

PLANNING COMMITTEE

Monday 9 February 2026

Present:-

Councillor Knott (Chair)

Councillors Rolstone, Asvachin, Atkinson, Banyard, Hussain, Ketchin, Mitchell, M, Pole and Williams, M.

Apologies

Councillor Hughes.

Councillors in attendance under Standing Order No. 44

Councillor Wetenhall speaking on item 5 (Minute No. 60)

Also Present

Strategic Director for Place, Planning Solicitor, Principal Project Manager - Development Management and Democratic Services Officer.

Also in Attendance

Ben Sunderland (Devon County Council Highways).

58

MINUTES

The minutes of the meeting held on 19 January 2026 were taken as read, approved and signed by the Chair as correct.

59

DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

60

PLANNING APPLICATION NO. 25/1082/FUL - CLARENDON HOUSE

The Chair invited Councillor Wetenhall to speak under Standing Order No. 44, who made reference to:

- submitting a formal objection to the application relating to massing, design, and impacts on streets in Newtown;
- supported the RSPB request for 24 swift boxes instead of 6, and described as an easy improvement;
- expressed strong concerns that the applicant and Devon County Council had failed to present a clear and honest picture of transport impacts in the area;
- Garden Lane was attractive in principle, but its design was pedestrian-only, which was unrealistic;
- Garden Lane would likely become a desired line for cyclists, creating conflicts and the Police Designing Out Crime Officer comments acknowledges pedestrians needed protection from cyclists;
- Garden Lane had been assumed to operate as a shared pedestrian–cyclist route, despite not being designed for dual use, and would require reconsideration if the application were approved;
- the application provided a misleading and simplistic picture for the walking and cycling connectivity, relying on limited extracts from the Exeter Cycling Plan, lacking real world experiences;
- the Paris Street and Western Way roundabout was described as extremely

unsafe for pedestrians and cyclists and concerns had been raised, supported by written evidence and previous surveys, had not been addressed;

- Heavitree Road was unsafe for cyclists, especially uphill towards Waitrose;
- using Active Travel England's Route Check or Area Route Check tool was recommended to assess safety against national criteria;
- introducing a large student population could put students at risk without further assessment;
- recent PBSA (Purpose Built Student Accommodation) briefings indicated a decline in student numbers, current PBSA provisions being sufficient and an excessive concentration in the city centre;
- the site was suitable for high-quality residential flats, not just PBSA; and
- urged the Planning committee to challenge the assumption that the site was only suitable for PBSA and to consider alternative residential use.

In responses to questions from Members, Councillor Wetenhall made the following further comments:

- there was no formal cycle route in the area, with cyclists currently using the carriageway and main approaches such as Heavitree Road lacking marked cycle lanes;
- the existing gap between Triangle and Western Way was already used by both cyclists and pedestrians, and any new design created by the development would also attract cycle use;
- the pedestrian crossing being moved to align with Garden Lane, would encourage greater pedestrian and cyclist movement in that direction; and
- cyclists using the alternative route would technically need to dismount and push the bikes, which did always happen.

The Chair invited Mr Keith Lewis, to speak for five minutes, against the application, who made the following points:

- the Exeter Civic Society had submitted two letters of objection, including one following an assessment against the National Planning Policy Framework (NPPF), Historic England guidance, and impacts on heritage views;
- the applicant and officers had failed to comply with NPPF paragraphs 200 and 202, which required harm to heritage assets to be avoided or minimised;
- the design prioritised maximising height and room numbers, rather than reducing harm to Exeter's heritage;
- harm was described as being avoidable, and therefore not justified under the NPPF;
- referred to the Urban Design Officer's view that a maximum height of six storeys would preserve key cathedral views and advised that a less harmful design option existed, making the current proposal unjustified;
- accepting avoidable harm would contribute to incremental erosion of Exeter's heritage and townscape;
- raised concerns that the applicant and officers had not properly assessed the cumulative loss of the Cathedral views, including impacts from recent and proposed nearby developments and that views of the cathedral from the north could be lost;
- Historic England recognised the Cathedral as a landmark with largely unchallenged views and referred to previous committee decisions where building heights were reduced to protect the Cathedral views;
- the applicant's CGI images showed the development to be overbearing when viewed from Newtown St Leonard's, Eaton House, and Grade II listed Eaton Place Terrace;
- the development would overshadow surrounding residential neighbourhoods

and conflict with the established character and the building should step down toward Newtown, not step up;

- there were concerns about the accuracy of the CGI views, noting errors in submitted images showing the building in incorrect locations and questioned whether other views and heights could be relied upon;
- that student studio rooms lacked communal cooking facilities, requiring residents to cook and eat alone which contradicted the reasoning in the Heavitree Road PBSA approval;
- the claim that harm is outweighed by public benefit was challenged as the scheme did not deliver homes needed to meet the identified housing requirement;
- the only benefit appeared to be the green lane, despite an existing public route to Western Way;
- the claims about PBSA freeing up HMOs for family housing was questioned, noting the continued approval of HMO applications; and
- highlighted recent committee decisions where poor PBSA and Co-living schemes had been deferred or refused and urged the Planning Committee to refuse the application due to its scale, design, and massing, and the resulting harm to the city.

Mr Lewis responded to a question from a Members as follows:

- the steps to Russell Street were poor, but would remain in place regardless of the proposal, with only potential minor improvements possible;
- the existing pathway between the church and the hotel was reasonably wide and provided a direct route from the top of the car park, which many pedestrians already used and
- the walking distance to the existing or relocated crossing would not be significantly longer and while the proposed Garden Lane would provide a pleasant, greener route, it was not a major improvement over existing options.

The Chair invited Mr Matthew Roe, to speak for five minutes to speak in support of the application, who made the following points:

- he was speaking on behalf of the applicant and thanked the Principal Project Manager - Development Management and officers for their engagement, and Members for feedback at Planning Member Working Group presentations;
- there had been an extensive pre-application engagement since 2023;
- the scheme had significantly evolved, notably with significant changes to scale, height and detailed designs through the process;
- the scheme was considered to be a high-quality architectural response, making optimal use of land and contributing positively to city centre housing targets and the public realm;
- both adopted and emerging local plan policies supported student housing in well-connected city centre locations;
- supported the officer report that the scheme would not unbalance the city centre or harm its mix of uses;
- there was no policy test for student need and the assessments indicated over 10,000 students currently live in HMOs;
- the local plan target to accommodate 75% of additional students in PBSA was a minimum, and the scheme contributed toward this and existing unmet need was not captured by policy figures;
- there were changing trends for student accommodation, with more second – third year and postgraduate students choosing PBSA options;
- PBSA provision was helping to free up family housing, with reductions in student council tax exemptions in general housing stock and there was no

- substantive evidence that student numbers would continue to decline;
- major operators had commented on Exeter having a strong PBSA market;
- the maximum height had been reduced through negotiation during pre-application discussions and the final ten-storey height was considered to be appropriate;
- the height aligned with national policy, the council strategy, and was a gateway city centre location and positioned in the emerging Eastgate site;
- the site had a low topography and was separated from the historic core of the city centre with independent local plan evidence identifying the site as suitable for ten storeys;
- there were significant adverse impacts identified in relation to daylight, wind, or amenities;
- heritage impacts were considered to be at the lowest level of less than substantial harm;
- key views from Dunsford Road demonstrated that the development would sit below the cathedral nave ridge line and would not obscure the tower;
- key views from Clifton Hill indicated that the view affected was incidental in nature and therefore carried reduced weight;
- any harm to the Cathedral and Belmont Conservation Area was considered to be minimal and the Council's urban design officer identified a less than substantial harm of moderate scale;
- Historic England had acknowledged some harm but stated it should be balanced against public benefits;
- public benefits included redeveloping partly underutilised 1960s office building to provide 297 student bed spaces, equivalent to 202 homes;
- benefits also included delivery of commercial and community space and the creation of a new public realm through the garden lane and enhanced pedestrian crossings;
- there would be nearly £1 million in Section 106 contributions and 139% biodiversity net gain; and
- any identified heritage harm was more than outweighed by public benefits and supported granting planning permission.

Mr Roe responded to Members' questions as follows:

- there had been engagement with the University who supported the principle of city centre PBSA but did not endorse individual schemes;
- local market research indicated that there was a continued demand, including increasing interest from second and third-year students due to all-inclusive costs;
- national evidence showed that up to 35% of first-year students sought to remain in PBSA;
- the verified views had been re-checked given the objection outlined by Exeter Civic Society, but the design team was satisfied that they were accurate;
- consultants had re-checked the two disputed views and confirmed they were taken from correct locations;
- a wind assessment had been completed for ground-level and rooftop areas, and all conditions met required guidance - no operator would accept a scheme with significant wind issues;
- Garden Lane would improve pedestrian access and remove reliance on the existing unsafe informal crossing area;
- 160 cycle spaces would be provided and students would exit onto the existing road network, with cyclists able to walk their bikes through Garden Lane if needed;
- existing routes would remain available and Devon County Council had stated that the design prioritised safety, with the intention to make the route as safe

- as possible, but not preventing cyclists from using Garden Lane;
- the relevant six-storey element related only to the Clifton Hill view, which was a secondary cathedral view and a six-storey scheme would under-develop the site; and
- it was acknowledged that there would be some inevitable heritage harm for a city-centre development, but it was assessed as **less-than-substantial** and was outweighed by public benefits, consistent with national policy and was accepted by Historic England.

The Principal Project Manager (Development Management) [presented the application](#) for the demolition of an existing commercial building at Clarendon House, Western Way, 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.

Members received a presentation which included the following information:

Explanation of the site and immediate area

- the application site included land not wholly owned by the applicant, which included the area with three trees and the land behind the advertising hoardings and bank structure;
- the additional areas of land were owned by ECC and had been incorporated following stakeholder feedback to allow for public realm improvements and delivery of the Garden Lane pedestrian route;
- the site was adjacent to the leisure centre, Vue cinema, hotel and church;
- an existing pedestrian route ran from Triangle Car Park to the city centre, with a pedestrian crossing slightly misaligned to the route and a separate cycle phase at traffic lights further north at the junction between Western Way and Summerland Street;
- a publicly accessible flight of steps also connected Heavitree Road down into the site area;
- the area included the remnants of the historic alignment of Paris Street, which was altered through post-war redevelopment and road realignment;
- the site sat at the lowest topographical point in the area, which was relevant to flood risk considerations;
- the existing building was a post-war structure of limited architectural quality, which was described as unattractive and no longer contributing positively to the townscape;
- there was a car parking beneath the building and service areas and the area also included underused leftover spaces;
- there was a currently a heavily used uncontrolled pedestrian crossing over Western Way which was noted as being difficult to cross due to high traffic volume;
- existing routes lacked clear prioritisation for pedestrians and cyclists and the area experienced high pedestrian movement between the car park and city centre;
- nearby heritage assets included a historic Grade II listed terrace on Heavitree Road, locally listed properties and some Grade II listed buildings as well as several Conservation Areas near the site; and
- the location was visible from key approaches including Denmark Road.

Explanation of the proposed development

- the proposed re-development would demolish the existing buildings to build Purpose-Built Student Accommodation (PBSA);
- the development included 297 student bed spaces, 134 studios and 163 bedrooms within 29 cluster flats (4–7 bedrooms each);
- there would be communal facilities and outdoor amenity spaces, cycle parking for 160+ cycles, and plant and servicing areas;
- the ground floor would include a 210 sqm commercial / community unit, designed to be a flexible lock-up unit, accessible from Heavitree Road;
- the development was up to 10 storeys in height and included new public realm through the 'Garden Lane' and associated off-site highway works;
- the building arrangement was two east–west blocks (northern block and southern block) linked by a lower connecting element with a roof terrace, forming a C- shape;
- the site had complex level changes, resulting in lower ground floor being below ground at the northern end and at street level at the southern end;
- the lower ground floor level would cater for refuse and recycling stores, plant rooms, laundry, staff facilities and cycle parking;
- a high-quality cycle access point was being provided which was equivalent in status to the pedestrian access, allowing cyclists to access the site from Garden Lane, adjacent to the main entrance;
- provisions would be made for shallow stairs and wheel ramps to allow bikes access to the ground level. Other provisions including lift access for cargo and non-standard bikes;
- ground floor student facilities included a reception area, staff office, quiet study spaces, dining and games rooms;
- the mezzanine and upper floor levels provided an additional floor of student accommodation in the southern part of the building and aligned with upper floors above the mezzanine level;
- studio units were indicated as dark orange on the plan and cluster flats were indicated as lighter orange;
- cluster flats were located at the south-eastern end of the building and included a communal kitchen-diner with windows overlooking Russell St (former Paris St) to the south east; this layout was replicated on floors 01-05
- communal kitchen-diners to the cluster flats also occupy the key corner locations facing the roundabout and main approaches ;
- communal spaces provided active frontages, surveillance, and lighting;
- cluster kitchens positioned at the building corners and ends and encouraged activity and lighting;
- glazing and activity was being provided over six storeys in key locations;
- the scheme includes four staircases, with two in each block, which reflected enhanced fire safety requirements for tall buildings classed as high-risk buildings;
- the development was subject to the Building Safety Act gateway process overseen by the Health and Safety Executive;
- fire safety requirements also necessitated having a large diesel backup generator on the ground floor level to provide emergency power for life-critical safety systems in the event of an incident;
- there would be 11 accessible studio units on the upper floors, with two per floor (floors 01-05) and one accessible unit on level 6;
- at level 6, the building begins to step back at the ends and with non-accessible green roofs;
- level 7 included a roof terrace, accessible from both north and south blocks;
- level 8 included additional bedrooms where terrace access was not required
- level 9 only contained accommodation within the northern block;
- there would be significant solar PV installation on the roof level, achieving a

capacity of 45 kwp, which was a 41% improvement over Part L Building Regulations;

- the proposal also included a connection to the Exeter District Energy Network as a condition requirement;
- the North elevation faced Garden Lane and showed the main entrance and cycle entrance points and promoted visibility for staircases and lifts to integrate cycling with the public realm;
- the East elevation faced the Triangle Car Park and included a secure courtyard garden at ground floor level elevated above Russell Street, with controlled access to ensure residents and the public were separated;
- windows on the East elevation provided natural surveillance over the car park;
- the materials would contain darker brickwork at lower levels, coloured reinforced concrete at mid-levels and lighter brickwork at upper levels;
- the South elevation facing Heavitree Road appeared more complex on the drawing due the road geometry;
- the ground levels dropped on this elevation towards the east while the plinth level remained consistent;
- the mezzanine accommodation would be located within the plinth and ground floor design as for commercial/community use;
- the west elevation faced the roundabout with the central section of the building designed distinctively to link the two tower elements;
- the window design and ventilation panels reinforced the perception of two volumes connected by a link, and high levels of glazing provided strong engagement with the public realm; and
- a condition was proposed to control the application of vinyl graphics to the windows to maintain transparency and activity.

Consultation responses and public representations:

- the update sheet advised that there were no objections from the Tree Manager and reaffirmed the objection from the Exeter Civic Society;
- a total of 21 representations across two consultation rounds had been received, which were 20 objections and one neutral representation; and
- of the 20 objections, three were from a Ward Councillor (Councillor Wetenhall), the Devon Buildings Group and Devon Archaeological Society. As such only 17 objections were received from the public.

Planning Assessment – Key Issues

- a key planning issue raised was on its principle use and the loss of the existing office and drop-in centre. Officers accepted that the building could be converted to residential under permitted development rights and an application was already before the LPA which was considered acceptable;
- conversion of the existing building would only result in 31 apartments, retention of the 40-space car park and no improvement to building appearance, which is an inefficient use of a key brownfield site;
- the proposal would align better with the Liveable Exeter principles and high-density development;
- officers considered the PBSA appropriate and acceptable for the site, which was at the edge of the city centre, near St. Luke's Campus with a public transport arrangements;
- although student numbers had declined in the last three years, and the 75% target for accommodating additional students in PBSA had been exceeded officers considered the 75% target as a minimum, rather than a cap and there was no policy requirement to demonstrate the need for PBSA, which was market led;

- students would be housed within a managed environment with on-site management during the day, out-of-hours security and access to a 24/7 help desk;
- Section 106 obligations would also restrict student car ownership and ensure there was suitable refuse storage;
- on-site facilities supported student wellbeing and pastoral care and there would be minimal impact on neighbouring residents;
- based on the government housing test methodology of 2.4 students per dwelling), housing 297 students would need 100+ general housing units and therefore PBSA supported the reduction in HMO use;
- the scheme would be adaptable should student demand change to convert rooms into alternative residential units – a condition on the application was recommended to ensure adaptability;
- officers considered the commercial and community use of the site to be acceptable in principle and the proposed permission provided greater flexibility for a range of commercial uses to maximise occupation potential;
- analysis reported on the update sheet confirmed that the site was not suitable for retail shops and a proposed condition would allow commercial use with the exception for retail shops;
- the site was affected by heritage constraints, which included the Grade I Cathedral, numerous listed buildings, locally listed buildings and conservation areas;
- any impact on views of the Cathedral could be considered a heritage as well as townscape harm;
- a key element of the townscape analyses was to consider other landmarks in the area such as church spires;
- special regard was needed to statutory duties under Sections 16, 66 & 72 of the Planning (Listed Buildings & Conservation Areas) Act and case law required considerable importance and weight be given to heritage harm in decision-making;
- the site was located in a topographical dip, reducing townscape impacts;
- the proposed 10-storey building had been reduced from 20-storeys following analysis and the presentation highlighted the comparable heights with other buildings including the Depot and the Cathedral, and highlighted that the proposal was more than 10m lower than the John Lewis building;
- the presentation outlined the zone of Theoretical Visibility (ZTV) analysis undertaken;
- the Townscape and Heritage Visual Impact Assessment had assessed more than 16 views, but only three of these views necessitate detailed study as a result of landscape and townscape harm. These were Clifton Hill, Dunsford Road and Barley Mow Nature Reserve;
- views from Clifton Hill impact on the view from outside Grade II listed buildings and were within the Belmont conservation area;
- details of the summer and winter views had been undertaken, and officers commented on the degree to which trees and one-way traffic should be taken into account. Officers had concluded there would be some heritage harm, but was less than substantial harm;
- to preserve the Clifton Hill view of the Cathedral, the building would need to be reduced by approximately four storeys and significant height reduction would conflict with city centre gateway and living in the city principles;
- the view from the Barley Valley Nature Reserve was identified as a landscape rather than a heritage impact and the Urban design and landscape officer identified it as having a very minor landscape impact (due to a slight erosion of the strength of the band of trees);
- the Dunsford Road view was one of the four most important approaches to the city and a historically significant route into Exeter;

- the views showed the Cathedral silhouette remaining visually dominant albeit that the proposed building was visible in a limited area of the skyline;
- Historic England had raised a concern about coalescence with the Cathedral silhouette;
- material changes had been explored to increase visual distinction but had been rejected as they would potentially cause greater harm elsewhere;
- officers considered that the distance between the two building and differing their orientation reduced the risk of visual merging/coalescence as they would reflect light differently. However, officers acknowledged some minor harm to the Cathedral setting which was assessed as less than substantial;
- the view from the Heavitree Road Approach showed that the Cathedral view was not affected and the building would be partly screened by vegetation;
- some minor harm to the setting of adjacent listed buildings was acknowledged due to the change in scale but was considered less than substantial harm;
- the view from Paris Street showed the building did not appear out of character in scale and was comparable to other taller nearby buildings;
- the scheme had been subject to three sessions with the Exeter Design Review Panel (as clarified on update sheet) and extensive engagement with officers, Historic England, and the Planning Member Working Group;
- through design review by officers and the EDRP, the design had evolved to reflect Exeter's local distinctiveness and architects had provided clear rationale for design decisions;
- the design approach & architectural principles responded to verticality and rhythm of historic streets and varied historic plot widths;
- brick tones had been selected following analysis of local materials, city walls, and stone;
- there would be lighter brick tone on the upper levels and decorative brickwork inspired by local precedents, and the use of off-site manufactured brick-faced concrete panels for the majority of façade panels would ensure quality control;
- all final materials and detailing were subject to planning conditions;
- aerial views demonstrated the material tones and how they related to surrounding areas, including Newtown;
- material tones had been selected to reflect colours found across the city;
- Historic England had suggested using darker top-floor materials, however, officers concluded lighter brick for those upper levels was preferable;
- following officer and RSPB advice, swift boxes had increased from 6 to 24 and was secured by a condition;
- two bat boxes would be integrated at lower façade level
- proposed additional planting included a pavement level planting strip along the frontage, planting in Garden Lane, green roofs and terrace planting;
- the development would achieve a 139% biodiversity net gain (as clarified on the update sheet);
- no concerns had been raised from officers regarding student welfare or amenity;
- the smallest studio rooms would be 18sqm, access to communal areas and the regular bedrooms would be 13sqm, with full access shared kitchen facilities, but unit sizes would vary by cluster size;
- ground floor communal spaces included study areas, a gym, pastoral care rooms and spaces for external support services;
- there would be access controls throughout building, which would be secured in the management plan as well as through a condition;
- the ground floor courtyard would include an outdoor gym, table tennis, seating, and planting areas;
- the roof terrace would provide city views, social and quiet seating areas;
- the roof terrace was expected to receive more sunlight than the courtyard with

access managed through the management plan, with no proposed time restrictions on use;

- the Garden Lane landscape and public realm was proposed to be managed privately with a management plan requirement as a condition of the S106;
- the shared surface design intended to manage pedestrian/cycle interaction and included retaining one existing tree, planting three additional trees, and providing a defined pedestrian route;
- cyclists would be expected to use the space considerably due to the layout but the nearby alternative signed cycle route would still be available;
- external improvements included visitor cycle parking and a space for a future e-bike city rental scheme safeguarded through the S106 agreement;
- proposed public realm enhancements included high-quality landscaping, planters, and alignment with a new pedestrian crossing, which were considered to be a major public benefit of the scheme;
- there was a proposal to remove the existing council-owned advertising hoarding, on the opposite side of the building, which would be secured by a condition;
- the removal would reveal the existing mural on the listed terrace and improve visual activity and landscaping;
- there was also a proposal to plant two trees in the footway, subject to highway authority agreement;
- the site was at risk of surface water flooding, due to being at the lowest point in the area;
- surface water could pool up to 4m in depth if the upstream drainage system were overwhelmed;
- proposed conditions would secure flood protection measures for the ground floor plant areas, flood resilience measures for the commercial unit and a flood evacuation plan for residents;
- transport and pedestrian improvements included a proposal to relocate the existing signalised pedestrian crossing over Western Way, and narrowing the two traffic lanes on the Cheeke Street arm of the roundabout into one lane and enlarging the central island for safer pedestrian crossing;
- the new crossing to improve pedestrian safety would support the Council's active travel priorities;
- a transport assessment indicated that without mitigation the changes would create 1–1.5 minute additional delay at morning peak (southbound on Western Way) but with the lane priority changes, the delay would be reduced to under 30 seconds, which was considered acceptable;
- it was acknowledged there were some negative impacts alongside significant benefits, but the heritage assessment confirmed there was less than substantial harm, which was agreed by consultees and Historic England);
- under NPPF provisions, harm needed to be weighed against public benefits;
- the heritage harm and outlined the public benefits to be weighed against it as follows:
 - the scheme would give rise to less than substantial harm to the setting of the Cathedral and Eaton Place; and to the character and appearance of the Lower Summerland's and Belmont conservation areas (all consultees had agreed that the harm was less than substantial);
- public benefits associated with the proposed use included:
 - 297 purpose-built student bed spaces, including 11 accessible studios;
 - the potential to reduce pressure on HMOs and release housing back to general/family use;
 - contribute towards the housing supply target;

- providing commercial and community floorspace for economic and community benefits;
- increased city centre footfall and spending; and
- creation of operational and construction jobs.
- public benefits associated with regeneration & public realm included:
 - replacing an existing poor quality building with a high quality design reflecting local materials and detailing;
 - an enhanced city centre gateway;
 - the creation of Garden Lane as new public route and space;
 - removing the billboard, and revealing the mural to improve heritage setting;
 - providing a direct pedestrian route from the Triangle car park to city centre;
 - footpath upgrades;
 - improved pedestrian crossings; and
 - contributions toward Local Cycling and Walking Improvement Plan.
- public benefits associated with environmental and technical aspects of the development included:
 - reducing surface water runoff to greenfield rates,
 - replacing the existing building with a new one meeting BREEAM excellent standards and including a connection to the district heat network,
 - 139% biodiversity net gain;
- with reference to the update sheet, that although there would be financial contributions to green space, primary healthcare and other services, as these are necessary to mitigate the development's impacts, they should not be weighed as public benefits against heritage harm.

Planning Assessment – Heritage and Planning Balance

- having weighed the public benefits against the identified heritage harm in accordance with paragraph 215 of the NPPF, officers conclude that the public benefits outweigh the identified heritage harm, and as such officers recommend approval; and
- in addition, although officers do not consider their recommendation to rely on this, the council cannot currently demonstrate a five-year housing land supply and the development would contribute the equivalent of 202 homes towards the Council's housing supply target.

Recommendation

- the officer recommendation was to approve subject to completion of Section 106 agreement and planning conditions and if the Section 106 was not completed within six months, to give delegated authority to refuse permission;

The Principal Project Manager - Development Management, Strategic Director for Place and the Devon County Council Highways Officer responded to Member questions and clarification points as follows:-

- the modern design approach for the Garden Lane would influence behaviour through its layout and design rather than require signs for cyclists - it was expected that the space would naturally reduce speed and encourage considerate cycling, but discreet signage could be incorporated if the committee requested it (similar dismount signage was already used in other locations);

- all heritage consultees including Historic England had agreed that harm was less than substantial;
- for less than substantial harm, the NPPF (paragraph 215) required balancing exercise to weigh public benefits against identified harm;
- the test of wholly exceptional benefits applied only where harm is substantial or where there would be a total loss/demolition of a heritage asset (NPPF paragraph 213);
- Historic England had been involved throughout the process and although they had raised concerns they had not raised any formal objection to the application, indicating the harm was not considered substantial;
- officers and technical experts had concluded the harm was minimal (less than substantial), not excessive and was outweighed by public benefits the application offered;
- condition 25 required details of e-bike charging facilities be included as part of cycle parking provisions, and had been agreed with applicant;
- the current crossing of Western Way adjacent the site was uncontrolled and closer to the roundabout exit, creating unpredictable stopping issues;
- the proposed crossing would provide control and would be moved 20m further back with a reduced crossing width from three lanes to two, improving safety and traffic flow;
- transport assessment modelling showed queuing would be within acceptable limits and the Highways Authority had raised no objections;
- the controlled crossing would improve safety compared to current uncontrolled arrangement and by moving the crossing further back from the roundabout exit, driver visibility and reaction time will be greatly improved;
- the reduction to two lanes and reinstating full kerb heights in the position of the existing uncontrolled crossing would also discourage informal crossings by students;
- currently the property was used as an office with 40 parking spaces which could lawfully generate a substantial number of peak vehicle trips if fully occupied;
- the proposed development provided no general car parking with only two off-site disabled spaces, which would reduce the number of potential vehicle trips compared to its current use;
- the inspector's comments made as part of the Heavitree police station application appeal were site-specific, but officers agreed as part of the recent application that the Police station site should not be treated as a City Centre gateway; however, the Clarendon House site was considered the appropriate gateway location to the city centre (and the emerging Local Plan Eastgate policy identifies it as such);
- the term gateway did not necessarily mean tall buildings as prominence can be achieved through materials and design as it is for St Sidwell's Point Leisure Centre; however, the height and massing was considered appropriate in this case;
- the application was the first Eastgate allocation application and future proposals would be assessed in the context of any approved schemes (cumulative impacts from other sites would be considered as future applications came forward);
- it was very important that the Planning Committee did not try to second-guess market demand (for student accommodation), which was a commercial matter for the developer only rather than Councillors;
- planning decisions should only focus on impact of the land use, such as concentration, imbalance and amenities;
- the site was in the city centre, where student accommodation was considered appropriate and as such was not creating imbalance;
- university growth plans could support future demand, but demand itself was

not a material planning consideration and if the developer misjudged the demand, that would be their commercial risk;

- there was no significant overshadowing or loss of light impacts identified on the adjacent buildings;
- there were limited nearby residential properties in locations that could be subject to overshadowing,
- the roof terrace would ensure good sunlight/amenity for residents;
- the primary assessments had focused on cathedral views, but there was a minor secondary impact noted on the tree belt in distant view from Barley Valley Nature Reserve;
- officers had no concerns about impacts on strategic skyline views or important long-distance views from the city centre outwards to the countryside, and the site being in a dip, limited its wider visual impacts;
- Western Way acted as a feeder route to Exeter Local Cycling and Walking Infrastructure Plan (LCWIP) routes which included E3 and E9 routes;
- improved crossings would support access to those strategic routes and students were likely to travel toward university campuses, using existing routes;
- off-site highways works would be delivered directly by developer (controlled by relevant agreements under the Highways Act which they would first need to secure), with an additional financial contribution secured via S106 to fund wider LCWIP improvements across the network;
- the image on page 36 of the presentation showing the cyclist crossing the end of Western Way was a future illustrative design view rather than the existing infrastructure – officers confirmed that cyclists are not currently able to cross at this location due to the guard rails;
- the purpose of the parapet around the top of the two towers was intended to help the building meet the skyline appropriately - it would be an open structure, which visually lightens the roofline to avoid an abrupt finish to the building;
- the overall position on housing land supply will fluctuate – whilst the granting of new planning permissions would increase this, other unimplemented permissions may also lapse. The Heavitree police station scheme had not yet been formally consented pending the Section 106, so it may not yet count fully toward supply at the current time;
- the proposed building height was almost identical to depot with about a 3cm difference between them, but the roofscapes would appear effectively level;
- the detailed design elements presented reflected the intended final outcome;
- there was a higher level of architectural detailing compared to some nearby buildings and the materials would be carefully controlled to secure quality finish;
- officers were confident the scheme would deliver a richer, more articulated façade rather than a plain building;
- the layout for Garden Lane formed part of the drawings for approval. Officers considered the current design to be strong and well considered; amendments could be explored if the Planning Committee considered them necessary, but officers did not currently identify any issues;
- architects had looked at including a ramp at the Paris Street steps but any compliant ramp was likely to need to be very long resulting in a large and potentially unattractive structure - the option had been explored with applicant, but with the delivery of Garden Lane, a step-free alternative route would be available nearby; officers considered retaining the steps to be acceptable given the proposed alternative accessible route;
- officers' assessments concluded that the roof terrace would receive meaningful sunlight, particularly in the mornings and during summer when sun is higher; some overshadowing issues were acknowledged, but it wouldn't be to the extent that space would be unattractive; wind assessments had been

undertaken and findings indicated that the wind conditions would be acceptable;

- condition 17 required the submission of a detailed hard and soft landscaping scheme and additional wording could be included to the reason for this condition to ensure the design addresses safe pedestrian and cycle movements (no amendment was required to the resolution for this minor change).

The meeting was briefly adjourned at 20:14 and resumed at 20:22.

During debate, Members expressed the following views:-

- benefits of the scheme included improved movement around the site, which was important due to the gateway location and use by cars, pedestrians, and cyclists;
- other benefits included the creations of jobs and housing, but those weren't unique to this scheme;
- concerns included heritage impacts and building massing, notably on the immediate streetscape;
- comparisons were made with the nearby Depot building, notably being imposing, blocky, and being pressed against the street;
- this scheme had some merits, including better detailing than early designs, but could benefit from more sensitive massing and enhanced heritage-sensitive design;
- the creation of Purpose Built Student Accommodation (PBSA) would help reduce HMOs for residential use;
- adaptable units allowed potential future reconfiguration for other uses;
- the scheme aligned with the Eastgate City Centre Gateway design policies;
- the improvements to pedestrian crossings, green amenity space, cycling provision, and CIL/S106 contributions were commended;
- heritage harms appeared to be limited due to building being in a dip with only short sections of Clifton Hill views affected;
- the building connecting to the district heat network would help achieve green sustainability standards;
- the scheme being commercial was noted and the gateway location and longer term impacts were highlighted, given the building would be present for a generation;
- concerns were raised about massing and density relative to the site and junction capacity;
- the area was in an Article 4 area for HMOs which already had a high student concentration and the community balance argument was now largely lost;
- despite peripheral gains for the crossings and amenity improvements there were subsidiary issues relating to massing and density;
- the developers response to Planning Member Working Group feedback was commended;
- the scheme was significantly improved from the originally submitted plans;
- planners could adjust Garden Lane as required without adding any additional conditions to do so;
- the design was considered sensitive for its size, and reflected the surrounding brickwork and building curvature;
- despite being tall and high-density, there were no material reasons to refuse;
- despite concerns about potential oversupply of PBSA, officer advice was accepted that this was not material;
- heritage concerns were less significant after viewing images from various sites;
- crossing improvements were welcomed, though some reservations remained

- about roundabout capacity;
- the massing appeared large and a potential reduction of one or two floors was suggested;
- design improvements since the first submission were commended, notably the reduction in size from 20 storeys;
- the curvature and design reflected the surrounding area;
- the Garden Lane access, if implemented properly would remove the need for any cycling signs;
- the current massing is the best that could be achieved and further reductions were unlikely;
- despite acknowledging improvements over earlier design, this was an opportunity to get the building right, especially given the site is a gateway; and
- the current building was lower than the proposed central block and that the proposed scheme would be significantly larger.

In responding to a Members enquiry, the Principal Project Manager - Development Management, advised in relation to archaeology and wartime munitions concerns that risk of unexploded ordnance (UXO) was minimal due to existing basement construction and archaeology focused on the former burial site, which evidence suggested has already been deconsecrated. The UXO matter would be best addressed through a developer informative, rather than formal conditions.

The Strategic Director for Place made the following concluding points:

- the site was a strategically important gateway in the city centre, part of the Grecian Quarter in the emerging City Centre strategy;
- as a gateway, it required a substantial building to mark the location and make a statement;
- the site was part of the Eastgate allocation in the draft Exeter Plan as part of the Eastgate Liveable Exeter site which aimed to regenerate a tired city area into a high-quality, low-car neighbourhood;
- a building height study for the local plan identified the site as being suitable for a tall building, up to 10 storeys;
- approving shorter buildings, such as 6 storeys could conflict with the Local Plan objectives and limit regeneration opportunities;
- the site topography allowed the building to be memorable without overwhelming nearby structures;
- the team had been working collaboratively with architects since 2023, with the scheme undergoing extensive revisions and consultation;
- engagement included: two rounds of public consultation, three Design Review Panel reviews, three Planning Member Working Group reviews and input from Historic England;
- significant design changes included a reduction in height from 20 storeys to 10 and similar reductions elsewhere;
- the design process demonstrated care, technical precision, and responsiveness to heritage concerns;
- there had been a low number of objections, and notably Historic England had not objected though they had raised minor concerns;
- the heritage impact was a key determining factor and expert consensus was that the overall harm was less than substantial;
- officers described the harm as being generally minor, affecting only two views: at Dunsford Road (historically significant) and Clifton Hill (not historically significant);
- limiting the building height to less than 6 storeys, would undermine regeneration and viability;

- approving the scheme supported tall building ambitions in the city centre and refusal could set a restrictive precedent, hindering future development;
- benefits of the scheme included:
 - transforming a poor-quality site into a high-quality student accommodation, minimising impacts on the existing community;
 - the creation of a new street, linking into the city centre and the Newtown scheme;
 - high-quality landscaping and public realm improvements, including Garden Lane linking Triangle Car Park to city centre and the relocated signalised pedestrian crossing improving safety;
 - design quality which enhances the cityscape and provides a positive gateway impression; and
 - supports local plan housing targets and regeneration objectives;
- there was a potential risk of appeal if refused, reinforcing the importance of the tilted balanced;
- the development counted towards the Exeter Plan housing numbers, which was important given the forthcoming Local Plan hearings;
- student accommodation was appropriately located in the city centre and overconcentration was not considered a concern;
- future market demand for PBSA was not a relevant planning consideration;
- officers had presented compelling reasons to support the scheme, which had been carefully designed and technically assessed; and
- the development was expected to provide significant benefits for Exeter if approved.

The Chair moved, and Councillor Rolstone seconded the recommendation

It was proposed by Councillor Atkinson and seconded by Councillor Mitchell that the following amendment be made to the motion as follows:

- to defer the application to allow further discussions with the developer regarding reducing height and massing.

The Strategic Director of Place advised Members that the proposal constituted an amendment and required a vote. If carried, the application would be deferred and if not, the Planning committee would return to the original officer recommendation. He highlighted that each application must be considered on its own merits.

The Principal Project Manager - Development Management, advised Members that the application was currently beyond the target determination period and that while cooperation with the applicant had been positive, there was a risk of non-determination if it was deferred.

During the debate on the amendment, the following points were made:

- extensive design review process had already been undertaken and there was no material planning grounds to justify deferral;
- the Planning committee should not delay unnecessarily;
- previous major applications were referenced where refusal or deferral had occurred;
- it was important for the Planning Committee to get the decision right for a major gateway development;
- the committee's role was to represent community concerns; and
- deferral would provide an opportunity to address outstanding issues, even if

developer ultimately pursued non-determination.

Councillor Atkinson as the mover of the amendment made the following points:

- additional issues raised during debate, particularly relating to cycling and other design matters were noted;
- the developer's presentation was positive and responsive; however, some questions were not fully answered; and
- a deferral would provide an opportunity for further discussion with the developer to clarify outstanding matters and return with fuller responses.

On being put to the vote, the amendment to defer the motion was NOT CARRIED (4 in favour, 5 against and 1 abstention).

The Chair returned to the substantive motion to approve the application as recommended and on being put to the vote, was CARRIED (6 in favour, 3 against and 1 abstention).

RESOLVED to delegate to the Head of Service (City Development) to GRANT permission subject to completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) to secure the obligations and conditions as set out in the Planning Committee report and update sheet.

RESOLVED to REFUSE permission if the legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) is not completed within six months of the date of the meeting, or such extended time as agreed in writing by the Head of Service (City Development).

61

LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS

The meeting was briefly adjourned at 21:01 and resumed at 21:03.

Chair invited questions or comments but none were raised.

The report of the Strategic Director for Place was noted.

62

APPEALS REPORT

A Member enquired whether the number of appeals listed was unusually high and asked if there had been a recent increase compared to typical levels?

The Strategic Director for Place advised he did not have the data to confirm but could review whether a pattern existed.

A Member clarified that many of the appeals related to the similar BT applications to remove phone boxes and install illuminated advertising panels. They had submitted separately due to different locations. The Strategic Director for Place advised that he was aware of these proposals and that they do need to be given careful consideration due to their size and prominence.

No further questions were raised and the report of the Strategic Director for Place was noted.

(The meeting commenced at 5.30 pm and closed at 9.07 pm)

Chair