)
- Covering Letter with Project Drawing Schedule
- Daylight and Sunlight Assessment 28626-HYD-XX-XX-RP-Y-5003 P05
- Design and Access Statement (submitted 08.08.2025 and updated 22.12.2025)
- Design and Access Statement Section 8\_D191CHE-CTA-XX-XX-RP-A-07000
- Energy and Sustainability Statement 2594-B20-XX-XX-RP-Y-0001 (with Appendices)\_
- Environmental Noise Assessment\_CTA-HYD-XX-XX-RP-Y-0002 P03
- External Lighting Strategy Report 2594-B20-XX-XX-RP-E-0001\_P03
- Fire Statement Form (redacted)\_28626CH-HYD-XX-XX-FN-FE-0000-P02 GW1
- Flood Risk Assessment\_28626-HYD-XX-XX-RP-WENV-0003 P05 (with Appendices)
- Flood Risk Sequential Test and Appendices
- Heritage And Townscape Visual Impact Assessment (With Appendices)
- Phase 1 Desk Study\_28626-HYD-XX-XX-RP-GE-1001-S2-P05 (2) - 5 of 5
- Planning Statement
- Project Drawing Schedule 20.06.25
- Purpose Built Student Accommodation Management Plan Rev V3 (February 2025)
- Report of Community Involvement - (FINAL 12.05.25)
- Schedule of Areas and Accommodation\_D191CHE-CTA-00-XX-SH-A-00002 P15
- Student Accommodation Demand Assessment June 2025\_17.07.25
- Transport Assessment\_28626-HYD-XX-XX-RP-TP-5002 P04
- Travel Plan\_28626-HYD-XX-XX-RP-TP-6001-P04
- Tree Protection Plan\_Arbtech TPP 01 (07/07/25)
- Utilities Report 2594-B20-XX-XX-RP-US-00001\_P03
- Visual Comfort and Reflection Study - Glint & Glare Assessment Rev B (18.07.25)
- Waste Management and Servicing Strategy 28626-HYD-XX-XX-RP-Y-5001 P04
- Wind Microclimate Assessment Report (22728, July 2025)

#### Received 20 August 2025

- Waste Audit Statement - R00768 20th August 2025

#### Received 22 December 2025

- Arboricultural Method Statement\_Arbtech AMS 01 (02) (02-12-25)
- CGI View01\_250630
- CGI View02\_FIN HR\_250630
- CGI View03\_250630

- CGI View04\_250630
- CGI\_Sketch\_Codrington St 3
- Covering Letter with Appendices (Resubmission 19.12.25)
- Covering Letter with Appendices (Resubmission 19.12.25)
- Drainage Strategy\_28626-HYD-XX-XX-RP-C-0001\_P06 (With Appendices)
- Energy & Sustainability Report Statement Addendum
- Flood Evacuation Management Plan\_333800479-STN-XX-XX-RP-WENV-0004-P01
- HSE Response - Tracker STNTC response - PDF
- HSE Response - Tracker - STNTC response
- Letter on Architectural Treatment and Materiality Changes D191CHE-CTA-00-XX-CO-A-00001
- Project Drawing Schedule 19.12.25

## 8.0 Relevant planning history

Reference	Proposal	Decision	Decision Date
25/0013/PDCD	Prior approval for a change of use of the existing commercial building (Use Class E) to 31 no. residential dwellings (Use Class C3) under "Class MA" of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order (GPDO) 2015 (as amended).	Pending	
24/1196/SO	Request for screening opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) for Purpose Built Student Accommodation	Not EIA development	02.12.2024

## 9.0 List of constraints

- Within the airfield safeguarding area for developments likely to attract birds
- Within the airfield safeguarding area for developments exceeding 45 metres in height
- Within the Zone of Influence for Exe Estuary
- Within consultation zone for SSSI, SAC, SPA, Ramsar Impact Risk Zones
- National Grid Underground Cables 3
- Surface Water Flooding 1 in 100 year risk
- Surface Water Flooding 1 in 30 year risk
- Elec Radio Depot
- Burial Ground
- Covered by a Local Development Order: Local Energy Networks

- Covered by Local Plan policies:
  - City Centre Boundary
  - Housing Core Area
- DCC Land Charges Data:
  - Public Highway Land
  - Not maintained by DCC
- ECC Assets:
  - Advertising Hoarding and Car Parking at Heavitree Road
  - Triangle Car Park, Clifton Road
  - Paris Street Roundabout Subsoil
  - Land at Western Way

## 10.0 Consultations

Below is a summary of the consultee responses. All consultee responses can be viewed in full on the Council's website.

### **Health and Safety Executive (HSE) (Planning Gateway 1)**

#### Initial Response

Refer to full response for full details. Consultation conclusion is as follows:

Following a review of the information provided in the planning application, HSE is content with the fire safety design as set out in the project description, to the extent it affects land use planning considerations. However, HSE has identified matters that the applicant should try to address in advance of later regulatory stages.

(Supplementary information is provided, but is subject to the caveat that it does not contribute to HSE's substantive response and should not be used for the purposes of decision making by the local planning authority)

#### Further Response following Review of Revised/Additional Information:

Following a review of the [updated/revised] information provided in the planning application, HSE is content with the fire safety design as set out in the project description, to the extent it affects land use planning considerations. However, HSE has identified matters that may affect land use planning considerations, and the applicant should try to address these in advance of later regulatory stages.

(Supplementary information is provided, but is subject to the caveat that it does not contribute to HSE's substantive response and should not be used for the purposes of decision making by the local planning authority)

### **Historic England:**

#### Initial Response

- 'The proposed redevelopment of Clarendon House will introduce a building of up to 10 storeys into Exeter. The application has been the subject of positive pre-

application engagement with Historic England, which has addressed a large number of concerns with previous versions of the scheme. There remain some concerns due to its scale and mass, in particular the impacts the development would have on the Cathedral in views from its wider setting, as well as its conspicuous nature from within some of the surrounding conservation areas. There are also some opportunities for improvement to its design. The council will need to weigh these impacts against the public benefits offered by the scheme, ensuring any harm has been clear and convincing justified.'

- Potential for impacts on Lower Summerland, Belmont and St Leonards CAs, Grade II and non-designated heritage assets, and the GI Cathedral

- Impacts on the Cathedral are apparent in:

- Views along Dunsford Road (View 15). The 10-storey tower remains visible in views along the historic western approach to the city, coalescing with the east end of the main body of the cathedral. The coalescence with the cathedral will result in harm through the erosion of its silhouette. However, the degree of harm has been reduced as the proposed development does not exceed the height of the eaves of the cathedral's nave and appears subservient within this view.

Opportunities through the materiality of the building on the upper levels could help to further assist in allowing the building to appear recessive in those views.

- View down Clifton Hill (View 9). Clifton Hill's alignment affords a fine view of the cathedral, which is identified as a key view within the Belmont Conservation Area Appraisal as well as being an exemplar of framed and glimpsed views of the cathedral experienced throughout the city. The scale of the proposed development will obscure the cathedral entirely within this view.

We note the reference that the view of the cathedral is seasonal, with trees obscuring it in the summer months; however, we would raise a note of caution to rely on trees as mitigation due to them being susceptible to disease and weather conditions, as well as being outside the applicant's ownership to allow for suitable management.

Consequently, the loss of the view will result in a degree of harm to the cathedral and a greater degree of harm to the conservation area through the loss of an identified view

- Impacts on the Conservation Areas – impacts largely minimised through reduced scale and surrounding topography, but there are still some notable views, including those along Heavitree Road and Barnsfield Road, where the scheme will be fairly conspicuous, and the Council should pursue a meaningful transition between building and context, especially for adjacent listed buildings.

- decorative brickwork seen on the upper storeys of the east elevation of the 9 storey block is an interesting and characterful element reflective of Exeter and its architectural traditions – suggest use it elsewhere ‘to offer greater architectural interest to the proposed building, breaking up the uniformity of the current design and better reflecting Exeter’s rich architectural traditions, as well as simplify the material palette of the structure overall’

#### Further Response Following Review of Revised Proposals:

Historic England has had the opportunity to review the response to our advice (dated 17 September 2025) by Iceni as set out in the appendices to the cover letter (dated 19 December 2025). Following that review, Historic England would refer the council back to our previous advice, as our position is unchanged in terms of the impact of the scheme.

#### *Materiality*

Following a review of the Chapman Taylor letter (dated 19 December 2025), we remain strongly of the view that aspects of the brickwork design seen on the upper section of the east elevation, could be used elsewhere within the building, allowing it to have a more meaningful connection and grounding to the architectural character of Exeter.

In terms of the impact of the materials on the longer ranged views along Dunsford Road, the council will need to be satisfied by the rationale for use of lighter coloured materials rather than a darker finish.

#### *Historic England’s Position*

Consequently, although the current proposal has sought to reduce those impacts on the Cathedral and the conservation areas, some harm will be caused through the loss of the view of the Cathedral along Clifton Hill and the erosion of its silhouette in views along Dunsford Road. The council will also need to be satisfied by the transition between the site and Heavitree Road.

#### *Recommendation*

Historic England has concerns regarding the application on heritage grounds.

These concerns relate to the remaining harm that would be caused to the cathedral through the impact to its setting as well as the conservation areas that are affected. Any harm will need to be considered against the public benefits offered by the scheme including any clear and convincing justification.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 208, 212, 213 & 215 of the NPPF.

**Active Travel England:**

Refers the LPA to their Standing Advice [please refer to the Planning Assessment/Transport section of this report to review the officer assessment of the proposal against that standing advice].

**Natural England:**

No response received.

**The Royal Society for the Protection of Birds:**

Considers 6 swift boxes [as initially proposed] inadequate. Requests minimum 24 universal bricks in loose clusters of 2/3 in mainly east facing elevations and the sheltered south and north sides of the courtyard. Recommends a pre-commencement condition.

**Devon & Somerset Fire & Rescue Service:**

This consultation will be dealt with via the Gateway 2 process. As such, Devon and Somerset Fire and Rescue Service will make no further comment at this stage.

**Exeter International Airport:**

No safeguarding objections to this development provided there are no changes made to the current application.

**Police Designing Out Crime Officer:**

The inclusion of crime prevention in the Design and Access Statement (s9.9) is welcomed, as is the secure, resident-only student courtyard – however unauthorised access to this must be prevented.

The following recommendations should be considered:

- What vehicle mitigation measures will protect pedestrians along pavements and especially at the new garden lane/public realm? If using bollards, they should comply with PAS 68 or IWA14-1 with gaps under 1.2m.
- Arrange concrete seating in garden lane (e.g., as chicanes) to deter e-bikes and vehicles.
- Design landscaping and street furniture to avoid creating hiding places or blocking sightlines; maintain clear views to reduce crime and ASB.
- CCTV should cover the entire development, including green lane, courtyards, cycle/refuse stores, pedestrian routes, entry/exit points, reception, stairwells, lifts, and key internal areas.
- Implement access control to prevent unauthorised movement between public, private, and semi-private spaces.
- External lighting must meet BS 5489:2020 with at least 25% uniformity.

[No further comments were added in response to reconsultation]

**South West Water:**

No development will be permitted within 3 and 4 metres of the public 375mm combined and 450mm surface water sewers in the vicinity respectively (otherwise diversions will be needed at the applicant's expense).

Agree that discharging surface water to the public surface water sewerage network meets with the Run-off Destination Hierarchy, noting the limited scope for infiltration. Is able to supply foul sewerage and potable water services to the site.

**NHS Devon Integrated Care Board:**

The application has been reviewed from a primary care perspective and a contribution of £89,385 towards increasing primary care infrastructure is necessary to make the application acceptable in planning terms.

A summary of the impacts of new housing developments on the primary care's capacity to provide health services is set out, as well as a calculation of the contribution sought to mitigate the impact of the development on the local primary care infrastructure.

The 297 expected residents are likely to register with one of the 4 nearest GP surgeries. Projects planned to increase patient infrastructure capacity at 2 of the 4 surgeries are outlined.

The Appendices detail the methodology for calculating the contribution requested is set out, the role and responsibility of Integrated Care Boards (ICBs) and Health and Wellbeing Boards, How GP facilities are funded, The planning policy context and decision-making process, and Primary Care Cost per square m, (MIPS to PUBSEC) S106 Evidence.

**The Royal Devon University Healthcare NHS Foundation Trust:**

Requests a contribution of £ 88,028 towards the gap in the funding for Acute and Community healthcare services created by each potential patient introduced by the development.

A detailed justification is provided for the costs of: covering A&E attendance, Critical care, Non-Elective Admissions & Short Stays & Community Nursing visits for proposed population of 297, reduced pro-rata to 42 weeks per year.

**Public Health Devon:**

No response received.

**Lead Local Flood Authority (Devon County Council):**Initial Response:

Objects because the proposal is not considered to satisfactorily conform to Policy CP12 (Flood Risk) which requires all developments to mitigate against flood risk and utilise sustainable drainage systems, where feasible and practical. Advises that the applicant will be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Further Response Following Review of Additional/Revised Information:

Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage, assuming that the following pre-commencement planning conditions are imposed on any approved permission:

No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:

(a) A detailed drainage design based upon the approved Clarendon House, Exeter Drainage Strategy (Report Ref. 28626-HYD-XX-XX-RP-C-0001-P06, Rev. P06, dated 19th December 2025).

(b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.

(c) Proposals for the adoption and maintenance of the permanent surface water drainage system.

(d) A plan indicating how exceedance flows will be safely managed at the site.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (d) above.

Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

**Local Highway Authority (Devon County Council):**

No objection subject to:

- Provision of the off-site highway works proposed prior to first occupation
- Relocation of Advance Direction Sign (ADS) on Western Way
- Exclusion of future residents from resident parking permit schemes (via management plan)
- Conditions / S106 to secure the following:
  - Construction Management Plan
  - No surface water to discharge to county highway

- (A) RSA1 and detailed scheme for the offsite highway improvement works required before works above slab (B) complete before occupation
  - Ped Crossing (signalised) – details pre-base course, delivery pre-occupation
  - Ped Crossing (Informal, Cheeke St) - details pre-base course, delivery pre-occupation
  - Travel Plan
  - £10,000 contribution towards cost of Traffic Regulation Order
  - £600 per unit contribution towards Local Cycling and Walking Implementation Plan (LCWIP) (=£178,200)
- Encourages the provision of bike maintenance stands and E-bike charging facilities

**Waste Planning Authority (Devon County Council):**

No objection subject to a pre-commencement condition.

Prior to the commencement of development, a waste audit statement shall be submitted to, and approved in writing by the Local Planning Authority. This statement shall include all information outlined in the waste audit template provided in Devon County Council's Waste Management and Infrastructure Supplementary Planning Document. The following points shall be addressed in the statement:

- Identify measures taken to avoid all waste occurring.
- Demonstrate the provisions made for the management of any waste generated to be in accordance with the waste hierarchy.
- The amount of construction, demolition and excavation waste in tonnes, set out by the type of material.
- Identify targets for the re-use, recycling and recovery for each waste type from during construction, demolition and excavation, along with the methodology for auditing this waste including a monitoring scheme and corrective measures if failure to meet targets occurs.
- The details of the waste disposal methods likely to be used, including the name and location of the waste disposal site, and justification as to why this waste cannot be managed more sustainably.

The development shall be carried out in accordance with the approved statement.

Reason: To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document. This information is required pre-commencement to ensure that all waste material is dealt with in a sustainable way from the outset of the development including any groundworks, demolition, construction and operation.

**Ecologist (Dorset Council Natural Environment Team):**

No objection subject to conditions, which are recommended to secure:

- the mitigation measures from the bat report (23/07/2025), including procedures for bat encounters and sensitive lighting during and after construction,
- installation of two bat boxes on the eastern elevation.
- measures from the PEA report (16/01/2024) for nesting birds and six swift bricks.

The BNG proposals are considered feasible and aligned with hierarchy principles. If approved, a Biodiversity Gain Plan and final metric calculation must be submitted to Exeter City Council for condition discharge.

**Arts & Events Team (ECC):**

No response received.

**Building Control (ECC):**

No response received (the Head of Building Control confirms lack of response is intentional given that the proposal will need to go through the Gateway 2 process via the Health and Safety Executive due to its height)

**Environmental Health (ECC):**

Initial Response

Requested additional information about back-up diesel generator. Subject to the above, recommends approval subject to conditions as follows:

- Contaminated Land
- Acoustic Insulation Implementation and Verification Plan (Pre-commencements except for demolition and site clearance)
- Noise from plant

Further Response Following Review of Additional Information:

Please consider the below condition relating to the diesel generator:

The diesel generator is to be operated during failure of the primary electrical supply and for maintenance and servicing (less than 10 hours operation per year) of the generator only. Any operation outside of these times is to be notified to and agreed by the local authority in advance. Maintenance and servicing of the generator is to be carried out at a time when there will be the least impact to the development and nearby residents.

**Heritage Officer (ECC):**

Concludes that the development would lead to less than substantial harm.

Confirms that the principle of redevelopment is acceptable.

Provides the following explanation in respect of heritage significance:

"The historic significance of the site can be understood as its function as a nodal point upon the boundary between the City and its urban hinterland, where the city

emerges from the long approach down Heavitree Road and rises up to greet the visitor; this hinterland consists of essentially a mixture of Georgian and Victorian domestic architecture that characterises much of Exeter. This differentiation is further amplified by the post war transport infrastructure which cuts across the landscape at this point. Any development on this site would then be a gateway node indicating arrival into the city centre either by an increase in height and mass or by diminishing the current impact of development thereby revealing the change from the urban to the cityscape.”

Notes that the way that some heritage assets and non-designated heritage assets will be experienced will inevitably change through the introduction of a building of significant scale and mass into the historic environment. Most notably some familiar long range views into the city will be amended, and the setting of the adjacent Grade 2 Listed terrace Eaton Place will be affected.

Points out that “The iconic Cathedral towers are the most sensitive receptor to changes in the wider city skyline and it is apparent that the proposed development would result in a significant addition to the cityscape, introducing a competing form when viewed from Dunsford Road (View 15) and entirely obscuring the view of the Cathedral down Clifton Hill (View 9). It should also be noted that the numerous glimpsed and momentary framed views of the Cathedral create a familiar presence and identity which is easily diminished by development.”

As such, whilst the findings of the ZTVI are considered largely accurate, there is disagreement over the level of harm expected to arise to Dunsford Road, Clifton Hill and Eaton Place:

*“Dunsford Road:* in my view any competing form, even subservient does inevitably harm the significance of the grade 1 listed Cathedral, in that it diminishes the primacy of the Norman towers, that primacy is a designed feature of the asset. The level of that harm is below the threshold of significant but must be considered in the cumulative effect of the proposals.

*Clifton Hill:* The assessment concludes that the view of the Cathedral is incidental and obscured by trees to some extent in summer, and is also inhibited by the one way system. I conclude that the view of the Cathedral reflects the status of the street and is at least a familiar inherited view and forms part of the character of the street. The notion that transient features such as trees and traffic flow measures diminish the value of the context seems counter intuitive when considering any historical span. The harm is apparent but falls below the threshold for refusal.

*Eaton Place Terrace:* I disagree with the ZTVI assessment of the value of the Grade 2 Listed terrace of Eaton Place which describes the group as having a weak ability to convey an understanding of a past character of the area. I advise that the survival of this group as an authentic example of the built heritage of this approach to the city increases their significance rather than diminishes it. It is clear that the immediate environs of the asset have been severely compromised by the previous adjacent

unsympathetic development, therefore the redevelopment of the site presents an opportunity to enhance the setting of the assets. This is in some part achieved by the removal and landscaping of the advertising board and grassland which abuts the western elevation of the asset, I would suggest that elevation of the proposed development which faces the gable end of the heritage assets should be architecturally of equal or greater quality than the asset it influences.”

In terms of archaeology, it is considered that previous development likely removed existing archaeological deposits, and there is no evidence of deep urban stratigraphy (capable of withstanding previous foundations) remaining. The proposed site's centre lies over a disused early 19th-century burial ground, likely used during the 1820 cholera outbreak. Anecdotal evidence suggests the site was deconsecrated and exhumed before current structures were built. The developer should ensure compliance with the Disused Burial Ground Act through archaeological supervision during post-demolition excavation. This can be secured by condition if consent is granted.

In conclusion, lower level moderate harm to the historic environment is expected; this would arise from negatively affecting two views to the Cathedral, as well as harm to the setting of the conservation areas and adjacent Listed terrace. The LPA should weigh these impacts against the scheme's benefits to determine whether they are outweighed.

#### **Local Plans Team (ECC):**

The Council is currently unable to demonstrate a five-year housing land supply and therefore the presumption in favour of sustainable development (paragraph 11 of the 2024 NPPF) applies to this application.

The Council counts purpose-built student accommodation (PBSA) towards the five-year housing supply, and it is also taken into account in the Government's annual Housing Delivery Test.

Approval of the scheme will assist the Council in being able to demonstrate a five-year housing land supply. This is important for development management purposes and will also help ensure that the Exeter Plan is found sound at Examination.

The principle of the proposed development accords with the Exeter Plan's proposed spatial strategy, with its focus upon brownfield development. The site is identified as suitable for residential redevelopment in the 2024 Exeter Housing and Economic Land Availability Assessment and is accordingly identified as a housing allocation in the Exeter Plan. Development of the site as PBSA would accord with the proposed allocation.

**Net Zero Team (ECC):**

No response received.

**Public & Green Spaces Team (ECC):**

Considers that development will generate additional demand for public open spaces, playing fields and outdoor leisure facilities across the city in addition to use of University facilities. Notes that closest facilities are Bull meadow and Belmont Park and considers that the latter is likely to be the primary open space used by residents.

Notes that, with appropriate investment to mitigate the impacts, Belmont Park could accommodate the additional demand. Therefore raises no objection subject to pre-occupation (index-linked) financial contributions as follows:

- £457 per bedspace towards the provision and improvement of off site public open spaces serving the development.
- £117 per bedspace towards the provision or improvement of off-site outdoor leisure facilities (e.g. MUGAs, outdoor adult fitness equipment etc.) serving the development.
- £ 278 per bedspace towards the provision or improvement of off-site playing fields city-wide.

**Tree Manager (Devon Tree Services for ECC):**Initial Response

Raises no objection to the proposed removal of 2 trees on the Western Way frontage: T01 and T03 (both Whitebeam) given their condition.

Raises concerns about impacts on T04 (Large Silver Maple to SE of building with crown radius up to 8m – Cat B.1.2 with 40+ years expected life) as no protective fencing is shown for this.

(No further response received following review of additional information).

**Urban Design and Landscape Officer (ECC):**Initial Response

Suggests minor refinements and improvements. Comments are as follows:

*Visual Impact*

A Heritage, Townscape and Visual Impact Analysis (HTVIA) has been reviewed. The building proposed is tall but located in a lower city centre area, minimizing its relative height. Its massing aims to connect well with nearby structures. While the John Lewis tower remains dominant in the Eastgate Neighbourhood, the new building's design offers varied silhouettes and materials to better blend into its surroundings.

Comments are provided on each of the views. Several views experience negligible effects, though some issues arise—particularly winter impacts on Clifton Hill

cathedral views and limited erosion of tree lines near St Leonards. Comments made on those views that are considered to give rise to harm are as follows:

- AVR\_09 – substantial wintertime impacts are caused in this view from Clifton Hill of the cathedral. The analysis seems correct in asserting that this is an ‘incidental view’ rather than a deliberately designed vista and represents a loss and a degree of harm that will need to be weighed against other public benefits from the project.
- AVR\_12 – some harm in eroding the strength of the band of trees that characterise the St Leonards horizon, but the proposals do not break this silhouette. Profile is relatively deferential in terms of proximity to Southernhay United Reform Church, which is the nearest important heritage asset.
- AVR\_15 + LR05 – the views from Dunsford Road on the approach to the city are an important receptor, and the proposals will have a minor impact on the view of the cathedral with some coalescence with the outline of the nave at low level. The dominance of the towers is certainly preserved. This would seem to represent less than substantial harm.

Overall, the study finds no substantial harm, with the largest impact being at AVR\_09; any identified harm should be weighed against public benefits per NPPF guidance.

#### *Use and Intensity of Development*

The site is small but central, next to major transport links, making intensive development appropriate. The site is well suited for PBSA as the primary use, providing active street-level amenity areas, which enhance the otherwise vehicle-dominated public realm.

#### *Movement*

The addition of Garden Lane improves pedestrian permeability and provides improved desire line from Triangle car park (strongly supported). Repositioning of the pedestrian crossing is supported. Full coordination with adjacent travel projects is necessary: there should be an extension of the shared space treatment southwards across the entrance to the garden lane, as well as a formal pedestrian entrance to the car park opposite the garden lane. Reconsideration of the route through the car park by the relevant project team should also be encouraged.

#### *Massing and Articulation*

The building comprises two taller elements with linking sections and wings sympathetic to neighbouring scales. Decorative brickwork to the taller elements is encouraged for visual interest. Collaboration with an artist is strongly encouraged and the Public Art should be subject to a planning condition. This treatment, together with the articulated parapet at roof level, provides sufficient visual interest yet maintains the integrity of the general architectural language:

Scale differences between the new structure and nearby terraces are mitigated by preserved gaps, removal of advertising hoarding, and landscaping improvements, and are considered acceptable in this inner urban location. Additional fenestration and improved architectural detailing on blank panels to the innovation hub are required, particularly as the base of this eastern elevation of the southern wing will act as a 'stop vista' at the end of the lower part of Russell Street. Some changes are recommended to the detailing of window openings (where blank panels are proposed over windows, including to the east elevation of the plant area), and the entrance canopy should be shown on plans as well as elevations.

### *Landscape*

Suggestions are made to the landscaping at the corner where the building addresses Western Way and the Garden Lane.

The detail of the relationship with the retained steps adjacent Eaton Place, and their proposed future use is queried. Landscape arrangements are considered robust, pending detailed conditions for planting and furniture specifications.

### *Adaptability*

The design appears to allow for future flexibility, supporting potential conversion to commercial or co-living uses. However, the 'Build to Rent' apartment solution shown would not meet national minimum space standards - floor plan adaptability for 'build to rent' accommodation should be more fully tested against space standards to demonstrate how a suitable sub-division into apartments might potentially be achieved.

### *Cycle Storage*

Lower ground cycle storage and ramp access are acceptable. However, the lack of access from the lift directly into the main cycle storage area is queried. Lift specifications must accommodate non-standard cycles.

### *Materials + Key Details*

Conditions are recommended for approval of external materials and large scale constructional details before commencement.

### Further Response Following Review of Additional Information:

Final revised drawings have been submitted that respond to our last set of comments (14.10.26) and we now offer further brief observations on the merits of those.

### *Visual Impact*

1. We drew attention to the wintertime loss of the view towards the cathedral from Clifton Hill in verified image AVR 09. The applicants have since demonstrated that any redevelopment of the site would need to be limited to 6 storeys for this view to be preserved (even if still moderately affected). If so constrained, this would lead to a significant loss of capacity in terms of accommodation able to be provided and

the 'best use' of this brownfield site would not be achieved. The Allies and Morrison study that examined the key strategic views across the city as they affected significant heritage assets set the height limit for the site at 10 storeys, since the view from Clifton Hill was regarded as 'incidental' rather than a designed or intended strategic view within the cityscape. Any loss of a cherished view is to be regretted but in terms of the general contribution that the presence of the cathedral makes to the setting of the city then, in managing change, some loss must be expected and since this is not regarded as a strategic view, the harm can be regarded as less than substantial.

2. In terms of materiality and its effect on visual impact, then we support the taller and larger elements of the composition being in the lighter coloured brickwork with the red brick that is more characteristic of Exeter being in a secondary role (used for the 'wings' and central 'link', but also consistently 'grounding' the project into the context, as a plinth or base). The alternative arrangement was considered and tested during pre-application discussions, but the oppressive appearance of dark brick used both at a scale and in a structure that is taller than any local precedents, was thought to be less successful as an approach in terms of impacts on the surrounding streets. The prospect that the lighter brick may have a similar appearance to the stone of the cathedral and thereby increasing the sense of 'coalescence' in the tested long-distance view from Dunsford Road is mitigated by the different orientations of the respective southern facades (approx. 8 degrees west of south for the cathedral and 24 degrees west of south for Clarendon House) which will naturally affect how they reflect sunlight and would generate distinct appearance even if identical in their material qualities. The distance between the two buildings will also introduce the effect of recession in any perspective due to moisture and particulates in the air causing more distant objects to appear to be more faint.

#### *Use and Intensity of Development*

3. No further comments – we continue to support an intensive use of this site given the highly sustainable location.

#### *Movement*

4. The integration of the Garden Lane concept with the immediate setting (and the forthcoming 'Live and Move' active travel project) has been further discussed and off site works to achieve this can be secured through condition/obligations.

#### *Massing and Articulation*

5. The massing of the building continues to be supported – the scale is certainly a 'step up' in terms of the existing context, but the site is suited to a landmark or anchor building within the cityscape and it will act as a calm 'counterpoint' to the highly articulated and dynamic form of St Sidwells leisure centre on the opposite side of the roundabout.

6. Fenestration has been added to the Upper Ground Floor eastern elevation of the innovation hub, improving the appearance and providing passive surveillance over the 'gap' space to listed terrace. The presence of the new windows appears sufficient in lifting the appearance of this façade.

7. High-level 'blank' panels that occur over the plant doors on the eastern elevation of northern wing are now shown extending the language of perforate decorative metal screens seen elsewhere in the proposals and are now acceptable in their appearance.
8. Inconsistencies in the graphic depiction of the main entrance have now been corrected and are acceptable.
9. Stronger legibility of the corner 'meet and greet' space has been achieved through a simplification of the fenestration at the corner condition of the building.

### *Landscape*

10. The same corner of the building has been clarified in plan by omission of planting in front of the windows here – improving transparency between the inside and outside of the building - and this has been replaced with an extension of the hard landscape 'apron' to the public realm.
11. The removal of the advertisement hoarding and gated access to the steps to the 'gap' space on Heavitree Road is very much welcomed. Any necessary replacement balustrade / guarding / handrail here will need to be included in the Condition recommended in point 12 below.
12. The general arrangement of the landscape is generally well-considered, robust and continues to be supported – full details of planting specification, schedules, etc. should be requested by an appropriately worded Condition. This should include (or be accompanied by a further Condition) that requests constructional details of planters and specifications of street furniture, etc to complete the detailing of the public realm.

### *Adaptability*

13. No further comments – the applicants have demonstrated that the fundamental anatomy of the building will be adequate in accommodating future change.

### *Cycle Storage*

14. The arrangements for the storage of cycles at lower ground level has been further rationalised and a suitably sized lift (for non-standard cycles) is now provided. The arrangements now appear to be fully satisfactory.

### *Materials + Key Details*

15. As we confirmed in our last comments:
  - A Condition requesting the submission of samples/information for all external materials for the LPA's further approval (prior to commencement) should be imposed on any approval.
  - A Condition requesting the submission of large-scale drawings for all key constructional details (essential in achieving the refined appearance shown in the application) for the LPA's further approval (prior to commencement) should be imposed on any approval.

16. A further Condition requesting that the applicants set out the process for commissioning and briefing the proposed public art collaboration should be imposed.

**Waste and Recycling Team (ECC):**

- Explains ECC's waste collection service, including the fact that food waste must now be collected, and that glass will need to be collected in due course.
- Calculates that this 297-bedspace development would require the following.
  - 16x 1100 litre Refuse bins
  - 16x1100 litre Recycling bins (minimum)
  - 9x140 litre food bins
  - 6x240 litre glass bins
- Welcomes the fact that the refuse areas will more than adequately accommodate the waste and recycling need. Confirms that the correct bins will need to be placed on the hardstanding for collection by the RCV on collection day, and explains ECC's preference for bins to be accessible within 20m (maximum 25m).

**Exeter Civic Society:**

Objects. Makes the following points:

- Broadly supportive of the principle of redeveloping this site
- Disappointed that family accommodation cannot be accommodated here
- Significant reservations regarding the current student accommodation proposal
- The proposal lacks sensitivity to the surrounding built environment, particularly in scale, massing, and context with adjacent buildings and public spaces. A stronger contextual approach is needed for positive townscape contribution and respect for urban form.
- While the proposed Garden Lane may enhance pedestrian permeability and place-making, the application overlooks broader connectivity, especially integration with the Triangle Car Park site and the wider public realm. This misses an opportunity to improve movement and cohesion.
- Therefore, the Civic Society cannot support the current proposal and urges the applicant to revise the design for better contextual, visual, and spatial integration, consistent with Exeter Plan goals and good urban design principles.

*Massing*

- The scheme has been revised with reduced scale and impact but still does not fully justify the proposed massing for its context in Newtown and St. Leonard's. The tall block at Heavitree Road is unnecessary and overly dominant, especially near the Grade II listed terrace. The stepdown transition remains insufficient, and further integration with the urban context is needed.

*Design And Appearance*

- The updated colour palette and window arrangement improve the façade, while deeper window reveals could further enhance it. The lighter tones on upper sections add character, but the extended roof piers are visually imposing and may

hinder solar panel function. The largely blank ground floor on Russell Street looks uninviting and risks replicating poor conditions, failing to enhance the public realm.

#### *External Amenity Spaces*

- The Garden Lane pedestrian link is positive, though its success depends on good landscaping and maintenance agreements. Relocating the pedestrian crossing southward improves connectivity but conflicts with current Triangle Car Park plans, requiring resolution before approval. More details on planting along Heavitree Road are needed, with potential for improved green buffers. The stairway upgrade to the Triangle Car Park should be more ambitious for better accessibility. Amenity spaces facing the car park remain unresolved due to blank façades and service zones encroaching on pedestrian and cycle routes; dedicated loading bays and route reconfiguration are necessary.

#### *Internal Layouts*

- The ground floor mainly contains plant spaces (substation, switch room, generator room), limiting potential active uses along Garden Lane. Relocating plant functions to the basement could create a livelier frontage and improve external amenities.

- Studio and cluster bedrooms offer variety; communal areas are placed at corners with larger windows but lack detailed layouts, raising uncertainty about their adequacy for kitchens and lounges. More detailed plans are needed.

- Only part of the building shows adaptability for future changes. Co-living layouts have internal communal areas without natural light, and some apartments seem undersized. A typical floor plan should clarify functionality and flexibility.

#### *Sustainability*

- Achieving BREEAM “Excellent” is positive, as is district heating and VRF units, but exact locations must be shown due to impacts on appearance. Roof solar panels are supported, though roof design may reduce efficiency and needs further review.

#### *Transport*

- The Transport Assessment and Travel Plan need clearer details and updates following Triangle car park amendments. Delivery strategy using Russell Street loading bays is problematic due to street width and design changes.

- Disabled parking plans are unclear; proposed bays on Russell Street are unsuitable and should be within the site for accessibility and compliance.

- Lower ground bicycle storage and public hoops on Garden Lane are acceptable, but integration with wider cycle routes and pedestrian movement is not demonstrated and requires clarification.

Key areas of concern giving rise to ECS’s recommendation to refuse include:

- Context and character: The scheme fails to respond appropriately to the local townscape, including issues of scale, massing, and its relationship with surrounding buildings and public spaces.
- Urban integration: The development does not adequately address wider connectivity, particularly with the Triangle Car Park and public realm network.

- Public realm and amenity: External spaces are underdeveloped, with missed opportunities for pedestrian-friendly environments.
- Transport and servicing: The Transport Assessment lacks detail, and current proposals for servicing, loading, parking, and cycle provision are insufficient and potentially conflict with future road layouts.

### **Exeter Cycling Campaign:**

Makes the following comments:

- Supports relocated crossing.
- Welcomes the commitment to ensure internal cycle parking will allow for non-standard bike forms. Considers the bike ramp and bike lift are strong features.
- Has slight concerns about the implied double-rack bike storage, which they note need to be spring loaded or gas-powered to ensure people can lift their bike into the upper racks
- Considers the proposed 160 cycle spaces appears sufficient.

### **Living Options Devon:**

No response received.

## **11.0 Representations**

The application was publicised by way of the Weekly List, 8 x Site Notices, a Press Advertisement, as well as by neighbour letters to residential uses in close proximity. Two rounds of publicity were carried out, although reflecting the relatively minor nature of the revisions made to the application, neighbour letters were not sent for the second round of publicity.

Comments have been made by 18 contributors. 17 of these object, and 1 neutral commentator requesting information about the business opportunities presented by the development.

The 17 objections included one from one of the ward Councillors, and one from an heritage/amenity group known as the Devon Buildings Group.

The comments made are summarised as follows, with the most frequently cited concerns generally presented first:

### **1. Excessive Height, Scale and Massing**

- Building is too tall (9–12 storeys), overbearing and disproportionate to surroundings.
- Will dwarf neighbouring buildings including Eaton House, terraced houses on Heavitree Road, and the Vue/Leonardo Hotel.
- Fails to step down to residential areas as required by the Residential Design Guide SPD.

- Described as “overdevelopment”, “monolithic”, “oppressive” and “claustrophobic”.

## 2. Harm to Townscape, Heritage and Views

- Loss of important views, especially Exeter Cathedral from Clifton Hill.
- Harm to settings of multiple Conservation Areas (Lower Summerlands, Southernhay & The Friars.).
- Inappropriate for a gateway site, harming Exeter’s skyline and historic character.
- Visualisations considered misleading, inaccurate or insufficient to judge impacts.

## 3. Lack of Demonstrated Need for Additional PBSA

- Student numbers are declining, contrary to applicant’s data.
- Existing PBSA is under-occupied.
- Large pipeline of consented schemes already coming forward (Police Station, John Lewis, others).
- PBSA does not release HMOs back to residential use—HMOs remain in student use.
- If more accommodation is needed, it should be built on the university campus.
- The site would be better used for affordable or social housing, which the city urgently needs.

## 4. Amenity Impacts: Overshadowing, Loss of Light, Overlooking

- Height and mass will result in overshadowing of Eaton House, Newtown, nearby homes and gardens.
- Upper floors will allow overlooking into residential properties.
- Loss of sunlight for St Sidwell’s Pool and wider area (including sunrise impacts).

## 5. Transport, Pedestrian and Cycling Safety Issues

- Proposed relocation of pedestrian crossing closer to the roundabout is unsafe.
- Heavitree Road and Western Way roundabout considered dangerous for walking and cycling.
- Transport Assessment is criticised as misleading or inaccurate (e.g., incorrect crossing information).
- Concerns that more student foot and cycle traffic will worsen safety problems.

## 6. Noise, Disturbance and Anti-Social Behaviour

- Late-night noise and disturbance associated with large student blocks.
- Amplification of sound in the Triangle car park (described as an “auditorium”).
- Noise from servicing, deliveries, refuse collection.

#### 7. Design Quality Criticised (Bland / Monotonous / Non-Contextual)

- Described as banal, boring, monotonous, and a “could be anywhere” design.
- Doesn’t respond to historic grain or nearby high-quality buildings (e.g., St Sidwell’s Point).
- Limited or superficial attempts to address heritage feedback.

#### 8. Wind Microclimate and Public Safety

- Tall towers are likely to create wind downdrafts, unsafe or unpleasant pedestrian conditions.
- Risk of wind-borne debris.
- No adequate mitigation evidence submitted.

#### 9. Consultation Concerns / Inadequate Information

- Amended plans did not appear to have been properly consulted upon.
- Poor visualisations and missing floor-to-floor heights obscure true impact.
- Data in the Demand Report (JLL) considered out-of-date or inaccurate.

#### 10. Environmental and Climate-Related Concerns

- Light pollution from extensive glazing.
- Energy inefficiency of tall PBSA vs. housing.
- Flooding concerns (particularly around Clifton Road and Russell Street).
- Loss of sunlight affecting wellbeing (pool users, residents).

Comments from the Devon Buildings Group are included in the summary above, but their objection is presented under the following 3 headings: the design and scale of the proposed building; the impact of a building of this scale on the wider townscape: not only Conservation Areas but on the cathedral; and the question of the suitability of more student accommodation within the broader matter of Exeter's housing needs. Their objection concludes that the design is devoid of character, too high and inappropriate for a site bordered by conservation areas and for its impact on the cathedral. Any need for additional student accommodation should be met sited on the university campus.

The Devon Archaeological Society also objects to the proposals ‘on the grounds of its height and mass; its impact on the immediate setting and wider townscape; and on the absence of need for still-more student and other ‘sui generis’ accommodation’. They consider the ‘monolithic’ proposal typical of buildings proposed for this type of use: incompatible with the ‘grain’ of the historic city centre which is based predominantly on low rise buildings fronting streets with occasional landmark buildings.

## 12.0 Relevant policies

### National Planning Policy and Guidance

National Planning Policy Framework (NPPF) (2025) - in particular the following sections/paragraphs:

2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
7. Ensuring the vitality of town centres
8. Promoting healthy and safe communities
9. Promoting sustainable transport
10. Supporting high quality communications
11. Making effective use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

Planning Practice Guidance (PPG):

Air quality  
Appropriate assessment  
Before submitting an application  
Biodiversity net gain  
Climate change  
Community Infrastructure Levy  
Design: process and tools  
Determining a planning application  
Effective use of land  
Flood risk and coastal change  
Healthy and safe communities  
Historic environment  
Housing and economic land availability assessment  
Housing and economic needs assessment  
Housing needs of different groups  
Housing supply and delivery  
Land affected by contamination  
Light pollution

Natural environment  
Noise  
Open space, sports and recreation facilities, public rights of way and local green space  
Planning obligations  
Renewable and low carbon energy  
Transport evidence bases in plan making and decision taking  
Travel Plans, Transport Assessments and Statements  
Use of planning conditions  
Waste  
Sustainable drainage systems policy  
Parking policy  
Housing Delivery Test measurement rule book

National Design Guide (MHCLG, 2021)  
GPA3 – The Setting of Heritage Assets (Historic England, December 2017)  
GPA2 - Managing Significance in Decision Taking (Historic England, March 2015)  
Manual for Streets (CLG/TfT, 2007)  
Cycle Infrastructure Design Local Transport Note 1/20 (DfT, July 2020)  
Protected species and development: advice for local planning authorities (Natural England and DEFRA, 7 January 2021)

### Development Plan

Core Strategy (Adopted 21 February 2012)

CP1: Spatial Strategy  
CP2: Employment  
CP3: Housing  
CP4: Density  
CP5: Meeting Housing Needs  
CP7: Affordable Housing  
CP8: Retail  
CP9: Transport  
CP11: Pollution  
CP12: Flood Risk  
CP13: Decentralised Energy Network  
CP14: Renewable and Low Carbon Energy  
CP15: Sustainable Construction  
CP16: Green Infrastructure  
CP17: Design and Local Distinctiveness

## CP18: Infrastructure

The Exeter Local Plan First Review (Adopted 31 March 2005) – Saved Policies:

- AP1 Design and Location of Development
- AP2 Sequential Approach
- E3 Retention of Employment Land or Premises
- H1 Search Sequence
- H2 Location Priorities
- H3 Housing Sites
- H5 Diversity of Housing
- H7 Housing for Disabled People
- S1 – Retail Proposals/Sequential Approach
- S5 – Food and Drink
- L4 Provision of Playing Pitches
- T1 Hierarchy of Modes
- T2 Accessibility Criteria
- T3 Encouraging Use of Sustainable Modes
- T5 Cycle Route Network
- T6 Bus Priority Measures
- T9 Access to Buildings by People with Disabilities
- T10 Car Parking Standards
- C1 Conservation Areas
- C2 Listed Buildings
- C3 Buildings of Local Importance
- C5 Archaeology
- LS2 Ramsar/ Special Protection Area
- LS3 Sites of Special Scientific Interest
- LS4 – Local Nature Conservation Designations/RIGS
- EN2 Contaminated Land
- EN3 Air and Water Quality
- EN4 Flood Risk
- EN5 Noise
- DG1 Objectives of Urban Design
- DG2 Energy Conservation
- DG3 – Commercial Development
- DG4 Residential Layout and Amenity
- DG6 Vehicle Circulation and Car Parking in Residential Development
- 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

Emerging Exeter Local Plan (Regulation 19, Submitted for Examination September 2025)

S1: Spatial strategy (Strategic policy)  
S2: Liveable Exeter principles (Strategic policy)  
CC1: Net zero Exeter (Strategic policy)  
CC3: Local energy networks (Strategic policy)  
CC5: Future development standards (Strategic policy)  
CC6: Embodied carbon  
CC7: Development that is adaptive and resilient to climate change  
CC8: Flood risk (Strategic policy)  
CC9: Water quantity and quality  
H1: Housing requirement (Strategic policy)  
H2: Housing allocations and windfalls (Strategic policy)  
H10: Purpose built student accommodation  
H14: Accessible homes  
H15: Housing density and size mix (Strategic policy)  
H16: Residential amenity and healthy homes  
EJ3: New forms of employment provision (Strategic policy)  
EJ4: Access to jobs and skills  
STC1: Sustainable movement (Strategic policy)  
STC2: Active and sustainable travel in new developments (Strategic policy)  
STC3: Supporting active travel (Strategic policy)  
STC4: Supporting public transport (Strategic policy)  
STC5: Supporting new forms of car use  
STC6: Travel plans  
STC9: Digital communications (Strategic policy)  
NE3: Biodiversity (Strategic policy)  
NE4: Green infrastructure (Strategic policy)  
NE6: Urban greening factor  
NE7: Urban tree canopy cover  
HH1: Conserving and enhancing heritage assets (Strategic policy)  
HH2: Conservation Areas  
HH3: Archaeology  
D1: Design principles (Strategic policy)  
D2: Designing-out crime  
HW1: Health and wellbeing (Strategic policy)  
HW2: Pollution and contaminated land

IF1: Delivery of infrastructure (Strategic policy)  
IF4: Open space, play areas, allotments and sport

Exeter City Council Supplementary Planning Documents:

Planning obligations SPD (2014)  
Public open space SPD (2005)  
Sustainable Transport SPD (2013)  
Trees in relation to development SPD (2009)

Devon County Council Supplementary Planning Documents:

Minerals and Waste – not just County Matters Part 1: Waste Management and Infrastructure SPD (July 2015)

Net Zero Exeter 2030 Plan (Exeter City Futures, April 2020)  
Archaeology and Development SPG (November 2004)  
A Public Art Strategy for Exeter (July 2022)

### **13.0 Human rights**

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property

The consideration of the application in accordance with Council procedures will ensure that views of all those interested are considered. All comments from interested parties have been considered and reported within this report in summary with full text available via the Council's website.

Representations received from members of the public do raise issues of relevance, and these have been summarised in Section 11 of this report. Examples include the potential for disruption by noise, impacts on sun and daylight (primarily to public facilities, including those affecting users of the swimming pools in St Sidwells Leisure Centre), and impacts on views. These are discussed in the relevant sections of this report.

Any interference with property rights is in the public interest and in accordance with the Town and Country planning Act 1990 regime for controlling the development of land. This recommendation is based on the consideration of the proposal against adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

## 14.0 Public sector equalities duty

As set out in the Equality Act 2010, all public bodies, in discharging their functions must have “due regard” to the need to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard in particular to the need to:

- a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of other persons who do not share it
- c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has had due regard to the matters set out in section 149 of the Equality Act 2010.

Equalities issues have been considered during the course of the assessment. Particular care has been given to try to ensure that access for those with protected characteristic ‘disability’ has been catered for in terms of routes into and across the site, and in the provision of appropriate car parking. 11 accessible units for students are also proposed.

User safety is also a particular consideration when creating high density residential environments. This is of particular relevance to protected characteristic ‘sex’ given the need to take particular care to ensure women’s safety. In respect of both the buildings themselves and the new Garden Lane public realm, the site will feature a 24-hr management presence with access control and CCTV and will be managed in accordance with detailed management plans (final versions of which will be secured by condition). Removal of the advertising hoarding and landscaping of the area to its north will also result in security benefits which will particularly benefit women.

## 15.0 Financial issues

The requirements to set out the financial benefits arising from a planning application is set out in s155 of the Housing and Planning Act 2016. This requires that local planning authorities include financial benefits in each report which is:-

- a) made by an officer or agent of the authority for the purposes of a non-delegated determination of an application for planning permission; and
- b) contains a recommendation as to how the authority should determine the application in accordance with section 70(2) of the Town and Country Planning Act 1990.

The information on financial benefits must include a list of local financial considerations or benefits of a development which officers consider are likely to be obtained by the authority if the development is carried out including their value if known and should include whether the officer considers these to be material or not material.

### Material considerations

The scheme will deliver S106 obligations as described in section 16(13) of this report.

In summary these are as follows:

Request	Amount	Officer Comments
<b>Financial Contributions</b>		
TRO for off-site highway works	£10,000	Necessary to facilitate the off-site highway works proposed
LCWIP routes and surrounding highway improvements @£600 per bedspace	£178,200	Necessary to improve walking and cycling infrastructure in accordance with LCWIP. Officers intend to explore with DCC whether a proportion of this could be used to fund the realignment of the route through Triangle car park to optimise the benefits of the Garden Lane proposal.
Off site public open spaces serving the development @£457 per bedspace	£135,629	Considered justified, particularly as the closest park Belmont Park is already very heavily used and will require mitigation from additional use
Off-site outdoor leisure facilities (e.g. MUGAs, outdoor adult fitness equipment etc.)	£34,749	Considered justified, particularly as the closest park Belmont Park is already very heavily used and will require mitigation from additional use.

serving the development @£117 per bedspace		
Primary care infrastructure (likely to be used to increase the physical capacity of existing GP surgeries in close proximity to the site.	£89,385	Considered justified by policy and routinely collected as established practice.
<b>Infrastructure</b>		
New Public Realm – Garden Lane	N/A	Public access, management and maintenance to be secured through S106
New Public Realm – SE side of building including removal of existing advertising hoarding	N/A	Commercial discussions with ECC's Estates team will be necessary to remove ECC-owned billboard but this is NOT a material consideration in the planning process
Improvements to existing public realm to include replacement of paving with planting adjacent	N/A	In addition to the raingarden strip of planting to the SW of the building, two street trees are proposed in the Heavitree Rd footway – however these will only be delivered if permitted by DCC
Repositioning of existing signalised pedestrian crossing to align with Garden Lane	N/A	
Improvements to crossing of Cheeke St	N/A	

#### Non material considerations

The adopted CIL charging schedule applies a levy on proposals that create additional new floor space over and above what is already on a site. This proposal is CIL liable.

The rate at which CIL is charged for this development is £150 per sq metre (PBSA) plus index linking from January 2024. Confirmation of the final CIL charge will be provided to the applicant in a CIL liability notice issued prior to the commencement of the development. All liability notices will be adjusted in accordance with the national All-in-Tender Price Index of construction costs published by the Building Cost Information Service (BCIS) of the Royal Institute of Chartered Surveyors for the year when planning permission is granted for the development. Full details of current charges are on the Council's website.

Using index linked figures to January 2026, the CIL rate for PBSA is £157.48. Existing floorspace that has been occupied in a lawful use for a period of at least six months in the three years running up to the day planning permission is granted may be deducted from the chargeable floorspace. The applicant has stated on their form that the existing floorspace (5410sq m) has been lawfully occupied as such.

Based on the floor areas provided on the form submitted by the applicant, which will be finally checked before a CIL liability notice is issued, the CIL receipts are expected to be approximately as follows:

*Total GIA proposed (11,182sq m) – GIA to be demolished (5410sq m) = Net additional GIA (5772sq m) @ £157.48 per sq m = **£908,974.56***

The final amount will be confirmed to the applicant in a CIL liability notice which will be issued prior to the commencement of the development.

The PBSA is not expected to generate Council Tax as it will only be suitable for occupation by students

## **16.0 Planning assessment**

The key issues are:

1. The Principle of the Proposed Uses
2. Design and Impacts on Character and Townscape, Including Landscaping and Public Realm
3. Impact on Trees, Ecology and Biodiversity
4. Heritage Impact Assessment
5. Access, Car Parking, and Transport Considerations
6. Living Standards and Welfare of Future Residents
7. Impacts on the Amenity of Neighbouring Residential Occupiers.
8. Flood Risk and Surface Water Management
9. Sustainable Construction and Energy Conservation
10. Contaminated Land
11. Air Quality
12. Economic Impacts
13. Planning Obligations
14. Heritage and Planning Balance and Presumption in Favour of Sustainable Development

### 1. The Principle of the Proposed Uses

#### *Loss of the Existing Commercial Use*

The existing use of the as a Job Centre and Dept of Work and Pensions offices would be considered to be within Use Class E (a Job Centre would have been within

the previous Use Class A2, and offices within previous Class B1). Such uses are protected by Local Plan Policy E3 and Core Strategy Policy CP2. Local Plan paragraph 3.25 explains the purpose of policy E3 as follows: *'In order to provide a range of employment sites, particularly for inward investment, and the need to limit development of greenfield land, it is vital that existing employment sites and premises, which are viable for continued employment use, are retained and that sites proposed for employment use are safeguarded. This applies as much to City Centre office sites as it does to the employment land which counts against Structure Plan requirements (see 3.11).'*

Policy E3 itself states: *The loss of employment land or premises will not be permitted where it would harm business or employment opportunities in the area.*

Core Strategy Policy CP2 deals with all aspects of employment land at a strategic level, and in respect of this location states: *Elsewhere, an alternative use may be acceptable where it is demonstrated that employment use is not viable or needed to meet current and long term needs or where there are unacceptable amenity impacts for local residents.*

In this case, the existing use does not give rise to unacceptable amenity impacts and therefore it is the need for business space and the impact of its loss on business or employment opportunities that must be considered.

Whilst Local Plan Policy H2 does encourage the 'conversion to residential use of buildings, which are vacant, under-used or in poor condition, including historic buildings, offices and vacant floorspace above offices and shops', the tests established by CP2 would typically still apply. Historically, applicants have been expected to demonstrate that no harm would arise by demonstrating that the space is not in demand (typically by providing evidence that the property has been marketed at reasonable rates and terms for a minimum period) in order to give an indication of its value to the market for employment purposes. However, since 2013 it has been possible for the use of an office building to be changed to residential dwelling(s) using permitted development rights given by the GPDO. Since the creation of Use Class E, the same rights (now Class MA of Part 3 to Schedule 2) have been available to all uses falling within Use Class E. This legislation creates a situation in which Local Planning Authorities are only able to resist this change of use where the relevant criteria set out in the GPDO are not met, or where following the 'prior approval' process the change of use is found to be unacceptable for reasons such as highways impacts, or the risks to future residents that would arise from contaminated land, flooding or noise from adjacent premises (for example where the building is within an industrial estate).

The applicant has made a 'prior approval' application of this type for this building (see application 25/0013/PDCD listed under planning history). Whilst this had not yet been approved at the time of writing this report, this is only because a legal

agreement is required to secure financial contributions towards walking and cycling infrastructure (as well as to mitigate recreational pressure on the Exe Estuary). Having assessed the proposals, officers conclude that subject to a legal agreement, prior approval should be given.

It is established in case law that permitted development rights can legitimately represent a fallback position when considering alternative proposals for development of the same site. The relevant legal principles relating to fallback were set out in *R v Secretary of State for the Environment and Havering BC* (1998) EnvLR189. The considerations established include whether there is a lawful ability to undertake such a 'fallback' use and whether there is a likelihood or real prospect of such occurring. If the answer to the second question is "yes" a comparison must be made between the proposed development and the fallback use." In the more recent case of *Mansell v Tonbridge & Malling Borough Council* [2017, EWCA Civ 1314], this principle was further tested in the Court of Appeal in relation to a case where residential development was approved on the basis of a theoretical fallback permission under Class Q of Part 3 of the GPDO. Critically, the Court of Appeal confirmed in that case that the Prior Approval application does not need to be in place (or indeed even applied for) for the fallback to be a realistic prospect.

Following this principle, officers consider that there is a realistic fallback position for the use of the building for residential purposes as it could be converted under GPDO Part 3 Class MA. This is a significant material consideration of relevance to the proposed loss of employment floorspace at the site. For this reason, officers raise no objection to the loss of employment proposed despite the fact that the building remains occupied and that no evidence of lack of demand has been submitted.

Of further relevance is that the scheme would reprovide some commercial/community use as part of its redevelopment into a more densely occupied development.

#### *Principle of Mixed-Use Redevelopment*

The site lies within the 'East Gate' area as identified within the emerging Local Plan. Whilst the Plan has not yet been subject to Examination, it has been through a Regulation 19 consultation and has been submitted for examination. The hearings are due to take place in March 2026. Given the existence of objections to the plan and to relevant policies, the weight that can be attached to the policy until such time as it is adopted is only limited. The Strategic Policy for East Gate is SBA2. The site is much larger than the site for this application, at 6.1 hectares, and as such the development proposed by this application is only able to make a contribution towards the implementation of the policy. The site *'is identified for a mixed use development delivering approximately 609 homes, employment, education/training space and an impressive and memorable city centre gateway. The development must support the achievement of net zero and accord with the Liveable Exeter Principles to deliver a compact and well connected neighbourhood, incorporating the highest standards of design'*.

The policy contains several strands and is comprehensive in its wording. As such, it will not be repeated in full here. However, officers consider the uses proposed to be consistent with the policy. Other parts of the policy will be considered under the key issues to which they relate.

#### *Principle of Proposed Commercial / Community Use*

The application seeks permission for the use of the 210sq m self-contained unit at ground floor as a flexible use comprising of commercial floorspace (Use Class E) and/or community floorspace (Use Class F1/F2). It is legitimate for applicants to apply for more than one use, and provided that all uses applied for are considered acceptable and are approved, permitted development rights provided by Part 3 (Class V) of Schedule 2 to the GPDO would allow the use of this space to change between the approved uses for a period of up to 10 years without the need for planning permission. In this case, the applicant has been in discussion with the University of Exeter about the use of the space as an Innovation Centre (likely to be within Use Class E) but officers consider it sensible to provide as much flexibility as possible to maximise the likelihood that an 'active' use can be secured for a prominent, street-facing frontage such as this.

Use Class E allows for a significant range of commercial uses, including retail, offices, and sale of food and drink for consumption (mostly) on the premises. However it does not include hot-food takeaways. Use Class F1 allows for the following range of 'Learning and non-residential institutions' (not including residential use): a) For the provision of education b) For the display of artwork (not for sale or hire) c) As a museum d) As a public library or public reading room e) As a public hall or exhibition hall f) For, or in connection with, public worship or religious instruction g) As a law court. Use Class F2 allows for the following range of Local Community Uses: a) A shop of not more than 280 square metres, mostly selling essential goods, including food, where there is no other such facility within 1000 metre radius of the shop's location [this use would not exist in this location], b) Community halls and meeting places, c) Outdoor sport or recreation (not involving motorised vehicles or firearms), or d) Swimming pool or ice skating rink.

Whilst the description of the proposal clearly indicates that the proposal is for flexible commercial floorspace (Use Class E) and/or community floorspace (within Use Class F1/F2), it would be necessary to attach conditions to prevent the use of this unit as any of the uses within these classes.

Considering the requirements of the sequential test established by NPPF paragraphs 91-93, and reflected in the City's development plan (LP policy S1, CS policy CP8), it is apparent that the site is not within a Primary Shopping Area or primary or secondary frontage (LP policies S1 & S3). However, it is within the City Centre boundary and is in a highly accessible location. It is also in close proximity to the Bus and Coach Station which would make it 'edge of centre' for office purposes. In

general terms, taking into account that retail planning practice has changed significantly since the amalgamation of various town centre uses into Class E, as well as the fact that the government discourage the use of conditions which limit flexibility in changes of use, officers consider this to be a suitable location for any use within Class E, as well as any of those within Classes F1 and F2. The most important consideration at this very prominent location is that active uses with an active frontage to the building are accommodated. For these reasons, officers consider the ground floor uses acceptable in principle, and do not consider conditions to limit uses within these Use Classes to be necessary.

*Principle of Residential Use:*

Saved Local Plan Policy AP1 establishes a sequential approach to development (including for residential uses) which raises the quality of the urban and natural environment and reduces the need for car travel, stating that proposals should be located where safe and convenient access by public transport, walking and cycling is available or can be provided. Policy AP2 identifies previously developed land within existing designated centres as the priority land on which development needs should be met. Policy H1 reinforces this sequential approach specifically for housing, with the highest priority being previously developed land, conversions, and infill within the urban areas. Policy H2 reiterates this objective, but also encourages development at the highest achievable density, and specifically in the city centre as well as in areas well served by Public Transport. As this site comprises of previously developed land almost adjacent to the bus station within the City Centre it is clear that its development for high density residential use is supported in principle by these policies.

Bearing this in mind, and noting that firstly that several objections have expressed the opinion that the site ought to be developed as typical, general needs, or affordable housing, as well as the fact that there is an alternative scheme for the use of the existing buildings as typical residential flats (25/0013/PDCD), officers consider it worthwhile to consider that proposal briefly here. As discussed in the sustainability section later in this report, it does demonstrate that the building could be converted to residential use, but only 31 apartments would be delivered. The ground floors are particularly difficult to convert to residential use due to flood risk and to their large floorplate, and as a result of the need for adequate daylighting the conversion proposal would leave a large unused area in the centre of the upper ground floor. Use of the building as such would not represent efficient use of this highly accessible brownfield site. In addition, the existing buildings are unattractive and detract from the townscape in this area. As such, while officers accept that it would be possible to use the site/building for traditional residential purposes, the current proposal for this would not meet the relevant policy objectives for efficient use of land and would deliver no benefits to the townscape of this part of the City Centre.

*Principle of Purpose-Built Student Accommodation (PBSA):*

The Purpose-Built Student Accommodation (PBSA) use proposed is considered 'sui generis'— i.e. not fitting neatly within any standard Use Class—but is regarded as residential in character.

Policy of specific relevance to development as PBSA is established by Local Plan Policy H5. The policy also deals with conversions of dwellings to flats, HMOs, and special needs housing, but states the following in respect of student housing:

*...the development of... student housing will be permitted provided that:*

- (a) the scale and intensity of use will not harm the character of the building and locality and will not cause an unacceptable reduction in the amenity of neighbouring occupiers or result in on-street parking problems;*
- (b) the proposal will not create an over concentration of the use in any one area of the city which would change the character of the neighbourhood or create an imbalance in the local community...;*
- (d) student accommodation is located so as to limit the need to travel to the campus by car*

Issues relating to the scale of the building are considered in the design section of this report, and those relating to parking in the transport section.

In order to assess the proposal against the second point, it is necessary to consider how much other student accommodation is in the immediate vicinity of the site. There are several blocks of PBSA close by. Of particular note are Central Living, 74 Paris Street (120 bedspaces), The Depot Belgrave Road (718 bedspaces), and The Barn, Cheeke Street (120 bedspaces). These 3 sites are within around 200m. Further north along Western Way (north of Summerland St) there are also a number of schemes, as there also are west of Sidwell St/New North Rd/Longbrook St.

Whilst the number of bedspaces within a relatively short distance may be significant, the fact that this is the City Centre should be borne in mind. The City Centre is where the development plan promotes the highest densities of development, and the schemes quoted are up to 9 storeys in height. In terms of their footprints, these uses comprise only a small fraction of the area, and sit amongst a broad range of uses typical of a city centre environment, including offices, leisure, hotel, and retail uses. In addition, there are significant amounts of non-PBSA housing in the immediate area, including supported housing managed by The Guinness Trust immediately opposite in Easton House, with terraced housing around Denmark St and Athelstan Road beyond to the south, and the residential neighbourhood of Newtown to the north and east. Critically, the policy seeks to oppose only 'overconcentrations', and only where these '*would change the character of the neighbourhood or create an imbalance in the local community*'. Given the proximity of the site to all the facilities and amenities of the city centre, the busyness of the location as existing and its mix of uses, officers consider that it would neither create an imbalance in the local

community nor change the character of the neighbourhood. Officers do not consider that the development would result in a concentration of student accommodation and nor do they consider that the character of the neighbourhood would be harmed by the introduction of a high density PBSA use in this location.

In respect of minimising the need to travel, clearly this location is not immediately adjacent to the main Streatham campus. However, it is only around 25 minutes away on foot. St Luke's Campus is only 5 minutes walk in the opposite direction. The site is also served by numerous bus services linking to either campus, including the UNI bus which travels between both campuses every 20 minutes (Mon-Sat) during term time.

In recognition of the University's intention to pursue a growth strategy, supplementary planning guidance to support the 2005 Local Plan was agreed by the Council's Executive in 2007. The guidance was subject to public consultation and has since been a material consideration in the determination of applications. The following principles (of the nine it contains) are of relevance to this application. They confirm that the City Council:

- *Supports the intention of the University to expand. The City Council, where appropriate, will impose planning conditions or seek a planning obligation to ensure that expansion in the University's teaching, research and general facilities is accompanied by the provision of significant increases in purpose-built student residential accommodation, such that 75% or more of the additional student numbers are accommodated.*
- *Expects space on Streatham campus to be reserved to meet any additional requirements for teaching related (non -accommodation) facilities. The biodiversity of the site should be conserved and enhanced. A master plan to provide a framework for further development will be required.*
- *Seeks the provision of as much purpose built student housing as possible to reduce the impact on the private sector housing market.*
- *Recognises that relatively high density managed accommodation on appropriate sites will need to make a significant contribution to meeting future needs. Developments will be permitted subject to management and supervision arrangements appropriate to the size, location and nature of occupants of schemes. A standard form of planning obligation relating to management arrangements is available from the Council. The planning obligation is enforceable against owners of the land and they will be required to ensure through terms of tenancy agreements that tenants adhere to the management scheme.*

- *Favours provision of further student accommodation in the following general locations:*
  - *The City Centre*
  - *St David's Station/Cowley Bridge Road area.*
  - *More intensive use of the Duryard Campus*

It is clear that this SPG supports the PBSA use on this site in principle, given its City Centre location. The preamble to CS Policy CP5 (para 6.28) also states: '*New purpose built student housing should be located on, or close to, the University Campuses, at sustainable locations at or near to major transport routes, or in the City Centre*', and the emerging LP policy H10 ('PBSA') expresses similar preferences in respect of locational characteristics for PBSA. It states that these will be supported where they: '*(a) Are located on the University of Exeter's campuses, in the city centre or on sites that are within controlled parking zones and well connected to the campuses, local services and facilities by walking, cycling and public transport*'.

The 75% introduced by the first SPG principle has since been included in adopted policy documents. The supporting text to adopted Core Strategy (2012) policy CP5 states that '*75% or more of additional student numbers should be accommodated in purpose-built student housing*.' Policy CP5 itself states that '*Purpose built student accommodation should be provided to meet the housing need*'.

It is important to bear in mind that this figure is set as a minimum level only and applies solely to the increase in additional student numbers as the University has continued to grow. Its purpose was to minimise the impacts of growth in student numbers on the city's housing stock, and it was shortly followed in the SPG by the (third) principle that the City Council '*Seeks the provision of as much purpose built student housing as possible to reduce the impact on the private sector housing market*'.

Data on student demand as well as supply of PBSA has been considered as part of the emerging Exeter Plan evidence base in the Greater Exeter Student Housing Needs Assessment (November 2024) (SHNA), and data is routinely sought from the University to keep this up to date. The 2024 SHNA showed that the growth through the period of 2017-2021 was much higher than had been estimated in the previous (2018) SHNA. Whereas 229 additional students per annum had previously been estimated, the average growth was 886 per annum, a total of 4,428 additional students. The table below (Figure 1), extracted from the 2024 SHNA demonstrates the growth experienced between the academic years 06/07 and 21/22.

Past student numbers studying at the University of Exeter (Exeter campuses only)					
Year	Student FTE (inc. inter- national)	Less part time	Less live at home (assumed 3.5%)	Annual increase	Cumulative increase
06/07	11,170	10,639	10,267		
07/08	12,285	11,754	11,343	1,076	1,076
08/09	13,324	12,633	12,191	848	1,924
09/10	14,852	14,236	13,738	1,547	3,471
10/11	15,333	14,828	14,309	571	4,042
11/12	15,987	15,529	14,985	676	4,719
12/13	15,852	15,360	14,822	-163	4,556
13/14	16,512	16,017	15,456	634	5,190
14/15	17,354	16,913	16,321	865	6,054
15/16	18,459	17,964	17,335	1,014	7,069
16/17	19,430	18,841	18,182	846	7,915
17/18	20,058	19,527	18,844	662	8,577
18/19	20,809	20,217	19,509	666	9,243
19/20	22,360	21,546	20,792	1,282	10,525
20/21	24,586	23,430	22,610	1,818	12,344
21/22	27,276	25,994	25,084	2,474	14,818

*Figure 1: Annual Student Numbers for the University of Exeter (Source: University and Exeter City Council Records) – Taken from Figure 1 of the SHNA (2024).*

Since the production of the SHNA, however, data that has recently been made available by the University reveals that the number of students has in fact reduced since 21/22. Data for three further years is set out in the same format in Figure 2 below. This shows that the total (full-time equivalent) number of students needing accommodation in the city (Column 4: 'Less live at home') reduced by 671 in 22/23, 465 in 23/24 and 672 in 24/25. This total reduction of 1,808 since 21/22 reduces the overall increase in student numbers since 2006/07, when the 75% minimum target was first introduced, to 13,009.

<b>Year</b>	<b>Student FTE (inc. inter-national)</b>	<b>Less part time</b>	<b>Less live at home (assumed 3.5%)</b>	<b>Annual increase</b>	<b>Cumulative increase (since 2006/07)</b>
22/23	27,205	25,298	24,413	-671	14,416
23/24	26,888	24,817	23,948	-465	13,681
24/25	26,536	24,120	23,276	-672	13,009

*Figure 2: Annual Student Numbers for the University of Exeter (Source: University and Exeter City Council Records)*

The number of PBSA bedspaces in the city has also been calculated as part of the LPA's routine monitoring work. There are currently just over 12,234 total student bedspaces available in PBSA. This is just over 260 fewer bedspaces than in 2022, with the decrease explained by the recent demolition of several blocks on campus (for redevelopment purposes), the conversion of some rooms from twin to single occupancy, the reduction in rooms provided by some private schemes, and the removal of two private PBSA schemes from the market.

12,234 is equivalent to 94% of the 13,009 additional students since 2006/07, and 53% of the number of students who needed accommodation in the city in 24/24. Whilst this clearly exceeds the 75% minimum target, officers do not consider this to be a reason not to support the development. Officers are also conscious that there are a significant number of additional PBSA bedspaces in the pipeline. 1873 bedspaces are under construction (West Park, Streatham Campus plus a small scheme on High St). A further 877 either have planning permission or have a resolution to grant it (subject to S106) from planning committee. In the unlikely event that every single one of these bedspaces were delivered along with the current proposal for 297 bedspaces, the total supply would be 15,281. If student numbers remained the same until such time as all were built and available, this would represent 117% of the additional student numbers since 2006/07. Officers are conscious that this significantly exceeds the 75% target, but members should be aware that neither national policy nor the City's Development Plan contain policy that requires a 'need' to exist for development to be considered acceptable. As such, officer's conclusion as to the acceptability in principle remains the same.

Recent figures also reveal other trends in the student market which are of relevance. Firstly, contrary to the public opinion suggested in representations to PBSA applications, monitoring data collected by LPA officers for the 2024/25 academic year reveal that overall occupancy levels are high. The University advised that close to 100% of the bedspaces it owns were occupied. Officers have also been able to secure occupancy level data from 91% of privately owned PBSA schemes. Of the 43 schemes for which occupancy data was obtained:

- The majority (23) were fully occupied and a further 14 were 90%-95% occupied;

- In total, just over 200 bedspaces (c 3%) were unoccupied. More than half of these were in two schemes which are owned and managed by the same company.

This data revealed that, allowing for vacancies, 54% of those students who are in need of accommodation were housed in PBSA in 2024/25 (up from 51% in 2022).

Secondly, and of particular relevance to the aim of minimising the impact of growth in student numbers since 06/07 on the general housing stock, Council Tax data reveals that the number of properties within the general housing stock that are subject to a category 'N' exemption (which applies when any property is occupied solely by students) has fallen since 2022 (from 2551 to 2300). Whilst it is likely that this is largely due to the decline in student numbers needing accommodation over this period, it is also possible to conclude from the data that if the supply of privately-owned PBSA bedspaces hadn't increased between 2022 and 2025, the number of Exemption Ns in the general housing stock would have increased. The data are presented in the table below:

Year	General housing stock	% of Exemptions Ns in General housing stock	Privately-owned PBSA	% of Exemptions Ns in privately owned PBSA	Total Exemption N properties
2006					1,184
2007					1,422
2008					1,526
2009					1,657
2010					1,930
31-May-11	2,120	87.7	297	12.3	2,417
31-May-12	2,194	80.5	530	19.5	2,724
31-May-13	2,074	76.5	637	23.5	2,711
31-May-14	1,888	63.3	1,096	36.7	2,984
01-Apr-15	1,853	56.6	1,419	43.4	3,272
08-Jun-16	2,032	57.6	1,493	42.4	3,525
13-Jun-18	2,061	48.0	2,233	52.0	4,294
10-Jul-19	2,146	47.3	2,388	52.7	4,534
31-Jan-21	2,432	47.1	2,734	52.9	5,166
27-Sep-22	2,551	47.9	2,776	52.1	5,327
13-Oct-25	2,300	44.1	2,917	55.9	5,217

*Figure 3: Council Tax Exemption N data (derived from ECC monitoring data)*

The conclusions that can be drawn from all this data are that the strategy that has been pursued to minimise impacts of growth in student numbers on the general

housing stock has been relatively successful. At paragraph 23, the SHNA concludes in respect of the relationship between students and the housing market that *'of the types of accommodation recorded by the Census, the number of students in private housing in Exeter rose by 1,150 between 2011 and 2021. However, a very large proportion of the growth in the student population recorded by the Census was accommodated in PBSA. If the PBSA stock had not grown, then around an additional 1,000 more private dwellings would have been required to accommodate all of the extra students if average household sizes remain around 3.5 students per dwelling'*. Table 3 above also reveals that – with very minor exceptions – the percentage of total 'Exemption N's in the general housing stock has reduced year on year as that in PBSA has increased. At the same time, despite an increase in student numbers (FTE studying at Exeter campuses) of 10,549 since Council Tax Exemption N data was first available in 2011, the number of Exemption Ns in the general housing stock has only increased by 8% from 2120 to 2300.

Noting in particular the high levels of occupancy of PBSA accommodation in the city, officers conclude from the assessment above that the supply of PBSA bedspaces beyond the minimum target of 75% of additional student numbers since 2006/07 is likely to have a beneficial effect on the availability of general needs housing to non-students by releasing HMOs for occupation by non-students.

Recent (NPPF) changes to the methodology for calculating the levels of housing required by each Local Authority also reflect this situation, and as a result the Council is now able to take PBSA into account when calculating its housing requirement and measuring its housing delivery. As explained later in this report for the purposes of the planning balance, the scheme will contribute the equivalent of 202 dwellings to the city's annual target which is currently 804 under the government's 'standard method', but will be 642 dwellings per year if the Local Plan is approved following Examination in Public.

Officers are conscious of the perception amongst some objectors that PBSA is not needed and should be rejected in favour of family housing. To counter this, officers would point out that PBSA schemes have the following clear benefits:

- bring physical regeneration to key areas of our city,
- minimise the impact of the University's growth on the city's housing stock, and in greater supply release traditional housing back from occupation as student HMOs back into the general housing market
- offer good quality accommodation to students studying in the city
- reduce demand for car travel and manage/discourage car use
- bring significant expenditure from outside the city to support shops, services, leisure facilities and public transport
- bring a level of management to student accommodation which is generally absent in HMOs which minimises disruption and ensures student welfare

Unlike the proposal for conversion of the building to residential, this proposal would give rise to all of the benefits above, and as such is welcomed in principle subject to detailed assessment.

Overall in respect of the principle of the uses proposed, officers consider all of the uses proposed, as well as their provision together as proposed, to be acceptable in principle. The site's highly accessible city centre location and brownfield status, are such that the development plan offers strong policy support. Concerns about need, over-concentration and community impact have been considered, but give rise to no insurmountable objections in this case.

## 2. Design and Impacts on Character and Townscape, Including Landscaping and Public Realm

Section 12 of the NPPF (Achieving well-designed places) starts as follows:

*131. The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.*

Historic England guidance on the setting of Heritage Assets (The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning Note 3 (Second Edition)) acknowledges the overlap between townscape/urban design and heritage assessment and encourages early engagement:

*Consideration of setting in urban areas, given the potential numbers and proximity of heritage assets, often overlaps with considerations both of townscape/urban design and of the character and appearance of conservation areas. Conflict between impacts on setting and other aspects of a proposal can be avoided or mitigated by working collaboratively and openly with interested parties at an early stage*

Officers have been fortunate to be able to work effectively with the applicant through a prolonged pre-application process which goes back to 2023. Whilst the design has changed significantly in several ways over that period, the most notable change has been the reduction in the proposed height. Informed by an evolving Heritage and Townscape Visual Impact Assessment, the maximum height has been negotiated down from 20 storeys through several iterations to the maximum 10 storey height now proposed. During the pre-application process, the applicant has carried out 2 public consultations, 2 sessions with the Exeter Design Review Panel, 3 sessions with Councillors through the Planning Member Working Group, and has also carried out a pre-application enquiry directly with Historic England.

National and local planning policies consistently promote the efficient use of land, especially brownfield sites, through higher-density residential development. Section 11 of the NPPF encourages reusing previously developed land for homes at suitable densities, while safeguarding the environment and ensuring safe, healthy living conditions. Local policy echoes this approach: Saved LP policy H2 prioritises meeting housing needs on brownfield sites by permitting the highest achievable density without detriment to local amenity, character, or road safety, and Core Strategy CP4 requires density compatible with heritage and environmental protection. The emerging Exeter Plan similarly seeks 'optimal densities' in its Spatial Strategy and Liveable Exeter Principles. The national focus on efficient use of land is such that the NPPF (para 130c) recommends the refusal of applications that fail to make efficient use of land.

Alongside this focus, emerging policy SBA2 promotes a development across the wider site which delivers an impressive and memorable city centre gateway. Although it is located to the north and east of the main routes, a building on this site has the potential to make a significant contribution to the creation of the City Centre gateway.

With this in mind, the acceptability of a tall building in this location has been a key focus throughout pre-application discussions. As such, a thorough Heritage and Townscape Visual Impact Assessment has been carried out on behalf of the applicant, and this has enabled an informed discussion between the applicant, the Local Planning Authority, and Historic England. The involvement of Historic England reflects the potential for harm to the setting of the Grade I Listed Cathedral Church of St Peter.

The Heritage, Townscape and Visual Impact Analysis (HTVIA) submitted with the application follows a prescribed methodology. The starting point for the identification of viewpoints was the identification of a Zone of Theoretical Visibility. This was identified for both the previous pre-application proposal of a 14 storey massing and presently proposed 10 storey scheme. The ZTVs show the intervisibility of the Proposed Development up to 4 km away to allow regard to be given to visual impact in views towards the city from the wider landscape. A series of short range, as well as mid-to-long range viewpoints were then identified in discussion with LPA officers and Historic England. Identification of viewpoints was also informed by a mapped baseline of heritage assets.

#### *Acceptability of a Tall Building*

Whilst the proposal is clearly tall at 10 storeys in height, the site is located where the natural topography of the city centre is at one of its lowest points and so the absolute height of the proposals relative to other buildings is reduced. At 71.33m AOD, the building would be comparable in absolute height to The Depot (71.3m), but lower than the Cathedral (76.76m) and the city's tallest building John Lewis (82.02m). As such, it would be the city's third tallest building. In terms of the Eastgate

Neighbourhood (which has also been referred to as the 'Grecian Quarter'), the dominance of the commercial tower block currently occupied by John Lewis will persist, particularly in medium and long-distance views. The interim response from the Urban Design and Landscape Officer contains a detailed analysis of each of the detailed views provided in the HTVIA. The comments they make on views in which townscape harm is identified are as follows:

- *AVR\_09 – substantial wintertime impacts are caused in this view from Clifton Hill of the cathedral. The analysis seems correct in asserting that this is an 'incidental view' rather than a deliberately designed vista and represents a loss and a degree of harm that will need to be weighed against other public benefits from the project.*
- *AVR\_12 – some harm in eroding the strength of the band of trees that characterise the St Leonards horizon, but the proposals do not break this silhouette. Profile is relatively deferential in terms of proximity to Southernhay United Reform Church, which is the nearest important heritage asset.*
- *AVR\_15 + LR05 – the views from Dunsford Road on the approach to the city are an important receptor, and the proposals will have a minor impact on the view of the cathedral with some coalescence with the outline of the nave at low level. The dominance of the towers is certainly preserved. This would seem to represent less than substantial harm.*

The Heritage Officer discusses the impacts on the Cathedral as follows: *the iconic Cathedral towers are the most sensitive receptor to changes in the wider city skyline and it is apparent that the proposed development would result in a significant addition to the cityscape, introducing a competing form when viewed from Dunsford Road (View 15) and entirely obscuring the view of the Cathedral down Clifton Hill (View 9). It should also be noted that the numerous glimpsed and momentary framed views of the Cathedral create a familiar presence and identity which is easily diminished by development.* They go on to advise that whilst they consider the findings of the submitted ZTVI to be largely accurate, they do not agree on the level of harm the proposals represent to either Dunsford Road or Clifton Hill (or to Eaton Place, but as this is a short distance/localised view this is discussed elsewhere).

In respect of the Dunsford Road view, the Heritage Officer points out that *any competing form, even subservient does inevitably harm the significance of the grade 1 listed Cathedral, in that it diminishes the primacy of the Norman towers, that primacy is a designed feature of the asset.*

In respect of Clifton Hill they take issue with the way in which the view has been downplayed, noting the conclusion of the assessment *that the view of the Cathedral is incidental and obscured by trees to some extent in summer, and is also inhibited by the one way system.* [They] conclude that the view of the Cathedral reflects the status of the street and is at least a familiar inherited view and forms part of the character of the street. The notion that transient features such as trees and traffic

flow measures diminish the value of the context seems counter intuitive when considering any historical span.

Despite challenging the applicant's interpretation of impacts on each view, the Heritage Officer concludes that the proposal would not result in substantial harm which would justify refusal in either view. The conclusions reached by the Urban Design and Landscape Officer are similar. The Urban Design and Landscape Officer also raises a degree of concern about view 12. Whilst Southernhay Congregational Church is listed at Grade II, officers interpret the view as resulting in less than substantial harm to its setting, noting that the concerns mainly relate to the interruption of the band of trees which are an important landscape feature in this view.

### *Layout*

The site has a modest footprint, but faces a busy roundabout and the busy arterial routes of Western Way and Heavitree Road to its south and west. The proposal to address these public routes with active frontages is welcomed, and the separation of the ground floor into two distinct units creates an opportunity for more activity at the frontages. The communal facilities for the student use present an opportunity to ensure a lively engaging relationship with the street. Officers recommend that a condition is attached to control the application of vinyl or similar treatments to the windows, as operators do commonly apply vinyl to windows in this situation and this undermines the interaction between the public realm and the scheme (some applied treatment may be acceptable, but a condition will allow this to be considered).

To the north east of the site, Russell St and the Triangle Car Park have a less busy, secondary/service character and the use of this side of the building as an amenity space, as well as for servicing functions such as refuse collection and plant access is appropriate. The siting of the amenity courtyard on a raised plinth also improves surveillance over the car park whilst allowing this space to be secured.

The proposal to create a new 'permissible' public route through the site between Western Way and the Triangle car park in the form of the 'Garden Lane' is strongly supported and helps to make this part of the city generally more permeable for active travel and (also) facilitates a more natural 'desire line' for users of 'The Triangle' car park moving towards the leisure centre, cinema and beyond to the city centre. The re-positioning of the controlled pedestrian crossing over Western Way to connect with this is a logical proposal, as is the narrowing of the Cheeke Street arm of the roundabout to allow greater ease for pedestrians crossing there. Together these measures are welcomed, and are considered a significant public benefit arising from the proposal.

The Garden Lane also enables the creation of a calmer space away from the busy road frontages from which the student scheme can be accessed. The positioning of the main entrance here is welcome, as is the siting of the entrance for cyclists –

whilst this does necessitate use of a wheeling ramp inside the building it avoids cyclists having to use a lower order, less attractive service entrance to the rear. It also helps to create a strong relationship between the building and the Garden Lane with significant activity expected on this frontage. In terms of the relationship between the building and the amenity courtyard to the rear it is unfortunate that the emergency plant must be provided in the northern wing of the building as this creates a dead frontage to one side of the courtyard. However, the entrance to the courtyard from the centre of the ground floor is well sited and is likely to ensure significant usage of the courtyard.

### *Massing and Articulation*

The building is arranged as two taller elements either side of a lower connecting section (which serves as an external terrace/roof garden). Additional elements form lower 'wings' extending the two primary elements further towards the east around the courtyard amenity space. When seen from 'The Triangle' car park the wings have a scale that is comparable to and sympathetic with that of the existing Leonardo hotel which is adjacent on Western Way. The taller elements recognise that they will be visible and prominent on the approach to the City Centre from the East along Heavitree Road. The arrangement of student studios and cluster flats (which require limited glazing relative to their size) has made it challenging to effectively animate all of these flank walls at all levels, particularly as officers agree that the communal kitchen diners to the cluster flats should be located (as proposed) at the key corners of the main south/west elevation where they will animate the façade to maximum effect. At levels 01-05 cluster flat kitchen-diners do also animate the flank elevations successfully, and above this it is proposed to embellish the ends of the upper storeys with panels of decorative brickwork (which also incorporate 'swift bricks'). Whilst activity would be preferable, this is considered a reasonable response, bearing in mind that decorative brickwork is a historic contextual feature of the city (an example being Corporation brickworks on Clifton Hill). A condition is proposed to secure the involvement of an artist in the detailed design of the decorative brickwork panels.

The significant change in scale that will be apparent where the building meets Eaton Place has been the source of criticism and it is undeniable that this will be very evident in streetscape views when travelling down Heavitree Road. Whilst officers accept that this will give rise to some harm to the setting of the adjacent listed terrace, the harm is considered less than substantial. The marking of this City Centre arrival at this key city node close to the site of the Roman East Gate is however considered to be an appropriate location at which the arrival point to the City Centre should be marked. Improvements to this elevation have been negotiated during the application to ensure that it addresses the end of Russell St (former Paris St) positively. The additional glazing proposed here will have security benefits as well as streetscape benefits by improving surveillance for users of the retained public stairs which connect Heavitree Rd with what would otherwise be a backland environment.

### *Detailed Design and Materiality*

The detailed design has been subject to significant change throughout the pre-application process. The use of brickwork as the primary building material has always been supported as this is a historic contextual material, and officers welcome the study of local brickwork and tones set out on pages 66-67 of the Design and Access Statement. However, it is notable that there are few local precedents for large brick structures in the city, and some of the previous iterations of the scheme had evolved into brick structures with a heavy institutional appearance more akin to the converted warehouses of Manchester and New York.

In response to challenge from officers and the Design Review Panel, the architects studied the local context in greater detail and sought to ensure that the building design referenced and responded to it. In addition to the streetscape character analysis presented on pages 21-24 of their Design and Access Statement (DAS), and their study of materials and tones on pages 66-67, their study of composition and form of streetscapes and buildings is illustrated on page 68, and the way in which their findings were translated into a vertical and horizontal hierarchical composition for the elevations is illustrated on pages 68-69. Page 71 illustrates how an elevational language derived from design elements found in the local Georgian vernacular can be translated into contemporary design. The bay studies set out on pages 73-76 then illustrate how the language of verticality is broken up into bays by horizontal banding and how the resulting ordered window openings in the façade are partially infilled with panels in both metal (perforated, flat, and louvred) and pigmented pre-cast concrete (which is also used more extensively as a main elevational treatment to parts of the tops floors).

Whilst officers understand why critics may perceive the design on first glance as being a mediocre 'anywhere' design, following closer scrutiny officers can assure members that the design is the outcome of a considered design process which reflects the context of the city. Whilst the palette of materials is relatively restrained, the design is layered and applies those materials thoughtfully in a number of ways onto elevations which are constrained to a degree by the repetitive arrangement of student bedrooms which lies behind the façade. Taking the constraints posed by this use into account, officers consider that the design is high quality and that its quality will be apparent when the building is viewed at close distance. Conditions are critical to ensure that the materials are all high quality and complementary, and that the various types of decorative brickwork that is to be deployed are carried out to the necessary standard. These are included in the recommendation. Officers understand, however, that (as is the case at various other modern brick buildings), the brickwork will be laid into concrete cladding panels which will then be erected on site, and as such there is no reason that the implementation need not be to a high standard.

Consequently officers are reassured that the façade composition, articulation and detailing has been designed with reference to local context. Whilst the design may

not be exceptional as some commentators have pointed out, officers consider it thoughtful and well-considered and of a very high standard for its proposed use. Unlike St Sidwell's Point leisure centre opposite, the use is not a public destination demanding of landmark materiality, and the design is instead considered to strike the appropriate balance for its purpose, taking into account the need to make an efficient use of land, whilst playing its part in creating a larger memorable City Centre gateway at this key location, and acknowledging the historic city context in which it is sited.

As tall buildings can result in micro-climate impacts (including downdrafts), officers requested that the design team assessed the proposal to understand its impacts on wind. Their results (presented on page 130 of the DAS) use the established 'Lawson' criteria to assess the impacts. The results show that the most significant impacts in the winter period do not result in the public realm surrounding the site being in either the worst category (uncomfortable), or the next (Walking (business)), and that the parts of the Garden Lane where seating is proposed are in the category 'sitting' (which is the least affected category). The results indicate that the building would not have impacts on localised wind conditions to any level that would give rise to concern.

#### *Landscaping and Public Realm*

The Garden Lane represents a major public benefit of the scheme, and its delivery and accessibility to the public will be secured in the S106 agreement, along with conditions securing various details. The repositioning of the pedestrian crossing along with improvements to the crossing of Cheeke St ensure that the benefits will be realised. Officers have also been engaged with DCC and ECC officers delivering the 'Live and Move' scheme (funded by ECC and Sport England), together with the applicant's design team, about connecting the routes through the Triangle Car Park to Newtown to the Garden Lane. With a connection through the car park, Newtown residents as well as car park users will be able to benefit from a significantly improved route to the City Centre. Whilst details have not yet been finalised, officers are mindful that the Highway Authority have requested a contribution of £178,200 towards Local Cycling and Walking Infrastructure Plan (LCWIP) routes. Officers intend to explore with DCC whether some of these funds could be directed towards this project to optimise the benefits of the new Garden Lane route.

The landscaping within the Garden Lane itself is considered acceptable (subject to condition details) – it would be high quality and will adequately soften the space with planting (including where there would otherwise be a blank wall to the hotel) whilst allowing for movement through and places to dwell. Seating and cycle parking will be included, along with high quality Sustainable Urban Drainage infrastructure (rain gardens/planting). The concerns expressed by the Police Designing Out Crime Officer about movement through the space are noted, but officers consider that the space strikes an appropriate balance in this respect.

The landscape design proposed for the courtyard garden and roof terraces is similarly high quality. The applicant has indicated that the roof terrace will need to be carefully managed (with restricted access) to ensure appropriate and safe usage, and as such it is reasonable that its focus is on quiet social seating, whereas the courtyard garden will also provide many features such as a pergola, table tennis table and outdoor exercise/gym/wellbeing equipment to encourage greater levels of activity.

A final, but nonetheless significant landscape intervention is the proposal to remove the billboard and improve the space between the building and Eaton Place. Removal of the billboard will better reveal the mural on the gable end of the listed building adjacent, and will result in significant environmental and security improvements to this dark left over space. The applicant will need to agree commercial terms with the Council's estate function to compensate for the loss of income from the Billboard in order to be able to remove it. Whilst it would not be appropriate for the LPA to involve itself in any commercial discussions, officers consider that a condition or similar mechanism is required in order to ensure that the benefits arising from this part of the scheme are realised.

Finally, the scheme will deliver improvements to the tired existing paving on the Western Way/Heavitree Rd and the Russell St sides of the building. Whilst such works are likely to be necessary in any case following such a major development, Officers propose to secure them as part of the highway works secured through the S106 agreement.

### 3. Impact on Trees, Ecology, and Biodiversity

The development does have the potential to harm trees, most notable of which are the large trees around the perimeter of the Triangle car park. The Council's Tree advisor did initially raise concern because no tree protection measures were shown for the closest and largest tree, which is the Category B.1.2 Silver Maple (identified as T04) which adjoins the site to its south east. Whilst this is not in the applicants ownership and as such permission from the landowner would be required to erect protective fencing, this has been shown on the updated details submitted.

Two of the three trees in the grass verge adjoining Western Way would be removed, but the central tree which has the longest expected lifespan (T02, Manna Ash, Category C.1) is to be retained as a feature within the ground cover planting at the entrance to the Garden Lane. The ten new trees to be planted in the Garden Lane area are considered sufficient to compensate for the two to be lost. A further two have been offered in the Heavitree Rd footway outside the proposed Innovation Centre. Officers recommend that the S106 agreement allows for commuted sums to be secured for their maintenance, but at the present time DCC as the Highway Authority has indicated that they will not permit tree planting in the highway.

In terms of Biodiversity Net Gain, the existing site habitat value (0.16 units) is so low that the +0.23 unit landscaping scheme proposed on site will result in a gain of 139% which exceeds the 10% requirement. Ecologists advising the LPA raise no objection subject to mechanisms to secure the Biodiversity Gain Plan and finalised BNG metric calculation prior to commencement to satisfy the statutory condition. Officers propose to secure the necessary controls through a combination of conditions and S106.

In terms of protected species, a condition is proposed to secure the precautionary approach in respect of potential bat roosting outlined in the submitted emergence survey (which found no evidence of roosting). Enhancement measures for nesting birds have been increased as requested by the RSPB such that 24 integrated swift boxes are now proposed at high level on the two set-back east facing elevations (the RSPB recommend that these are located in loose clusters of two/three). 2 integrated bat boxes are also proposed in recognition of the fact that some bat activity was recorded in the area (not roosting within the building) along the eastern side of the site. Subject to conditions these aspects of the scheme are considered acceptable.

With reference to The Conservation of Habitats and Species Regulations 2017, this development will generate a CIL receipt, and as such any mitigation required would be top-sliced from that receipt. However this development has been screened in respect of the need for an Appropriate Assessment (AA) and given the nature/scale of the development it has been concluded that an AA is required in relation to potential impact on the Exe Estuary Special Protection Area (SPA). This AA has been carried out and concludes that the nature of the development is such that the proposal would have no significant impacts on the European sites, and that no further mitigation is required.

#### 4. Heritage Impact Assessment

A detailed assessment of the impact on Heritage assets has been undertaken and is set out within the Heritage, Townscape and Visual Impact Analysis (HTVIA) submitted with the application. As well as the potential for below ground heritage (the site was historically a burial ground although it is thought that extant deposits were removed during the previous post-war redevelopment of the site), the development has the potential to impact on the setting of numerous Listed Buildings, as well as that of adjacent Conservation Areas.

In coming to this decision the Council must be mindful of the duty as set out in sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings, their setting and features of special architectural or historic interest which they possess and to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area, and have given it considerable importance and weight in the planning balance. Importantly, when balancing any such impacts against other material considerations in the planning balance, the courts have established that the

desirability of preserving listed buildings and their settings should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there would be some harm, but should be given “considerable importance and weight” when carrying out the balancing exercise (*Barnwell Manor Wind Energy Ltd v E. Northants DC*, English Heritage, National Trust & SSCLG [2014] EWCA Civ 137). This is because, unlike other material considerations, heritage assets benefit from statutory protection. More recently *Mordue v Secretary of State for Communities and Local Government and others* [2015] EWCA Civ 1243 established that the paragraphs set out in the NPPF establish a reasonable framework for assessing such impacts.

From paragraph 207 onwards, the NPPF provides clear guidance on ‘Proposals affecting heritage assets’. In paragraph 207 it states ‘In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.’. Officers consider that the submitted Heritage Assessment fulfils that requirement adequately.

The HTVIA identifies the following designated heritage assets for independent assessment:

*Statutory Listed Buildings* (described on pages 31-32)

1. Eaton’s Place (GII)
2. Eaton Place (GII)
3. 1 -4 and 7 -9 Lower Summerlands (GII)
4. Sidwell Street Methodist Church (GII\*)
5. 12-14 Magdalen Road (grouped with Almshouses) (GII\*)
6. 13 - 15 Dix Field (GII\*)
7. Chichester Place (GII\*)
8. Southernhay Church (GII)
9. Cathedral Church of St Peter (GI)

*Conservation Areas* (described on pages 28-30)

1. Southernhay and The Friars Conservation Area
2. St Leonards Conservation Area
3. Lower Summerlands Conservation Area
4. Belmont Conservation Area
5. Mont Le Grand Conservation Area

*Non-Designated Heritage Assets*

1. Nos. 15- 37 (odd) Heavitree Road [the unlisted eastern end of the Eaton Place terrace]

Officers also consider that the impact on the setting of the Grade II listed buildings at 5-10 and 11-12 Clifton Hill should also be considered, although these are essentially

considered through assessment of impacts on the Belmont Conservation Area through view 9.

An assessment of the impact of the proposals on each asset is then carried out on HTVIA pages 40-43 (informed by the views presented by the document where relevant).

As set out elsewhere in this report, the Council's Heritage Officer considers the HTVIA to be accurate, but sets out that they disagree with its conclusions of the level of harm in respect of impacts on setting of the GI Cathedral in views 9 (down Clifton Hill) and 15 (from Dunsford Road) and the setting of Eaton Place which adjoins the site immediately to its east. The Urban Design and Landscape Officer also considers the proposal to result in a degree of townscape harm in views 9 and 15, and considers the impacts on the setting of the spire of Southernhay Church in View 12 more harmful than identified by the applicant. In accordance with their statutory remit, Historic England also focuses on impacts on the setting of the Cathedral in Views 9 and 15.

The full comments from each consultee in respect of these views have been included in section 10 of this report and as such will not be repeated here. However, reference should be made to the full comments which are available on the website, in order to read their comments in context.

Historic England offer the following comments in respect of the significance held by the Cathedral and other landmark structures:

*Due to the scale of the development consideration also needs to be given to longer range views. Of particular note is the grade I listed Cathedral with its two Norman towers which rise above the skyline and form the key visual statement and spiritual reference point within the city including from the wider hinterland and along the historic approaches to the Roman, Saxon, and Medieval gates such as Dunsford Road. In addition, the domestic scale of the buildings and the notable size of the cathedral, allows for glimpsed views of the towers throughout the city. Consequently, the Cathedral holds landmark status and is largely unchallenged within the cityscape, a key component of its significance.*

It is generally agreed by relevant commentators that the significance of the Cathedral's setting is greater in views from Dunsford Road which is an historic approach to the city than it is from Clifton Hill. It is primarily through testing of impacts on the view from Dunsford Road that the height of the proposal has been negotiated down to 10 storeys. Officers acknowledge that it remains visible in this view at 10 storeys in height, and that its coalescence with the east end of the main body of the cathedral will result in harm through the erosion of its silhouette. Historic England's suggestion of exploring opportunities to make the building to appear recessive in those views through its materiality were explored with the architects and

the Urban Design and Landscape Officer, but the conclusion of this was that changes to materiality could actually result in greater impact. Officers therefore accept that harm arises here, but conclude that it is less than substantial.

In respect of views from Clifton Hill, officers accept that the view is not of the same level of heritage significance as that from Dunsford Road. It is also accepted that the view is obscured in the summer months by tree foliage, but officers agree with Historic England that decisions about important Townscape views should not be made on the assumption that trees and foliage will remain indefinitely, as this may not be the case. For similar reasons, officers do not accept that less importance should be placed on the view as asserted by the applicant because currently vehicular traffic is routed in a one-way direction away from the view. Officers do however agree that this is neither a deliberately designed vista nor a view with historical associations such as that from Dunsford Road. Clifton Hill was the northern extent of the Clifton Hill brickworks, and the listed properties on its north side were constructed around 1840. As such, the following statement by the applicant seems reasonable:

*The view is not a major component of the setting and is an incidental element within the wider townscape which resulted unplanned from the 19th century expansion of the City.*

Historic England's guidance on The Setting of Heritage Assets (Good Practice Advice in Planning Note 3 (Second Edition)) considers views at paragraphs 10-13. Within paragraph 11 it states:

*Views which contribute more to understanding the significance of a heritage asset include:*

- *those where the composition within the view was a fundamental aspect of the design or function of the heritage asset*
- *those where town- or village-scape reveals views with unplanned or unintended beauty*
- *those with historical associations, including viewing points and the topography of battlefields...*

The guidance also includes the following paragraph on Church towers/spires:

*Being tall structures, church towers and spires are often widely visible across land- and townscapes but, where development does not impact on the significance of heritage assets visible in a wider setting or where not allowing significance to be appreciated, they are unlikely to be affected by small-scale development, unless that development competes with them, as tower blocks and wind turbines may. Even then, such an impact is more likely to be on the landscape values of the tower or spire rather than the heritage values, unless*

*the development impacts on its significance, for instance by impacting on a designed or associative view.*

Officers conclude that the view of the Cathedral reflects the status of the street and is at least a familiar inherited view and forms part of the character of the street. As such, whilst the loss of the view is harmful, its harm is primarily to townscape views and to the character and appearance of the Conservation Area rather than to the setting of the Grade I Cathedral.

In considering this impact, it is pertinent that the impacts would occur even if the height of the building were significantly reduced. Whilst this has not been tested through a verified views assessment, the applicant has carried out some analysis which suggests that it would be necessary to reduce the building to around 6 storeys to avoid additional impacts over those that are already caused by the Central Living and Manor Court buildings. Officers consider this conclusion to be reasonable, and question whether this development would be viable at a height of 6 storeys.

Justification for the harm arising (as required by NPPF para 213) arises from the fact that there is a policy aspiration to deliver a strategic regeneration scheme (emerging policy SBA2) around this site, as well as all the benefits that arise from developing previously developed land at the maximum possible densities (benefits of the scheme are set out in Section 16(14) of this report).

The applicant asserts that the loss of this view would result in the lowest degree of less than substantial harm. Whilst officers do not agree with this conclusion, they do not consider that the harm would be substantial.

Whilst the proposal is not sited with a Conservation Area it has the potential to impact on several, the closest of which are Southernhay and The Friars, Lower Summerland, Belmont and St Leonards. Intervisibility with Mont Le Grand would be limited, and the primary views impacting St Leonards would be those experienced enroute to the City Centre down Heavitree Road. The main intervisibility with Belmont is that from Clifton Hill discussed above. The building would be highly prominent down Paris St and across the roundabout from within Southernhay and The Friars. In these views the introduction of a large building of considered design and locally sympathetic materials would be a significant enhancement over the unsightly existing post war building.

The biggest scope for impact is upon the Lower Summerlands Conservation Area. The rear of the building will be highly visible across the Triangle Car Park from within the Conservation Area; despite the degree of change that will be experienced as a result of its height, officers agree that its design and contextual materials will result in an enhancement here when compared to the unsightly existing building. The building will also become highly prominent alongside those buildings within this Conservation Area that front Heavitree Road to its north at short distance when

approaching the City Centre (both the Grade II listed parts of the terrace and the non-designated buildings at its eastern end). The Heritage Officer challenges the value that the applicant places on these Grade II listed buildings: whereas the applicant considers them as having *a weak ability to convey an understanding of a past character of the area*, the Heritage Officers advises that the survival of this group as an authentic example of the built heritage of this approach to the city increases rather than diminishes their significance. Nevertheless it is clear that the previous road realignment and associated postwar developments severely compromise their context here, and the townscape is dominated by St Sidwells Point Leisure Centre, with the John Lewis building behind it. As discussed earlier in this report, the change in scale here is significant, and officers accept that this results in a degree of harm to the setting of the Grade II buildings immediately adjacent and to the character and appearance of the Conservation Area. However officers consider this harm to be justified by the desire to create an impressive and memorable city centre gateway at this key nodal point on its edge.

### *Heritage Balance*

Whilst officers accept that the proposal would give rise to harm to designated (and undesignated) heritage assets, including Conservation Areas and the setting of Grade II, II\*, and I listed buildings, none of the harm arising is considered to be 'substantial'. This conclusion is such that NPPF paragraph 215 applies, rather than 214 which establishes a more onerous policy tests where substantial harm would arise. Paragraph 215 states: *Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*

Numerous public benefits would arise from the development, and these are discussed in the overall balance later in this report. Those that are specific to heritage matters relate to improvements brought by the scheme to the setting of adjacent Conservation Areas and Listed Buildings. The replacement of the existing unsightly building with a building of more considered design and appropriate materials is in itself a public benefit which would enhance the setting of several surrounding Conservation Areas. The creation of the Garden Lane and associated crossing will also benefit the Lower Summerlands Conservation Area by offering a more direct legible route from it to the City Centre (subject to associated works in the Triangle Car park).

A more specific public benefit is the proposal to remove the existing advertising billboard which occupies the space between the Clarendon House and the Grade II Eaton Place, along with landscaping improvements to this area. This would improve the setting of Eaton Place, and would fully expose its western gable end in streetscape views into the Conservation Area from the west. This will better reveal the heritage significance of the terrace, which was truncated at this point as part of

the postwar road realignment and will have a particularly positive impact because it will fully reveal a mural which has been painted onto the end of the terrace.

The applicant has offered to plant two trees in the footway at this point, and officers would welcome these if the Highway Authority were willing to accept them. Officers recommend the inclusion of commuted sums for maintenance in the S106 to enable this as it is encouraged in national policy. DCC has, however, already indicated that it would not accept these. Irrespective of this, officers also consider it necessary to secure the replacement of the paving to footways around the site perimeter to both Western Way/Heavitree Road and to Russell St as part of the redevelopment. This will be a minor public benefit.

### *Heritage Conclusion*

In conclusion on heritage, officers accept that the development would give rise to 'less than substantial' harm. However, it would also give rise to some heritage benefits. The question of whether the public benefits of the development as a whole outweigh the harm is discussed in a later section of this report (part 14 of this section).

## 5. Access, Car Parking, and Transport Considerations

As discussed in the first part of this section of the report (principle of development), this is a highly accessible location close to the bus station and to all the facilities of the City centre. It is also a 5-minute walk from St Lukes Campus (925 minutes from Streatham campus) and served by the UNI bus service. As such, the development is proposed to be 'car free', with no car parking at all proposed on site. Two disabled parking spaces are, however, proposed on Russell street to the rear of the hotel so will be available to all eligible users (see plan at TA Appendix B). A condition is proposed to secure these, but as they will be on Highway land they will need to be subject to the relevant approvals from the Highway Authority.

The reduction in car parking provision will give rise to a significant reduction in vehicle trips to and from the site, and this is welcomed. A commensurate increase in the number of Non-Motorised User (NMU) trips (pedestrians and cyclists) is also expected: equivalent to around 40 in the AM peak and 103 in the PM peak.

The scheme itself will deliver public realm and highway improvements which will benefit pedestrians and cyclists, but a contribution is nonetheless sought to help fund the implementation of the Local Cycling and Walking Infrastructure Plan (LCWIP). It is possible that some of these funds will be able to be directed to the live and move project to create the new route across the car park to link to the Garden Lane. Together with the proposed repositioning of the pedestrian crossing over Western Way closer to the roundabout (where it will replace a heavily used uncontrolled crossing which utilises the roundabout island) and associated minor improvements to

the crossing over Cheeke St, this package of pedestrian improvements represent a significant public benefit of the proposals.

Following the response from Active Travel England, officers assessed the proposal against the assessment toolkit, to which their standing advice refers. The standing advice (June 2024) states:

*ATE has produced a [Planning Application Assessment Toolkit](#) that helps users to assemble evidence and assess the active travel merits – walking, wheeling, and cycling – of a development proposal. ATE encourage design and transport consultants to use the toolkit and submit a completed version with future planning application submissions. Local authority officers (planning and highways) are urged to use the toolkit in their assessment of planning applications.*

The toolkit consists of 10 criteria, and the appraiser is invited to rate the proposal either 'Exemplar', 'Pass', 'Condition/Obligation to Make Acceptable', 'Concern' or 'Critical'. In 4 of the 10 sections officers rated the scheme Exemplar, and 6 were rated 'pass'. No problems necessitating refusal or renegotiation were identified, although the assessment did prompt the need for further discussions with the Live & Move scheme about co-ordination of works. The assessment confirmed that the scheme rates highly in respect to active travel.

The Sustainable Transport SPD (2013) requires 154 cycle parking spaces for residents, and 160 are proposed. All are integral to the building in line with the Residential Guidelines SPD, and although they are at basement level, the access arrangements (consisting of shallow steps with a wheeling ramp and a lift) are considered acceptable. The residential provision will take the following form:

secure spaces provided as follows:

- 8 Sheffield hoops (these are likely to be able to accommodate 13-14 bikes but only 8 are quoted)
- 142 spaces in the form of two-tier racks (with 2.7m head height)
- 10 oversized spaces for non-standard vehicles (5.6% total provision)

The oversized provision exceeds the 5% suggested by national guidance LTN1/20, and the ceiling height of 2.7 for two tier stands also meets the requirement of that guidance. The provision is likely to be sufficient for staff as well as residents and would be preferable to outdoor storage for staff. Overall, the cycle parking proposed appears to be of a good standard. Conditions are proposed to secure full details of the parking stands and spacing, to ensure effective detailed design and implementation, and full details of the access arrangements will also be secured to ensure that access is practical and convenient.

Additional cycle parking for visitors is proposed in the form of 10 Sheffield stands (sufficient for 20 visitors' bikes) in the Garden Lane, along with an area identified for a

future public E-bike Hire scheme and 4 Sheffield Stands (for 8 bikes) are also proposed in the footway to serve the commercial unit.

In terms of servicing, the strategy for the collection of refuse is acceptable, and proposals for post/deliveries and student drop off are detailed on page 118 of the Design and Access Statement. Delivery vehicles will be able to pull up outside the scheme on Russell St, from which it is only a short walk to the reception, adjacent to which a post room is proposed. The Triangle car park will provide adequate capacity for students being dropped off to move in at the start of term.

Overall, subject to conditions and to relevant legal agreements for off-site highway works, the scheme is considered acceptable in transport terms. As a central site to be occupied at a high density it will contribute adequately to improving the environment for active travel, and in this respect is fully in accordance with Liveable Exeter principles.

## 6. Living Standards and Welfare of Future Residents

The city has no adopted minimum space standards for PBSA. However, the cluster bedrooms (13sq m) and studios (18, 20 or 27sq m) appear sufficiently sized to allow for practical layouts.

The ground floor layout indicates that it will be possible to provide a variety of different spaces suitable for social and studying functions, and the secure, residents-only amenity courtyard will be immediately accessible at the ground floor level. The roof terrace will be a real asset to future residents, and it will be subject to less shading than the ground floor courtyard space. The applicant advises, however, that access to the roof terrace will be carefully managed to ensure safety, and the doors leading onto it will be subject to access control. A high balustrade is also proposed for safety reasons. Full details of the amenity spaces will be secured through conditions, as will details of all security measures (including CCTV and access control). A detailed management plan will be secured through the S106.

In addition to social spaces the ground floor would include a gym, and an office & pastoral care facility with a small consultation room.

Subject to conditions (including those designed to limit the potential for noise from any plant), officers consider that the scheme will be high quality and will allow for a good standard of amenity and welfare for future residents.

## 7. Impacts on the Amenity of Neighbouring Residential Occupiers.

In terms of impacts on adjacent residents, it is apparent that there are few residents immediately adjacent. The closest windows of housing in Eaton House which lies

across Heavitree Rd are 24m away from those of the proposal, and there are no windows on the gable end of the adjacent Eaton Place. Officers understand that the upper floors of these terraced properties (5-21 Heavitree Rd) do include residential uses. However the inclusion of windows in only the southern part of the eastern flank wall of the proposal ensures that there will be no scope for privacy impacts to these properties.

Several objectors have raised concerns about noise impacts to residents east of the scheme in Newtown, pointing out that noise travels across the car park. As set out above, access to the roof terrace will need to be carefully managed for safety reasons, and it will be possible to control this through the management plan to be secured by S106. Officers acknowledge that there may be noise impacts during construction. However it will be possible to manage working hours through a Construction Environmental Management Plan (CEMP) to be secured by condition. This will also control other impacts such as dust etc.

Officers are conscious that Eaton House is a supported housing scheme and as such could accommodate vulnerable adults who could be more sensitive to construction-related impacts. As well as consulting each resident by way of a neighbour letter, officers were able to establish contact with the resident warden who works for managers Guinness Homes. They will need to be a key contact for any future contractor, alongside other adjacent residents and businesses.

Conditions are also proposed to address the potential for noise from plant and equipment as requested by Environmental Health.

## 8. Flood Risk and Surface Water Management

### *Flood Risk*

Whilst the site lies within Flood Zone 1 and is not at any elevated risk of flooding from coastal or fluvial sources, it is at risk of significant flooding from surface water sources. The area of Russell street to the east of the building is the lowest lying point in this area (30.36 m AOD), and in the event that surface water sewerage systems on higher ground to the north are exceeded, water from the north flows down Clifton Road collects at the site. An elevated risk of surface water flooding associated with flows down Heavitree Rd is also shown to the south of the site. One objector refers to the significant flood event that occurred in October 2014. The submitted Flood Risk Assessment reports that EA Risk of Flooding from Surface Water (RoFSW) Mapping indicates that in the southeast corner of the site, there is a high probability that the flood depth will exceed 1.20 m. Flood modelling results indicate that the flood level including 45% climate change allowance (the 1% AEP + 45% CC design storm event) would flood the existing car park (33.8m AOD) beneath the building to a depth of up to 380 mm.

The proposed floor levels and functions are compared to the maximum anticipated flood level (34.19m) in Table 4 of the submitted Flood Risk Assessment. The maximum flood depth in the Lower Ground Floor (30.9-31.35mAOD) would be 3290mm which is why essential plant must be located at the Upper Ground Floor level (34.35-36.30mAOD). Flood levels would not reach the Upper Ground Floor and it would maintain a 'freeboard' of 160mm. Guidance recommend a minimum freeboard of 300mm, and as such the Lead Local Flood Authority (LLFA) have asked the applicant to explore whether a greater freeboard of 300-600mm can be achieved. The applicant has otherwise stated that flood resilience measures will be adopted where the freeboard is less than 300mm. Officers note that it is the commercial unit that would be at 34.35, with the ground floor of the student scheme (the users of which would be more vulnerable in the event of a flood) achieving over 2.1m of freeboard. Officers also recommend conditions securing the following relevant measures set out within the submitted FRA:

- Residential accommodation to be placed at Mezzanine level and above, with Finished Floor Levels set at a minimum level of 38.10 m AOD, 3.91 m above the maximum design flood level
- Flood prevention measures to the lower ground floor (eg waterproof doors, demountable flood barriers, waterproofing to District Heat Network plant)
- Flood resilience measures to any areas with less than 300mm freeboard
- Building to be managed in accordance with the submitted flood evacuation plan (or an updated equivalent if approved) at all times

Subject to these conditions, and to advice given in the consultation response from the LLFA which has been passed on to the applicant, officers raise no objection on the grounds of flood risk.

### *Surface Water Drainage*

The proposals incorporate SuDs in order to restrict run off from the site to the greenfield rate of 1.4 litres per second. Infiltration is not possible and there are no suitable watercourses so green / blue roofs and garden terrace areas underlain with cellular storage are proposed to store the water before discharging into the existing 225 / 300mm diameter public surface water sewer. Defects identified in the system in a recent survey are to be addressed prior to any connection into the system. All external areas will also be laid with permeable surfacing with granular subbase. Bioretention tree pits and raingarden strips will also be incorporated. The SuDs system will be managed privately by the management company.

Although the LLFA initially objected, their objection was withdrawn on receipt of additional/revised information. They recommend a condition to secure final details and officers have included that as part of their recommendation. On this basis no objection is raised.

## 9. Sustainable Construction and Energy Conservation

As a post-war building constructed from concrete and brick, the existing buildings are likely to have high levels of embodied carbon. However, the buildings are not well suited to conversion to alternative uses. The 'Prior Approval' scheme referred to in the planning history (25/0013/PDCD) demonstrates that the building could be converted to residential, but only 31 apartments would be delivered. The ground floors are particularly difficult to convert to residential use due to flood risk and to their large floorplate, and as a result of the need for adequate daylighting the conversion proposal would therefore leave a large unused area in the centre of the upper ground floor. Use of the building as such would not represent efficient use of this highly accessible brownfield site. In addition, the existing buildings are unattractive and detract from the townscape in this area.

As such, whilst officers accept that there will be carbon impacts from the demolition of this building, this is not considered to be a reason to oppose redevelopment in this case. In addition, in the absence of adopted policy requiring embodied carbon to be taken into account, no objection can be raised in this respect.

In addition to the sustainability benefits associated with the proposed high density residential use of this site (such as minimising need to travel etc), the building itself would achieve high sustainability standards. BREEAM Excellent is targeted, with the submitted pre-assessment including a 5% buffer over the 70% target to protect the Excellent rating through the project. The Sustainability Statement also sets out a proposal to exceed the Part L (2021) carbon emissions baseline by 41%. This will be achieved by:

- \* A building fabric specification that is significantly improving upon the Part L 2021 limiting standards, with very high levels of thermal insulation and air-tightness;
- \* Use of triple glazing;
- \* A hybrid ventilation strategy in bedrooms, studios and cluster kitchens, using natural purge ventilation via opening panels and background mechanical ventilation with heat recovery. Natural ventilation is designed to provide the bulk fresh air load that is required for summer thermal comfort, reducing reliance on mechanical ventilation;
- \* Mechanical ventilation with high efficiency heat recovery, where required;
- \* Energy efficient fans;
- \* Energy efficient LED lighting, with daylight dimming sensors in key areas;
- \* Space heating and domestic hot water served by a low-to-zero carbon district heating system;
- \* Low carbon heating and cooling via a VRF heat pump system in ground floor communal areas;
- \* Roof-mounted photovoltaic panels that maximise the available roof area.

Adaptability is also a consideration of relevance to sustainability. Whilst it is good practice to consider it for buildings of any use, it is particularly important for uses of this type which have a cellular layout of lots of small rooms which could be difficult to adapt to alternative uses. Emerging policy H10 (part f) requires future proofing, and whilst this is not yet adopted, it is considered good practice in sustainable design so can be taken into account. On page 56 of the Design and Access Statement, the designers have illustrated how the layout of the units could be combined and adapted to suit a range of alternative residential uses of varying size. This is facilitated by a structural design based on a 'flat slab' arrangement with a minimised number of internal structural walls and partition loading applied as an allowance over the whole slab. The architects advise that this allows for the layouts internally to be completely reorganised without invalidating the structural design, provided the usage remains residential. They also point out that *'this loading allowance would allow for the re-purposing of the scheme for office usage in place of residential without negatively impacting the structural capacity'*. Officers recommend a condition to secure details of the structural approach to ensure future adaptability.

Officers consider that the proposals therefore satisfy relevant policies CP13-15, and propose conditions to secure these measures (including connection or connection-readiness to the citywide District Heat Network).

A sustainable construction waste strategy will be secured by a condition. This will be required to be built around a waste hierarchy, cascading from waste minimisation to reuse and recycling before allowing removal to landfill in accordance with Devon Waste Plan policy W4.

## 10. Contaminated Land

Environmental Health raise no objection subject to a condition to address the potential for contamination on the site.

## 11. Air Quality

The main roads in the vicinity of the site including the roundabout immediately adjacent, are designated as an Air Quality Management Area. The submitted Air Quality Assessment (AQA) studied routinely collected data and additional survey works was also undertaken. No exceedances of the relevant levels were recorded.

The scheme does need to incorporate a diesel generator to power emergency life safety systems in the event of a power cut. Environmental Health initially raised some concerns about this, but the agent has confirmed that the routine testing will equate to less than 10 hours per year, exhaust gases will vent at roof level, and there will be acoustic treatment to limit noises levels. With these reassurances and a condition as recommended by Environmental Health, officers conclude that there is

no scope for the operational phase of the development to worsen air quality in the area as the development will essentially be car free.

As such the focus for this phase has been on assessing the potential exposure of future occupiers and users of the site to existing and future levels of poor air quality. Dispersion modelling was undertaken using 2023 vehicle fleet emissions factors and background concentrations combined with 2028 traffic data as inputs to assess a conservative scenario. The results of the assessment show that exceedances of the annual mean Air Quality Assessment Levels for NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> which apply at the site are considered unlikely and that the future interim target for PM<sub>2.5</sub> should be complied with in 2028. Health impacts of exposure will therefore be acceptable.

The AQA also includes a thorough assessment of the risk from construction impacts, from which the main risk is dust (primarily from demolition, construction works and 'trackout' which is material carried by construction vehicles). The resulting risk of dust impacts, taking into account the amount of sensitive receptors in the vicinity is medium, and the risks can be adequately managed through the Construction Environmental Management Plan (CEMP).

From the evidence presented, and subject to conditions controlling relevant impacts, no objection is raised on air quality grounds.

## 12. Economic Impacts

The existing office space is understood to be under-utilised, and whilst removal could have negative economic impacts, this is justified elsewhere in this report. The new commercial/community floorspace proposed, whilst significantly smaller in size could bring significant economic impacts, particularly if the applicant is able to accommodate the innovation centre that they have been discussing with the University of Exeter.

The development will create jobs in its occupation phase through the staffing and ongoing maintenance activities and the additional residential accommodation in the city centre will support the vitality of the city centre.

The provision of good quality, purpose built, student accommodation in desirable locations is also likely to be a factor for students when deciding on a University, irrespective of whether it is University or private accommodation.

A public benefits statement submitted by the University in support of an unrelated application (25/0098/FUL) reported the following in respect of the economic benefits of the University to the city, county and subregion, and officers consider that the proposal will help the University to continue to bring these economic benefits:

*An independent economic impact study launched by the University found that the university contributes almost £1.6 billion of output to the UK economy and supports 15,500 jobs through its economic activities and the impact of student and visitor spending:*

- £951.4m of output for the Heart of the Southwest Local Enterprise Partnership area, with £582.5m GVA, and 12,300 jobs.*
- £915m of output for the county of Devon, equating to £563.4 GVA, and 11,920 jobs.*
- £816.3m of output for the city of Exeter, totalling £509.4m GVA and 9,750 jobs – equivalent to 9% of the city's total, making it the second largest employer in the city.*

The development will also improve the appearance of this part of the city centre through the physical regeneration of the site, and the construction process will bring significant economic benefits both directly through employment opportunities and supply chain as well as indirectly through construction worker spend etc.

In addition, the development will give rise to financial and infrastructure contributions as summarised in section 15 of this report and discussed in section 16(13) below.

### 13. Planning Obligations

CS policy CP18 states that new development must be supported by appropriate infrastructure in a timely manner. Developer contributions will be sought where necessary to mitigate adverse impacts to ensure the physical, social, economic and green infrastructure is in place to deliver acceptable development.

The planning obligations requested by consultees to mitigate the impacts of the development are considered in the table below:

Request	Amount	Officer Comments	Applicant Comments
<b>Financial Contributions (all to be index-linked): Agreed</b>			
TRO for off-site highway works	£10,000	Necessary to facilitate the off-site highway works proposed	Agreed.
LCWIP routes and surrounding highway improvements @£600 per bedspace	£178,200	Necessary to improve walking and cycling infrastructure in accordance with LCWIP. Officers intend to explore with DCC whether a proportion could be used to fund the	Agreed.

		realignment of a route through Triangle car park to optimise the benefits of the Garden Lane proposal (DCC would be the recipient of these funds so this would need to be agreed between ECC and DCC).	
Off site public open spaces serving the development @£457 per bedspace	£135,629	Considered justified, particularly as the closest park Belmont park is already very heavily used and will require mitigation from additional use	Agreed.
Off-site outdoor leisure facilities (e.g. MUGAs, outdoor adult fitness equipment etc.) serving the development @£117 per bedspace	£34,749	Considered justified, particularly as the closest park Belmont park is already very heavily used and will require mitigation from additional use.	Agreed.
Primary care infrastructure (likely to be used to increase the physical capacity of existing GP surgeries in close proximity to the site.	£89,385	Considered justified by policy and routinely collected as established practice.	Agreed.
<b>Financial Contributions: not considered justifiable</b>			
Off-site playing fields city-wide @£278 per bedspace	£82,566	<u>Not considered justifiable</u> for this scheme as students are expected to make use of playing fields provided by the University.	Agent does not consider this justifiable and notes that it was not requested for the PBSA element on the police station site.
Acute and Community	£88,028	<u>Not considered justifiable</u> with reference to the	Agent does not consider this

healthcare services by each potential patient from the development.		'tests' for planning obligations specified in Community Infrastructure Levy Regulation 122(2) and NPPF 2024 section 58' and therefore not routinely collected. .	justifiable as it will not fund primary healthcare (unlike the NHS ICB contribution) and and fails to meet the CIL regulations.
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In addition, there are a number of non-financial contributions which officers consider necessary to make the development acceptable in planning terms. These are as follows:

Request	Amount	Officer Comments
<b>Infrastructure</b>		
New Public Realm – Garden Lane		Public access, management and maintenance to be secured through S106
New Public Realm – SE side of building including removal of existing advertising hoarding	N/A	Commercial discussions with ECC's estates team will be necessary to remove ECC-owned billboard but this is NOT a material consideration in the planning process
Improvements to existing public realm to include replacement of paving with planting adjacent	N/A	In addition to the raingarden strip of planting to the SW of the building, two street trees are proposed in the Heavitree Rd footway – however these will only be delivered if permitted by DCC
Repositioning of existing signalised pedestrian crossing to align with Garden Lane	N/A	
Improvements to crossing of Cheeke St	N/A	
Safeguarding of space within the Garden Lane for future citywide E-Bike rental scheme.	N/A	Space will ideally be contiguous with boundary of the adopted highway to allow it to be managed by Highway Authority
<b>Maintenance and Monitoring</b>		

Commuted sum for the maintenance of 2 x street trees	TBC (reasonable sum to be agreed)	To enable the Highway Authority (DCC) to cover their costs in the maintenance of 2 x street trees in the Heavitree Road footway if the Highway Authority are willing to permit these
Monitoring fee for the Biodiversity Net Gain.	TBC (reasonable sum to be agreed)	To cover the council's costs in monitoring the on site BNG over the required 30 year period. Amount to be calculated when the applicant confirms their final BNG proposals in applying to discharge the national statutory BNG condition.
S106 monitoring fee	TBC	
<b>Management Plan</b>		
<p>A management plan for operation of the PBSA block to be submitted and approved in advance of first occupation. This will need to address the following points:</p> <ul style="list-style-type: none"> <li>• Limit occupancy to students and control occupancy of individual rooms/studios</li> <li>• Discourage/prevent car use/ownership and confirm that residents parking permits will not be available to future residents</li> <li>• Moving in and out controls,</li> <li>• Management of private outdoor amenity spaces</li> <li>• Handling of any complaints that arise from the use.</li> </ul>	N/A	To control all aspects of the occupation and management of the scheme to ensure that it is well managed for the safety and wellbeing of future residents and to mitigate impacts on any neighbours.

In summary, officers can confirm that the scheme has agreed to all S106 obligations that are considered by officers to meet the relevant tests and as such its impacts on relevant infrastructure will be adequately mitigated.

#### 14. Heritage and Planning Balance and Presumption in Favour of Sustainable Development

##### *Heritage Balance*

As set out in subsection 4 of this part of the report, whilst officers have concluded that the development would give rise to harm to the significance of several heritage assets, the level of harm in each case is considered to be 'less than substantial'. Therefore, at paragraph 215 the NPPF sets out that this harm should be weighed against the public benefits of the proposal. The public benefits of the application have been identified throughout this report, but are summarised as follows:

- Redevelopment of a sustainable brownfield site within a Strategic Mixed-Use Brownfield site allocation (SBA2) in the emerging Local Plan.
- Provision of 297 student bedspaces of high quality, purpose built student accommodation which will be well managed (in accordance with a management plan to be secured through S106) and is in close to the St Lukes Campus.
- Provision of 11 accessible studios (3.7% of the 297 bedspaces proposed)
- Potential to relieve pressure on general housing stock occupied by students in the form of HMOs, which are known to be disruptive to residential communities where they exist in concentrations, releasing these homes for general occupation by non-students.
- Contribution to meeting housing supply targets in the city equivalent to the delivery of 202 homes.
- Provision of 210sqm of commercial and/or community space for local residents/businesses which depending on its final use has the opportunity to deliver economic benefits, including the potential to support the retention of students post-graduation and/or benefit the local community
- Economic benefits associated with bringing greater footfall and student expenditure to the local area
- The creation of jobs through the operation and management of both the PBSA and commercial/community space facilities.
- Short-term construction jobs (which also bring local expenditure) and potential benefits in the construction industry supply chain
- Contribution to the creation of a city centre gateway at this nodal point and city centre entrance in the interests of legibility and wayfinding
- Removal of an underused, unsightly, post-war building that is currently of poor townscape value with a bulky form and inactive frontage,
- Construction of a replacement building of higher architectural quality which responds positively to its context with a design which draws upon historic local design features and materials to improve the immediate townscape and reinforce local distinctiveness and identity

- Improved relationships with the public realm through active frontages giving greater animation of the street as well as passive surveillance over Russell St and the Triangle car park
- Better revealing the significance of the adjacent Grade II listed Eaton Place through the removal of the existing unsightly advertising hoarding which will give fuller views of the 'Kindness' mural on its gable elevation as well as improving the uninviting left over space to its north
- Creation of a new, more direct route from the Triangle Car Park to the Bus Station and City Centre, including relocation of the existing pedestrian crossing to replace the heavily used but less safe uncontrolled existing crossing of Western Way, along with improvements to the crossing of Cheeke St
- Delivery of new high quality public realm in the form of the publicly accessible Garden Lane
- Improvements to existing footways surrounding the site
- Reduction in vehicle trips into the City Centre from 28 to 3 in the AM peak and 23 to 3 in the PM peak, with associated contribution towards improving air quality
- Financial contribution towards the implementation of walking and cycling/LCWIP routes as described above
- Safeguarding of a space for a future city E-Bike rental scheme
- Reduction in surface-water run off rates from the site to Greenfield levels of 1.4l/s through high quality Sustainable Urban Drainage, which will help reduce impacts on the sewage system and help reduce flooding
- Carbon Reduction benefits including connection to the city-wide District Heat Network
- On site Biodiversity Net Gain (129%)
- On site ecological habitat enhancements (bird and bat boxes)
- Financial contributions to mitigate its impacts on greenspaces, albeit that these are to mitigate impacts rather than deliver overall improvements
- Financial contributions to mitigate its impacts on primary healthcare facilities (GP practices) albeit that these are to mitigate impacts rather than deliver overall improvements
- CIL contribution estimated to be around £908,974.56, albeit that this is to mitigate impacts on infrastructure rather than deliver overall improvements

Weighing these benefits against the harm which will arise to the setting of the Grade I listed Cathedral and Grade II Southernhay Church, along with harm to the character and appearance of the Belmont (Clifton Hill view) and Lower Summerlands (views along Heavitree Road) Conservation Areas, and to the setting of the Grade II Eaton's Place (5, 7, and 9 Heavitree Road) and Eaton Place (11 and 13 Heavitree Road), along with the non-designated properties which comprise the remainder of this terrace to the Denmark Rd link), officers conclude that the harm would be outweighed. As such, officers do not consider that the heritage impacts justify refusal.

### *Planning Balance*

Turning to a more general planning balance, officers consider that, in addition to the townscape and setting heritage issues discussed above, there are two 'in principle' issues of such importance for this case that they necessitate specific discussion. These are the loss of the existing employment use, and the residential use which is proposed to replace it.

Both parts of the existing use of the site (job centre and offices) are considered to be 'employment uses'. The Development Plan contains policies which were put in place to protect such space for employment purposes. In the absence of any other significant material considerations of relevance to this issue, and noting that the existing use does not give rise to unacceptable amenity impacts for local residents, officers would have expected the applicant to demonstrate that the employment floorspace to be lost is not viable or needed to meet current and long term employment needs as required by CS policy CP2. The need to do so is especially pertinent at the present time due to an outstanding objection to the emerging Local Plan from East Devon District Council on the grounds that the plan is not providing sufficient employment land. However, as set out in the first subsection of section 16 of this report, the site benefits from a lawful fallback position to change its use from employment to residential purposes. This is because The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) grants planning permission for this change of use provided that certain criteria are met (including that prior approval is secured in accordance with the GPDO). Having assessed a prior approval application for exactly that purpose (change of use to 31 residential flats) and concluding that it is acceptable, officers conclude that the owner would be able to take up the planning permission granted by the GPDO. As such, this is a realistic fallback position and following case law from the High Court it is incumbent upon the LPA to take this into account as a material consideration when taking this decision. Officers consider that this fallback position justifies the loss of the employment floorspace such that it would be inappropriate to refuse planning permission on this basis. It is also relevant over and above that position that the development will reprovide 210sq m of similar floorspace, and officers recommend that the provision of that floorspace to 'Shell and Core' standard (including glazed shopfront and entrances) is secured prior to occupation of the PBSA floorspace.

In respect of housing delivery, following recent (NPPF) changes to the methodology for calculating the levels of housing required by each Local Authority, the Council is now able to take PBSA into account when calculating its housing requirement. This means that consented PBSA contributes to the Council's supply of housing land, which ought to remain above 5 years to avoid 'the tilted balance'. PBSA that has been delivered also counts towards the 'Housing Delivery Test', which is a key measure of how a Council is performing in housing delivery. Housing supply is of critical importance as the Council approaches the Examination of the Exeter Plan in March this year, and delivery is similarly important not least insofar as it helps to demonstrate that the housing numbers proposed in the Exeter Plan are deliverable.

As explained in the [Housing Topic Paper \(September 2025\)](#) which has been prepared in support of the Exeter Plan submission, for the purposes of measuring Housing Supply and Delivery, the [Housing Delivery Test measurement rule book](#) bedspaces in cluster flats as a proportion of one home. The ratio for students is derived from census data by calculating the average number of students in student only households in England. The ratio was updated in December 2024 to 2.4. However the government's [archived Housing Supply and Delivery SPG \(July 2019\)](#), explains that 'The exception to this approach is studio flats designed for students, graduates or young professionals, which can be counted on a one for one basis. A studio flat is a one-room apartment with kitchen facilities and a separate bathroom that fully functions as an independent dwelling'. 134 of the bedspaces proposed will be in the form of studios which can be counted as the delivery of 134 homes. The remaining 163 bedspaces will be accommodated in cluster flats of between 4 and 7 bedspaces (of which a total of 29 are proposed). As each of these bedspaces may be counted at a ratio of 2.4 to 1 for PBSA, they are considered equivalent to 68 dwellings. As such, the scheme overall will contribute 202 'dwellings' to the annual local housing need which is around 25% of the 804 which applies to the adopted Development Plan (calculated according to the government's standard method), or 31% of 642 which will become the target if the minimum emerging Local Plan).

Taking the above conclusions on the three most significant issues into account, and noting that the development is generally beneficial in other respects, officers consider that the proposed development accords with the adopted Development Plan as a whole, and that there are no material considerations to indicate that the proposal should be refused in accordance with s38 of the Planning and Compulsory Purchase Act 2004.

#### *Presumption in Favour of Sustainable Development*

Members of the committee should also be aware before taking this decision that the Council is not currently able to demonstrate a 5 year housing land supply (supply at 01 April 2025 was 4 years 3.2 months). As a consequence, the presumption in favour of sustainable development as set out in Paragraph 11 of the NPPF is to be applied. For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

In respect of the above it is important to note that there are two footnotes in the NPPF to the above paragraph which are critical for application of the balance to be given between policies when making a decision, namely footnote 7 and footnote 8 which provides the necessary interpretation of the paragraph.

Footnote 7 sets out a list of policies in the Framework relating to protected assets which include, amongst others, designated heritage assets. Footnote 8 indicates that policies will be out of date where a council cannot demonstrate a 5 year housing land supply. Given the content of the paragraph and footnotes there is a presumption in favour of sustainable development. The content of footnote 7 however makes it clear that policies for the protection of important assets of particular importance are still a significant consideration and these can provide a clear justification to refuse permission if granting permission would “significantly and demonstrably outweigh the benefits”. It is thus necessary to weigh up the balance of planning issues and relevant policies in accordance with the requirements of Para. 11 of the NPPF.

The application of the presumption in favour of sustainable development (and its predecessors) have resulted in several court cases, notably in the Supreme Court ruling of *Suffolk Coastal DC v Hopkins Homes and SSCLG* (2016). This case confirmed that where a council does not have a 5 year housing land supply, housing policies are deemed to be ‘out-of-date’. However, the fact that a policy is considered out of date does not mean it can be disregarded; instead it means that less weight can be applied to it with the level of weight given to be a matter of planning judgement. The Supreme Court judgement confirmed that for the purposes of applying a tilt in favour of sustainable development, known as the ‘tilted balance’ (NPPF Para. 11(d)), policies of the development plan will remain applicable, but it will be for the local planning authority to determine the balance of policies for the protection of environment and amenity against the need for housing and the economy.

Officers consider that the tilted balance does apply in this case. It is important however for members to be aware that officers do not consider the case to be so finely balanced that approval is recommended only as a result of the tilted balance. In fact, as set out above, officers consider the development acceptable notwithstanding this policy position. The engagement of the tilted balance merely adds further weight to the officer recommendation to approve.

## **17.0 Conclusion**

The applicant has demonstrated that the use of the building can be changed from its current employment use to a residential use using permitted development rights, and as case law dictates that this must be taken into account as a material consideration of significant weight, officers raise no objection to the loss of the existing employment

floorspace. The proposal would also reprovide a commercial/community space unit of 210sq m. The proposed use of the site as Purpose Built Student Accommodation is considered to be appropriate for this highly accessible site, and the proposal to make efficient use of the site is welcomed.

The proposal has been subject to significant pre-application discussion, and has been the subject of 2 public consultations, 2 sessions with the Exeter Design Review Panel, 3 sessions with Councillors through the Planning Member Working Group, and has also carried out a pre-application enquiry directly with Historic England. The focus of discussion has been on design issues, and in particular the impact of a proposed tall building on townscape views including those of the Grade 1 Cathedral. Through this process the design of the scheme has evolved significantly, including a significant reduction in the proposed maximum height to 10 storeys. Notwithstanding this reduction, officers accept that the proposal will give rise to harm to the significance of heritage assets: most notably through the complete loss of the view of the Cathedral from Clifton Hill (within the Belmont Conservation Area), and by its coalescence with the Cathedral in views from the historic route into the city along Dunsford Road (a view of greater historical and cultural significance). In close up views from Heavitree Road, the change in scale from the adjacent Grade II Listed Buildings (within the Lower Summerlands Conservation Area) will also result in some harm to their setting and significance. Although this harm is acknowledged this harm, officers conclude that it is 'less than substantial' and as such should be weighed against the public benefits of the scheme. Officers list these in section 16(14) of this report, and conclude that they are sufficient to outweigh the harm.

As the proposal has been assessed to be beneficial in transport, air quality, sustainability, flood risk/drainage and economic terms and consider that any negative impacts on amenity can be adequately managed through conditions, officers recommend that the application should be approved subject to the securing of relevant S106 obligations and to conditions as proposed. The fact that the Council is not able to demonstrate a 5 year housing land supply, and that the scheme will deliver the equivalent of 202 homes towards this supply is also relevant: whilst the overall conclusion of the planning balance does not rely on the application of this 'tilted balance', officers consider that it lends further weight to their recommendation.

## 18.0 Recommendation

Dual recommendation to APPROVE subject to conditions and a S106 Legal Agreement, or REFUSE if that Legal Agreement is not finalised in timely manner (6 months)

- a) DELEGATE TO THE HEAD OF CITY DEVELOPMENT TO GRANT PERMISSION SUBJECT TO THE COMPLETION OF A LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) TO SECURE THE FOLLOWING:

Obligation	Amount	Trigger
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TRO for off-site highway works	£10,000	
LCWIP routes and surrounding highway improvements @£600 per bedspace	£178,200	Pre-occupation
Off site public open spaces serving the development @£457 per bedspace	£135,629	Pre-occupation
Off-site outdoor leisure facilities (e.g. MUGAs, outdoor adult fitness equipment etc.) serving the development @£117 per bedspace	£34,749	Pre-occupation
Primary care infrastructure (likely to be used to increase the physical capacity of existing GP surgeries in close proximity to the site.	£89,385	Pre-occupation
Delivery of new Public Realm – Garden Lane	N/A	Pre-occupation
Delivery of new Public Realm – SE side of building including removal of existing advertising hoarding	N/A	Pre-occupation
Improvements to existing public realm to include replacement of paving with planting adjacent	N/A	Pre-occupation
Repositioning of existing signalised pedestrian crossing to align with Garden Lane	N/A	Pre-occupation
Improvements to crossing of Cheeke St	N/A	Pre-occupation
Safeguarding of space within the Garden Lane for future citywide E-Bike rental scheme.	N/A	Pre-occupation
Commuted sum for the maintenance of 2 x street trees (if permitted by Highway Authority)	TBC (reasonable sum to be agreed)	Prior to installation of any tree pits or trees
Monitoring fee for the On-Site Biodiversity Net Gain.	TBC (reasonable sum to be agreed)	Prior to discharge of statutory Biodiversity Gain Plan Condition application to
A management plan for operation of the PBSA block to be submitted and approved in advance of first occupation.	N/A	For inclusion in S106 agreement
S106 Monitoring Fee	TBC	On entering S106 agreement

All S106 contributions should be index linked from the date of resolution.

And the following conditions:

Conditions

1) TIME LIMITS

The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

**Reason:** To ensure compliance with sections 91 and 92 of the Town and Country Planning Act 1990.

2) APPROVED PLANS

The development hereby permitted shall be carried out in complete accordance with the approved plans listed below, unless modified by the other conditions of this consent:

Received 08 August 2025:

Site Location Plan

Existing and Proposed Impermeable Area Plan\_28626-HYD-XX-XX-DR-C-2201-P02

Outline Drainage Strategy Layout (Plan)\_XXX-HYD-XX-XX-DR-C-2200 P02

(Roof Garden) Hardworks\_674-CTF-XX-09-DR-L-40000 P04

(Roof Garden) Planting Plan\_674-CTF-XX-09-DR-L-50000 P04

PROPOSED BAY STUDY 02 D191CHE-CTA-XX-XX-DR-A-07701

Received 22 December 2025:

PROPOSED SITE PLAN D191CHE-CTA-XX-XX-DR-A-07103-P01

PROPOSED LOWER GROUND LEVEL PLAN D191CHE-CTA-XX-LG-DR-A-07500-P01

PROPOSED UPPER GROUND LEVEL PLAN D191CHE-CTA-XX-UG-DR-A-07501-P01

PROPOSED MEZZANINE LEVEL PLAN D191CHE-CTA-XX-MZ-DR-A-07502-P01

PROPOSED LEVEL 01-05 PLAN D191CHE-CTA-XX-ZZ-DR-A-07503-P01

PROPOSED LEVEL 06 PLAN D191CHE-CTA-XX-06-DR-A-07508-P01

PROPOSED LEVEL 07 PLAN D191CHE-CTA-XX-07-DR-A-07509-P01

PROPOSED LEVEL 08 PLAN D191CHE-CTA-XX-08-DR-A-07510-P01

PROPOSED LEVEL 09 PLAN D191CHE-CTA-XX-09-DR-A-07511-P01

PROPOSED LEVEL RF PLAN D191CHE-CTA-XX-RF-DR-A-07512-P01

PROPOSED NORTH ELEVATION D191CHE-CTA-XX-XX-DR-A-07650-P01

PROPOSED EAST ELEVATION D191CHE-CTA-XX-XX-DR-A-07651-P01

PROPOSED SOUTH ELEVATION D191CHE-CTA-XX-XX-DR-A-07652-P01  
PROPOSED WEST ELEVATION D191CHE-CTA-XX-XX-DR-A-07653-P01  
PROPOSED COURTYARD NORTH ELEVATION D191CHE-CTA-XX-XX-DR-A-07654-P01  
PROPOSED COURTYARD EAST ELEVATION D191CHE-CTA-XX-XX-DR-A-07655-P01  
PROPOSED COURTYARD SOUTH ELEVATION D191CHE-CTA-XX-XX-DR-A-07656-P01

PROPOSED BAY STUDY 01 D191CHE-CTA-XX-XX-DR-A-07700-P01  
PROPOSED BAY STUDY 03 and 04 D191CHE-CTA-XX-XX-DR-A-07702-P01

(Ground Floor & Podium) Hardworks\_674-CTF-XX-XX-DR-L-40000 P06  
(Ground Floor & Podium) Planting Plan\_674-CTF-XX-XX-DR-L-50000 P05

**Reason:** In order to ensure compliance with the approved drawings.

### 3) WASTE AUDIT STATEMENT

Prior to the commencement of development, a waste audit statement shall be submitted to, and approved in writing by the Local Planning Authority. Separate waste audit statements may be submitted for the demolition and construction stages if necessary. The statement(s) shall include all information outlined in the waste audit template provided in Devon County Council's Waste Management and Infrastructure Supplementary Planning Document. The following points shall be addressed in the statement:

- o Identify measures taken to avoid all waste occurring.
- o Demonstrate the provisions made for the management of any waste generated to be in accordance with the waste hierarchy.
- o The amount of construction, demolition and excavation waste in tonnes, set out by the type of material.
- o Identify targets for the re-use, recycling and recovery for each waste type from during construction, demolition and excavation, along with the methodology for auditing this waste including a monitoring scheme and corrective measures if failure to meet targets occurs.
- o The details of the waste disposal methods likely to be used, including the name and location of the waste disposal site, and justification as to why this waste cannot be managed more sustainably.

The development shall be carried out in accordance with the approved statement.

**Reason:** To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document. This information is required pre-commencement to ensure that all waste

material is dealt with in a sustainable way from the outset of the development including any groundworks, demolition, construction and operation.

#### 4) TREE PROTECTION AND ARBORICULTURAL METHOD STATEMENT

No materials shall be brought onto the site or any development (including demolition works) commenced until the developer has erected tree protective fencing around all trees or shrubs to be retained, in accordance with Tree Protection Plan ref 674-CTF-XX-XX-DR-L-50000\_Rev.P04 (Appended to Arboricultural Method Statement Arbtech AMS 01 (02) received 22 December 2025). The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed, unless alternative details are first submitted to and agreed in writing by the Local Planning Authority in the form of an updated Arboricultural Method Statement.

All works shall be carried out in accordance with Arboricultural Method Statement (Arbtech AMS 01 (02) received 22 December 2025) or in accordance with an updated equivalent where this is first submitted to and agreed in writing by the Local Planning Authority.

**Reason:** To ensure the protection of the trees to be retained during the carrying out of the development, in accordance with saved policy DG1 of the Exeter Local Plan First Review, policy CP17 of the Core Strategy, paragraph 131 of the NPPF (2023) and the Trees in Relation to Development SPD. These measures are required pre-commencement as specified to ensure that tree removals only take place where justified, and that the health of the trees to be retained is not harmed by demolition and building operations.

#### 5) PROTECTED SPECIES PRECAUTIONS

The development shall be carried out in accordance with the recommendations set out on page 25 of the submitted report 'Preliminary Ecological Appraisal and Roost Assessment -Bats and Breeding Birds' (received 08 August 2025).

**Reason:** In the interests of preventing any impacts on nesting birds and roosting bats in accordance with saved Policy LS4 of the Exeter Local Plan First Review, Policy CP16 of the Core Strategy, and paragraph 192 of the NPPF.

#### 6) DEMOLITION AND CONSTRUCTION ENVIRONMENTAL (AND TRAFFIC) MANAGEMENT PLAN (CEMP)

No development (including demolition or ground works) or vegetation clearance works for any approved phase of the development shall take place until a CEMP (or CEMPs) for the relevant phase has been submitted to and approved in writing by the Local Planning Authority. The CEMP(s) shall describe the actions that will be taken to protect the amenity of people living and/or working nearby, to ensure highway

(including pedestrian) safety, and to minimise disruption to movements in the locality. The CEMP(s) shall include as a minimum, provisions for:

#### GENERAL/HIGHWAYS:

- (a) The timetable of the works;
- (b) Construction working hours (which unless otherwise agreed in writing by the Local Planning Authority shall be limited to the hours of 8:00 to 18:00 Monday to Friday, 08:00 to 13:00 on Saturdays and shall occur at no times on Sundays or Bank Holidays.)
- (c) Hours during which delivery and construction traffic will travel to and from the site, which shall be limited to the hours of 08:00 to 18:00 Monday to Friday, 09:00 to 13:00 on Saturdays and shall occur at no times on Sundays or Bank Holidays.
- (d) hours during which no construction traffic will be present at the site;
- (e) any road closures;
- (f) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (g) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (h) The site access point(s) of all vehicles to the site during the construction phase
- (i) areas on-site where delivery vehicles and construction traffic will load or unload plant, building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (j) the compound/location(s) where all plant, building materials, finished or unfinished products, parts, crates, packing materials, waste, and stockpiles of topsoil and sub soil will be stored during the demolition and construction phases, and where construction staff welfare facilities will be provided.
- (k) details of wheel washing facilities and obligations
- (l) Cleaning of site entrances, site tracks and the adjacent public highway.
- (m) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;
- (n) the means of enclosure of the site during construction works (Hoardings are to be kept free of fly posting and graffiti).
- (o) Details of the amount and location of construction worker and visitor parking.
- (p) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (q) details of any footpath closures/diversions required, including alternative routes and signage
- (r) Post construction restoration/reinstatement of the working areas and temporary accesses to the public highway.

#### ENVIRONMENTAL PROTECTION MEASURES:

(s) A Noise Impact Assessment and noise and vibration management plan, including details of quantitative monitoring of noise and/or vibration to be conducted if deemed necessary by the Local Planning Authority following justified complaints.

(t) No driven piling without prior consent from the Local Planning Authority.

(u) A detailed proactive and reactive dust management plan, to prevent any emissions of dust (and airborne lead and asbestos if applicable), beyond the site boundary, including details of quantitative monitoring of dust emissions.

(v) Details of how power will be provided to any compounds, storage areas, welfare and temporary parking facilities (use of a generator overnight will not normally be considered acceptable).

(w) No burning on site during construction or site preparation works.

(x) Arrangements for communication and liaison with local residents, including regular letter drops, meeting with local residents and businesses/institutions in the immediate vicinity, and a dedicated contact number for complaints. Details of procedure for handling and investigating complaints as well as provision for regular meetings with appropriate representatives from the Local Authorities during the works, in order to discuss forthcoming work and its environmental impact.

The approved CEMP(s) shall be strictly adhered to throughout the construction period of the phase of the development to which they relate, unless a specific temporary exemption/alteration has been agreed in writing by the LPA in advance.

**Reason:** To protect the amenity of the locality, especially for people living and/or working nearby, to ensure highway (including pedestrian) safety, and to minimise disruption to movements in the locality. These details are required pre-commencement as specified to ensure that all demolition and building operations are carried out in an appropriate manner.

## 7) ARCHAEOLOGY 1:

No development in any approved phase of the development shall take place until the implementation of a programme of building recording and archaeological works for the land in the relevant phase(s) (as identified on the phasing plan hereby approved) has been secured in accordance with a written scheme of investigation (WSI), which has previously been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme.

**Reason:** To ensure that an appropriate record is made of archaeological evidence that may be affected by the development, in accordance with saved Policy C5 of the Local Plan First Review and paragraph 218 of the National Planning Policy Framework (2024). These details are required pre-commencement as specified to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.

## 8) CONTAMINATED LAND

Unless otherwise agreed by the Local Planning Authority, development other than demolition and development that is required to be carried out as part of an approved scheme of remediation must not commence until conditions 1 to 4 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

### 1. SITE CHARACTERISATION

A Phase 2 intrusive investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced and shall be based on the recommendations of Clarendon House, Exeter Phase 1 Desk Study BIM Ref: 28626-HYDXX-XX-RP-GE-1001. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to: o human health, o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, o adjoining land, o groundwaters and surface waters, o ecological systems, o archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with the Environment Agency's 'Land Contamination Risk Management (LCRM)'.

### 2. SUBMISSION OF REMEDIATION SCHEME

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

### 3. IMPLEMENTATION OF APPROVED REMEDIATION SCHEME

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out

remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

#### 4. REPORTING OF UNEXPECTED CONTAMINATION

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. The condition is required to be pre-commencement to control any ground works that may be required in connection with removal/remediation of contaminated land.

#### 9) CONSTRUCTION FOR ADAPTABILITY

Prior to the commencement of development (excluding demolition), details of the proposed structural approach to the proposed buildings of that phase shall be submitted, along with details demonstrating how the accommodation proposed within the building will be capable of adaptation or reuse in future for either alternative configurations of residential use, or for alternative uses. The building shall thereafter be constructed in accordance with that approval.

**Reason:** To ensure that these buildings which are designed for specialist residential uses will be capable of adaptation into alternative uses in future with minimal financial and carbon impacts in accordance with Core Strategy Policy CP15, paragraph 10.55 (preamble to CP17), policies S2 (principle 4), H6 (Co-Living) and H10 (Purpose Built Student Accommodation) of the submitted emerging Exeter Local Plan (2025), the NPPF & National Design Guide.

## 10) BREEAM

Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved shall achieve a BREEAM excellent standard (minimum 70% score) as a minimum. Prior to commencement of development (excluding demolition), the developer shall submit to the Local Planning Authority a BREEAM design (interim) stage assessment report, to be written by a licensed BREEAM assessor, which shall set out the BREEAM score expected to be achieved by the buildings of the relevant phase, and the equivalent BREEAM standard to which the score relates. Where this does not meet the BREEAM minimum standard required, the developer shall provide, prior to the commencement of development of the relevant phase of the development, details of what changes will be made to the building to achieve the minimum standard for the approval of the Local Planning Authority to be given in writing. The buildings must be completed fully in accordance with any approval given. A BREEAM post completion report of the buildings are to be carried out by a licensed BREEAM assessor, and shall be submitted to the Local Planning Authority for approval within three months of substantial completion of the building (with copies of final certificates to follow) and shall set out the BREEAM score achieved by the building and the equivalent BREEAM standard to which such score relates.

**Reason:** To ensure that the proposal complies with Policy CP15 of Council's Adopted Core Strategy in the interests of delivering sustainable development. The condition should be pre-commencement as all aspects of the construction of a building contribute to its BREEAM certification and the findings of the design stage assessment may influence the design for all stages of construction.

## 11) ENERGY & SUSTAINABILITY STATEMENT AND DECENTRALISED ENERGY NETWORK

The development shall be carried out in accordance with the submitted energy & sustainability statement ref 2594-b20-xx-xx-rp-y-0001, or in accordance with an updated equivalent where this has first been submitted to and agreed in writing by the local planning authority.

Unless it is demonstrated in writing prior to the commencement of development (excluding demolition), the buildings comprised in the relevant phase of the development hereby approved shall be constructed in accordance with the CIBSE Heat Networks Code of Practice so that their internal systems for space and water heating are capable of being connected to the proposed decentralised energy district heating network. Prior to occupation of the relevant phase of the development, the necessary on site infrastructure, including appropriate space for plant and machinery, shall be put in place for connection of those systems to the network at points at the application site boundary, as agreed in writing by the Local Planning Authority.

**Reason:** To ensure that the proposal addresses complies with Policies CP13-CP15 of the Adopted Core Strategy and paragraph 166 of the National Planning Policy Framework and in the interests of delivering sustainable development.

## 12) SURFACE WATER DRAINAGE

The following information shall be submitted to and be approved in writing by the Local Planning Authority in accordance with the timeframes stated below:

*Prior to Demolition:*

(a) Detailed proposals for the management of surface water and silt runoff from the site during the demolition of the existing buildings hereby permitted.

*Prior to Commencement (Excluding Demolition):*

(b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.

(c) A detailed drainage design based upon the approved Clarendon House, Exeter Drainage Strategy (Report Ref. 28626-HYD-XX-XX-RP-C-0001-P06, Rev. P06, dated 19th December 2025).

(d) Proposals for the adoption and maintenance of the permanent surface water drainage system.

(e) A plan indicating how exceedance flows will be safely managed at the site.

(f) Details to demonstrate that the drainage system will prevent the discharging of surface water onto any county highway.

The relevant parts of the development shall thereafter be carried out in accordance with the approved details. No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (b) - (f) above.

**Reason:** The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

## 13) BIODIVERSITY NET GAIN - HABITAT MANAGEMENT AND MONITORING PLAN

The development shall not commence until a Habitat Management and Monitoring Plan for the on-site habitat (the HMMP), prepared in accordance with the Biodiversity Gain Plan required by the statutory biodiversity gain condition and including:

(a) a non-technical summary;

(b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;

(c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;

- (d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
- (e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority, has been submitted to, and approved in writing by, the local planning authority.

The on-site habitat specified in the approved HMMP shall thereafter be delivered and completed in accordance with the details approved by the Biodiversity Gain Plan prior to the occupation of the development hereby approved, or in accordance with an alternative timetable where this has first been agreed in writing by the Local Planning Authority.

The on-site habitat shall thereafter be managed and maintained in accordance with the approved HMMP for a period of 30 years from the completion of the development.

Monitoring reports shall thereafter be submitted to the local planning authority in writing for the 30 year period in accordance with the methodology and frequency specified in the approved HMMP.

**Reason:** To ensure that the on site habitat is secured such that the development delivers the required 10% biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act 1990.

#### 14) PUBLIC ART

No construction works above (Russell St) ground level shall be commenced until a proposal for the commissioning and briefing of a public art collaboration in relation to proposed decorative brickwork (and the co-ordination with other decorative design details) on the building has been submitted to and been approved in writing by the Local Planning Authority.

The proposals (in the form of details and/or materials samples as relevant) resulting from the public art collaboration shall thereafter be submitted to and be approved in writing by the Local Planning Authority prior to the implementation of the relevant works, and thereafter implemented in accordance with that approval.

**Reason:** To ensure good quality design and local distinctiveness, in accordance with Policy CP17 of the Core Strategy, saved Policy DG1 of the Exeter Local Plan First Review and paragraph 135 of the NPPF, and to mitigate any impacts on the setting of Listed Buildings and Conservation Areas in the vicinity of the site.

#### 15) DESIGN DETAILS - PROPOSED BUILDING

No construction works above (Russell St) ground level shall be commenced until large scale details of the building design have been submitted to and approved in

writing by the Local Planning Authority. The details shall include key aspects of the construction which affect the external appearance of the building design (showing the typical articulation of parapets, copings, sills, drips, mouldings, the depth of reveals, brickwork bonding, joints between elements/components of dissimilar materials, specialist metalwork and other fabrications, etc.). The building shall thereafter be constructed in accordance with the approved details.

**Reason:** To ensure good quality design and local distinctiveness, in accordance with Policy CP17 of the Core Strategy, saved Policy DG1 of the Exeter Local Plan First Review and paragraph 135 of the NPPF, and to mitigate any impacts on the setting of Listed Buildings and Conservation Areas in the vicinity of the site.

## 16) MATERIALS SAMPLES - PROPOSED BUILDING

No construction works above (Russell St) ground level shall be commenced until sample panels showing the materials to be used in the building design have been approved in writing by the Local Planning Authority. Ideally, sample panel(s) shall be erected on site (accompanied by a written specification submitted to the Local Planning Authority) to enable the different materials to be viewed alongside each other. Sample panels of proposed brickwork shall illustrate the bond, mortar mix and mortar finish proposed, as well as any other relevant details where decorative brickwork is proposed. The building shall thereafter be constructed in accordance with the approved details.

**Reason:** To ensure good quality design and local distinctiveness, in accordance with Policy CP17 of the Core Strategy, saved Policy DG1 of the Exeter Local Plan First Review and paragraph 135 of the NPPF, and to mitigate any impacts on the setting of Listed Buildings and Conservation Areas in the vicinity of the site.

## 17) HARD AND SOFT LANDSCAPING SCHEME

No construction works above (Russell St) ground level shall be commenced (unless an alternative timetable is agreed in writing by the Local Planning Authority) until a Detailed Landscaping Scheme for the site has been submitted to and been approved in writing by the Local Planning Authority. The scheme shall include details of all hard and soft landscaping, including those of the proposed Upper Ground Floor and Level 06 amenity areas.

Hard landscaping details shall include all boundary treatments retaining structures/steps/ramps/means of enclosure, and any street furniture (including fixed sporting equipment as relevant). Samples/sample panels may be required as necessary.

Soft landscaping details shall include details of tree and plant species, specifications, planting densities and methods of planting, as well as details of any proposed living (green/brown) roofs.

The hard landscaping shall be constructed as approved prior to the occupation/use of the development unless an alternative timetable is agreed in writing in advance by the Local Planning Authority. The soft landscaping shall be planted in the first

planting season following the occupation/use of the development or completion of the development, whichever is the sooner, or in earlier planting seasons wherever practicable, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

**Reason:** To ensure good quality design and local distinctiveness, in accordance with Policy CP17 of the Core Strategy, saved Policy DG1 of the Exeter Local Plan First Review and paragraph 135 of the NPPF, and to mitigate any impacts on the setting of Listed Buildings and Conservation Areas in the vicinity of the site.

## 18) NOISE LEVELS FOR FUTURE RESIDENTS

Prior to the commencement of any construction (excluding demolition and site clearance) above the (Russell St) ground floor level of the building an Acoustic Insulation Implementation and Verification Plan shall be submitted and approved in writing by the Local Planning Authority. This plan shall include details of the insulation to be installed and describe how the installation shall be tested so as to demonstrate the achievement of suitable internal noise levels. The building shall thereafter be constructed in accordance with the approved details.

Prior to the occupation of the building hereby approved an Acoustic Installation Verification Report documenting the successful completion of the acoustic insulation work and post-installation testing shall be submitted to and be approved in writing by the Local Planning Authority.

**Reason:** To ensure that the proposal provides a satisfactory environment for future occupiers and complies with Policy EN5 of the Adopted Local Plan First Review, CP11 of the Core Strategy and paragraph 198 of the NPPF.

## 19) NOISE FROM PLANT

Prior to the installation of any new plant on the site (excluding the diesel generator to be located in the space labelled 'Generator room' on the approved proposed upper ground floor plan ref D191CHE-CTA-XX-UG-DR-A-07501-P01), details of the plant shall be submitted to and approved in writing by the Local Planning Authority. The details shall include location, design (including any compound) and noise specification. The plant shall not exceed 5dB below the existing background noise level at the site boundary. If the plant exceeds this level, mitigation measures shall be provided to achieve this in accordance with details to be submitted to and approved in writing by the Local Planning Authority. (All measurements shall be made in accordance with BS 4142:2014).

**Reason:** In the interests of the protecting nearby residential uses and the amenity of the area from noise from plant and equipment.

## 20) EXTERNAL ARTIFICIAL LIGHTING

Details of external artificial lighting proposals for all areas of the application site shall be submitted to and be approved in writing by the Local Planning Authority prior to its installation.

The details shall include location, type, specification of lighting, and an assessment of the lighting against BS5489-1:2020 (the Police Designing Out Crime Officer requests that all external lighting meets BS 5489:2020 with 25% uniformity), and shall demonstrate how the lighting has been designed to minimise impacts on local amenity and wildlife (including isoline drawings of lighting levels and mitigation if necessary). The lighting shall be installed in accordance with the approved details prior to the occupation of the development, including lighting to the proposed Garden Lane.

**Reason:** To ensure lighting is provided in the interests of public and resident safety, whilst ensuring that it is well designed to protect the amenities of the area and wildlife and in accordance with saved policy LS4 of the Exeter Local Plan First Review, the Residential Design Guide SPD.

## 21) SECURITY MEASURES

Prior to the occupation of the development hereby permitted a package of security measures covering the development and the external areas related to it shall be implemented alongside the external lighting (details of which are the subject of a separate condition) and in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority in consultation with the Police Designing out Crime Officer. The details shall include:

- a) Details of access control measures for all access points to the buildings (including all cycle stores), and for internal doors to control movement between public and private / semi-private space
- b) Details of the proposed CCTV system, including the arrangements for monitoring, recording and retaining footage, the location of proposed cameras and their intended coverage (which shall include the green lane, student amenity courtyard, cycle and refuse storage areas, pedestrian routes, entry / exit points, reception, stairwells, lifts etc. and relevant internal spaces.), and the design of CCTV cameras, which should be integrated in an unobtrusive manner.
- c) Confirmation that there is to be a staff/management presence on the site 24 hours a day, 7 days per week (with further management details to be set out in the management plans that are required separately)

The development shall thereafter be managed in accordance with those security arrangements.

**Reason:** In the interests of crime prevention in accordance with saved Policy DG7 of the Exeter Local Plan First Review and paragraph 135(f) of the NPPF, taking into account the recommendations of the Police Designing Out Crime Officer.

## 22) REMOVAL OF ADVERTISING HOARDING

Prior to the occupation of the development hereby permitted the advertising hoarding adjacent to the building to its south east shall be removed, and the area landscaped in accordance with details which are the subject of separate conditions attached to this permission.

**Reason:** In the interests of enhancing and better revealing the significance of the adjacent Grade II listed terrace in order to make a positive contribution to local character and distinctiveness and public safety surrounding the site, and to deliver public benefits considered necessary in order to outweigh heritage harm arising from the proposal in accordance with paragraphs 219, 210(c), 135(f) and 215 of the NPPF as well as saved Policies DG1 and DG7 of the Exeter Local Plan First Review and policy CP17 of the Core Strategy.

## 23) DELIVERY OF COMMERCIAL UNIT

The Student Accommodation hereby approved shall not be occupied until the commercial/community unit proposed has been constructed to a 'shell and core' level [DISCUSS WITH ARCHITECTS AND AGENT], to include the provision of all glazing and entrance doors.

**Reason:** To ensure that the unit is delivered to a standard where it can readily be fitted out for occupation in the interests of ensuring the benefits of this unit are realised, and in the interests of good quality design in accordance with Policy CP17 of the Core Strategy, saved Policy DG1 of the Exeter Local Plan First Review and paragraph 135 of the NPPF, and to contribute to the mitigation of impacts on the setting of Listed Buildings and Conservation Areas in the vicinity of the site.

## 24) TRAVEL PLAN(S)

No part of the development shall be occupied until a Travel Plan (including recommendations and arrangements for monitoring and review) has been submitted to and been approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority. Thereafter the recommendations of the Travel Plans shall be implemented, monitored and reviewed in accordance with the approved documents or any amended documents subsequently approved in writing by the Local Planning Authority.

**Reason:** To encourage travel by sustainable means, in accordance with saved Policy T3 of the Exeter Local Plan First Review and the Sustainable Transport SPD.

## 25) CYCLE PARKING - STUDENTS

The student accommodation hereby approved shall not be occupied until secure cycle parking facilities for residents, staff and visitors have been provided in accordance with full details which shall first be submitted to and be approved in writing by the Local Planning Authority. Details of the following aspects of the cycle parking facilities (which shall be in general conformity with the details set out plans hereby approved) shall be provided:

- Access from Garden Lane (including access control/security)
- Steps and wheeling ramp to Lower Ground Floor level
- Lift
- All racks/stands (including details of headroom and operation of upper racks where two tier racks are proposed)
- Non-standard cycle parking
- A cycle maintenance stand, pump, and basic cycle maintenance tools, which shall be provided for use by residents
- Facilities for the charging of E-bikes

The secure cycle parking shall thereafter be retained and used solely for the purposes of cycle parking. Where Sheffield Stands are used, these should be positioned and spaced in accordance with the guidance set out within Devon County Council's Cycle Parking Design Guidance.

**Reason:** To encourage travel by sustainable means, in accordance with saved Policy T3 of the Exeter Local Plan First Review and the Sustainable Transport SPD.

## 26) CYCLE PARKING - COMMERCIAL/COMMUNITY USE

The commercial/community unit hereby approved shall not be occupied until cycle parking facilities for staff and visitors have been provided in accordance with full details which shall first be submitted to and be approved in writing by the Local Planning Authority. The cycle parking facilities shall be in general conformity with the details set out plans hereby approved. Where Sheffield Stands are used, these should be positioned and spaced in accordance with the guidance set out within Devon County Council's Cycle Parking Design Guidance. The cycle parking shall thereafter be retained and used solely for the purposes of cycle parking.

**Reason:** To encourage travel by sustainable means, in accordance with saved Policy T3 of the Exeter Local Plan First Review and the Sustainable Transport SPD.

## 27) WASTE AND RECYCLING STORAGE AND COLLECTION

The relevant use of the building hereby approved shall not be occupied until the waste and recycling storage facilities for that use have been provided in accordance with the details set out on the plans hereby approved. The storage facilities shall thereafter be retained and used solely for the purposes of waste and recycling storage. No waste or recycling bins or containers shall be stored outside the integral

bin stores of the buildings hereby approved except on the day(s) of collection when they shall be presented for collection immediately outside the building (and thereafter returned to the integral stores).

**Reason:** In the interests of the amenity of the neighbourhood in accordance with saved policy DG4 of the Exeter Local Plan First Review and paragraph 135 of the NPPF.

## 28) ECOLOGICAL ENHANCEMENTS

The building hereby approved shall not be occupied until the following ecological enhancements have been incorporated, in accordance with full details which shall first be submitted to and be approved by the Local Planning Authority. The details shall be in general conformity with S9.15 (page 132) of the Design and Access Statement (received 22 December 2025):

- No less than 2 two bat boxes suitable for crevice dwelling species, integrated into the eastern elevation, in sheltered locations 3-5 m above ground level, away from artificial lighting.
- No less than 24 swift/universal integral nest boxes in loose clusters of two/three on east facing aspects.

**Reason:** To encourage use of the site by nesting birds and roosting bats in accordance with saved Policy LS4 of the Exeter Local Plan First Review, Policy CP16 of the Core Strategy, and paragraph 192 of the NPPF.

## 29) LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN

Prior to the first occupation or use of the building s in any approved phase, a Landscape and Ecological Management Plan (LEMP) for that phase shall be submitted to and approved in writing by the Local Planning Authority. The content of the LEMPs shall be prepared in accordance with the specifications in clause 11.1 of BS 42020:2013 (or any superseding British Standard) and shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period).
- g) Details of the body or organisation responsible for implementation of the plan.

All post-construction site management of each phase shall be undertaken in accordance with the approved LEMP for that phase.

**Reason:** In the interests of biodiversity and good design in accordance with Policy CP16 of the Core Strategy, saved Policies LS4 and DG1 of the Exeter Local Plan First Review and paragraphs 135 and 136 of the NPPF.

### 30) FLOOD PROTECTION MEASURES

The building hereby approved shall not be brought into use as approved until a package of flood protection measures has been provided to the proposed Lower Ground Floor, in accordance with details which shall first be submitted to and agreed in writing by the Local Planning Authority.

**Reason:** To protect the development from flooding and increase its resilience in the event of a flood.

### 31) FLOOD RESILIENCE MEASURES

The building hereby approved shall not be brought into use as approved until a package of flood resilience measures has been provided to any areas of the building where less than 300mm freeboard is provided above the 1% AEP + 45% CC design storm event level of 34.18 m AOD, in accordance with details which shall first be submitted to and agreed in writing by the Local Planning Authority.

**Reason:** To increase the resilience of the development in the event of a flood.

### 32) ARCHAEOLOGY 2:

The relevant phase(s) of the development hereby permitted shall not be occupied/brought into use until a post investigation assessment has been submitted to and approved in writing by the Local Planning Authority, in accordance with the archaeological written scheme of investigation (WSI). The post investigation assessment shall provide details of the analysis, publication and dissemination of results, including archive deposition where applicable.

**Reason:** To accord with paragraph 218 of the National Planning Policy Framework (2024), which requires developers to record and advance understanding of the significance of heritage assets, and to ensure that the information gathered becomes publicly accessible.

### 33) MINIMUM FLOOR LEVELS FOR RESIDENTIAL ACCOMMODATION

Residential accommodation shall be placed only at Mezzanine level and above, with Finished Floor Levels set at a minimum level of 38.10 m AOD, 3.91 m above the maximum design flood level, in accordance with the submitted Flood Risk Assessment (Report Ref. 28626-HYD-XX-XX-RP-WENV-0003, Rev. P05, dated 24th June 2025).

**Reason:** Uses that are 'More Vulnerable' to flood risk must be set at minimum floor levels to ensure a sufficient freeboard, to allow for safe routes out of the building and/or to provide an area of safe refuge in the event of a flood.

### 34) FLOOD EVACUATION MANAGEMENT PLAN (FEMP)

The building shall be managed in accordance with the submitted Flood Evacuation Management Plan ref 333800479-STN-XX-XX-RP-WENV-0004-P01 (or an updated equivalent document where this has first been submitted to and approved in writing by the Local Planning Authority). A copy of the document shall be kept up to date and stored on site, and all procedures set out within it shall be adhered to at all times in order to advise residents and site users what to do in the event of flooding on or immediately surrounding the site.

**Reason:** To protect residents and site users in the event of a flood.

### 35) USE OF DIESEL GENERATOR

The diesel generator to be located in the space labelled 'Generator room' on the approved proposed upper ground floor plan ref D191CHE-CTA-XX-UG-DR-A-07501-P01, is to be operated only during failure of the primary electrical supply or (for less than 10 hours operation per year) for maintenance and servicing purposes. Any operation outside of these times is to be notified to and agreed by the local planning authority in writing in advance. Maintenance and servicing of the generator is to be carried out at a time when there will be the least impact to the development and nearby residents.

**Reason:** In the interests of the protecting nearby residential uses and the amenity of the area from noise from plant and equipment.

### 36) AVAILABILITY OF COMMUNAL SPACES

The communal amenity spaces and facilities shown on the approved floor plans shall be provided prior to occupation of the relevant phase and thereafter maintained in perpetuity for communal amenity use only. Communal spaces shall not be subdivided in any way to create additional studios/bedspaces. The communal amenity spaces and facilities shall be made available at no cost to all residents of the relevant phase of the development in perpetuity, except where management plan(s) agreed in writing by the Local Planning Authority restrict access to specific groups of residents (for example, it may be appropriate for access to some kitchen diners to be made available only to the residents of the nearest studios).

**Reason:** To ensure sufficient communal amenity space is available for the residents of the buildings in the interests of residential amenity in accordance with saved policy DG4 of the Exeter Local Plan First Review and paragraph 135 of the NPPF.

### 37) INTERVISIBILITY THROUGH GLAZED FRONTAGES

Notwithstanding S55(2) of the Town and Country Planning Act 1990 and any relevant parts of the Town and Country Planning (General Permitted Development) (England) Order 2015, no vinyl or similar treatments shall be applied to the ground floor glazing

to the north, west or south elevations of the proposed building unless they have first been submitted to and been approved in writing by the Local Planning Authority.

**Reason:** In order to ensure that an active frontage to the building is maintained with intervisibility between the ground floor uses and the public realm surrounding the site in the interests of good design and to ensure natural surveillance, in accordance with Policy CP17 of the Core Strategy, saved Policy DG1 of the Exeter Local Plan First Review and paragraph 135 of the NPPF.

### Informatives

1) In accordance with Paragraph 39 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.

#### 2) BIODIVERSITY NET GAIN

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)", which is worded as follows:

'Development may not be begun unless:

- a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- b) the planning authority has approved the plan.'

The biodiversity gain plan must include

- a) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
- b) the pre-development biodiversity value of the onsite habitat;
- c) the post-development biodiversity value of the onsite habitat;
- d) any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;
- e) any biodiversity credits purchased for the development; and
- f) such other matters as the Secretary of State may by regulations specify.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan would be Exeter City Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. However, based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

### 3) APPROPRIATE ASSESSMENT

In accordance with Chapters 1 and 2 of the Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA). Given the nature of the development, it has been concluded that an AA is required in relation to potential impact on the relevant Special Protection Area (SPA), the Exe Estuary, which is a designated European site. This AA has been carried out and concludes that the development is such that it could have an impact primarily associated with recreational activity of future occupants of the development. This impact will be mitigated in line with the South East Devon European Site Mitigation Strategy prepared by Footprint Ecology on behalf of East Devon and Teignbridge District Councils and Exeter City Council (with particular reference to Table 26), which is being funded through a proportion of the Community Infrastructure Levy (CIL) collected in respect of the development being allocated to fund the mitigation strategy. Or, if the development is not liable to pay CIL, to pay the appropriate habitats mitigation contribution through another mechanism (this is likely to be either an undertaking in accordance with s111 of the Local Government Act 1972 or a Unilateral Undertaking).

### 4) COMMUNITY INFRASTRUCTURE LEVY

The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following commencement of development. Accordingly your attention is drawn to the need to complete and submit an 'Assumption of Liability' notice to the Local Planning Authority as soon as possible. A copy is available on the Exeter City Council website.

It is also drawn to your attention that where a chargeable development is commenced before the Local Authority has received a valid commencement notice (ie where pre-commencement conditions have not been discharged) the Local Authority may impose a surcharge, and the ability to claim any form of relief from the payment of the Levy will be foregone. You must apply for any relief and receive confirmation from the Council before commencing development. For further information please see [www.exeter.gov.uk/cil](http://www.exeter.gov.uk/cil).

### 5) SECTION 106 AGREEMENT

A legal agreement under Section 106 of the Town and Country Planning Act 1990 relates to this planning permission.

### 6) HIGHWAYS LEGAL AGREEMENT

The applicant will be required to enter into a suitable legal agreement or licence with the Highway Authority to secure the construction of the highway works necessary as part of this development. The developer should contact the Highway Authority to progress this agreement or licence well in advance of commencement of development.

#### 7) RESIDENTS PARKING PERMITS

You are advised to make all future residents of both parts of the development hereby approved that they will not be eligible for residents parking permits which would allow them to park on public streets surrounding the development.