

# Planning Committee Report 25/0781/FUL

## 1.0 Application information

Number:	<a href="#">25/0781/FUL</a>
Applicant Name:	Eutopia Exeter Arches Ltd
Proposal:	Demolition of multi-storey car park and construction of a co-living development alongside public realm improvements, landscaping, cycle and car parking, servicing, refuse and recycling provision, and associated works (REVISED PLANS).
Site Address:	Mary Arches Street Car Park Mary Arches Street Exeter
Registration Date:	18 June 2025
Link to Documentation:	<a href="#">25/0781/FUL - Related Documents</a>
Case Officer:	Howard Smith
Ward Member(s):	Cllr Diana Moore, Cllr Tess Read, Cllr James Banyard

REASON APPLICATION IS GOING TO COMMITTEE: The Head of City Development considers the application to be a significant, controversial and/or sensitive application that should be determined by the Planning Committee in accordance with the Exeter City Council Constitution.

The application was presented to committee on 19 January, and the committee's determination was:

RESOLVED that the Committee DEFER determination of the application, on the grounds that further discussions were required between officers and the applicant to address:

- the scale and massing of the proposed development;
- the design quality and treatment of the street-facing elevations; and
- that these matters be explored and reported back to a subsequent meeting of the Planning Committee.

## 2.0 Summary of recommendation

The recommendation is in two parts: **APPROVE**, subject to conditions and completion of a S106 legal agreement; and **REFUSE** if the agreement is not completed in a timely manner.

### 3.0 Reason for the recommendation:

Taking into consideration the guidance in paragraph 11 of the NPPF, it is considered that the benefits of the proposed residential development, in meeting demonstrated housing need, outweigh the heritage harm and all other harms. It is also considered that the design of the building, whilst not achieving all desirable design objectives, is acceptable given the impact of the current site on the Conservation Area and the setting of listed and locally listed buildings.

### 4.0 Table of key planning issues

Issue	Conclusion
Principle of development	<p>In determining that the current car park is no longer required Exeter City Council demonstrated that sufficient capacity existed within other car parks to accommodate city centre parking demand. This car park draws vehicular traffic across the main High Street/Fore Street spine of the city centre and closing this car park would impact positively on air quality and reduce conflicts between pedestrians and vehicular traffic. The amended application now includes provision for three disabled parking spaces on Synagogue Place. There is existing dedicated provision for on-street motorcycle parking nearby on Bartholomew Street East. There is therefore no objection to the loss of car parking on the site.</p> <p>The proposal would result in the loss of renewable energy generating capacity from the rooftop solar installation on the multi-storey car park.</p> <p>The demolition of the car park would also involve the loss of two retail units on North Street which are part of the Car park building. The loss of these units is regrettable; however, the development includes active frontages, including an entrance, in this location.</p> <p>Redevelopment of this brownfield site in a highly sustainable location for 297 co-living beds conforms to the spatial principle of redeveloping such sites in preference to greenfield sites and is strongly supported in national and local planning policy.</p> <p>Co-living is a relatively new residential use type which is considered to fall outside the uses defined in the Use Classes Order, which is to say it is considered to be a 'sui generis' use. The principle of this use has been established through consents on other sites (e.g. Summerland Street,</p>

Issue	Conclusion
	<p data-bbox="500 239 1284 310">Harlequins Centre, and former Police Station Heavitree Road) and in draft Exeter Plan Policy H6 Co-living.</p> <p data-bbox="500 359 1370 541">Whilst a sui generis residential type Co-living is considered to be a form of Build to Rent Housing and national guidance that 20% of units (60 units) should be Affordable Housing is considered to apply. Affordable Housing can be secured through a S106 agreement.</p> <p data-bbox="500 590 1349 772">Policy H7 of the Exeter Local Plan guides that housing on larger sites with good access to services should provide Accessible Housing for people confined to wheelchairs. 5% of the Affordable Units (3 Units) should be secured to M4(3) standard as Wheelchair Accessible.</p> <p data-bbox="500 821 1370 1331">With the exception of the Affordable Housing units, the Co-living accommodation is market housing. The applicant has advised that only a small percentage of units are anticipated may be occupied by students. It is considered desirable that the accommodation is not dominated by students in the interests of promoting co-living community. The applicant has offered to include a restriction not more than 10% of occupants being undergraduate students and to exclude full time students from occupation of the Affordable Units. This restriction is not necessary to make the development acceptable in planning terms and has not been taken into account in the assessment of the application or the planning balance. This specific obligation is offered voluntarily by the applicant and is not a material planning consideration.</p>
Impact on Heritage assets	<p data-bbox="500 1379 1370 1780">The site is within the historic walled core of the Roman city and through investigation has been demonstrated to retain good survival of multi period archaeological deposits from the Roman genesis of the city through to the second world war. The importance of the archaeological deposits, which would be lost to development, necessitates a full excavation, analysis and recording of the site, and for a high standard of public engagement to connect the city to that buried heritage which would be lost. A programme of archaeological work can be secured by conditions and support for public engagement through the S106 agreement.</p> <p data-bbox="500 1829 1338 1898">The site is surrounded by several listed buildings, including the Grade I St Mary Arches Church, Grade II* Synagogue,</p>

Issue	Conclusion
	<p>and Grade II listed former Gaumont Cinema (now Mecca Bingo), as well as other Grade II and locally listed buildings on Mary Arches Street and North Street. Its inclusion in the Central Conservation Area further highlights the necessity for a sensitive and contextually appropriate approach to redevelopment. At four storeys the building would represent an increased height and massing compared to historic buildings in the street, with the exception of Mary Arches Church. The relative scale of the building is considered to impact on this part of the Conservation Area and setting of nearby Listed and Locally Listed buildings and the City Walls (Scheduled Ancient Monument). The part of the City Wall directly opposite the site is not scheduled therefore the protection of its setting is not defined by law, however ECC consider scheduled or not the City Wall should be considered as deserving the highest protection under the NPPF. The harm is assessed as less than substantial harm. The reduction from five to four storeys and articulation of the Mary Arches Street frontage has substantially reduced this harm to heritage assets.</p> <p>The development is visible in longer range views from the west and especially from the St Davids Hill/Iron Bridge approach. Block A which replaces the multi-storey car park will be one storey, approximately 4.5 metres, taller than the car park with the installed rooftop solar panel canopies. The building will not impede views from the west of historic buildings; most importantly views of the Cathedral. The impact of the building on longer range views is not considered unacceptable.</p> <p>The development will impact on medium and shorter-range views in and around the city centre. The view of St. Michaels Mount Dinham from Fore street will be largely lost, though this view is revealed when travelling along Mary Arches Street. In views along North Street from High Street the building will book end the historic terrace of building rising taller than the current carpark. The appearance of building itself is improved and the removal of the bridge over North Street results in an improved view out towards the landscape setting of the city.</p>
Scale, design, appearance,	The application seeks to comprehensively redevelop the site, demolishing the existing multi-storey car park and building on

Issue	Conclusion
density	<p data-bbox="500 243 1338 390">the existing surface car park and to replace them with a 4, and 6 storey co-residential scheme of 297 residential co-living units, with communal facilities, associated landscape, and public realm enhancements.</p> <p data-bbox="500 422 1357 669">The application has been amended since first received to revise the external appearance, reduce the number of residential rooms, introduce communal kitchens on each residential floor, improve ground floor internal arrangements; to improve the design of the building and entrances and officers are now satisfied with the internal layout of the proposed redevelopment.</p> <p data-bbox="500 722 1365 1192">Further substantial design changes have been made since committee considered the application in January, including to reorganise internal accommodation, redesign the link between the two blocks, reduce the height of the building in Mary Arches Street to four storeys and introduce an entrance on the corner of Bartholomew Street and North Street were made following the representation of the application at Planning Committee on 19<sup>th</sup> January. At that meeting it was resolved to defer the decision to a subsequent planning committee, a request that “officers to go back to the developer to seek further consideration on scale and massing, and design issues regarding the street facing aspects”.</p> <p data-bbox="500 1245 1300 1310">The development comprises two blocks linked at surface level.</p> <p data-bbox="500 1362 1360 1579">Communal internal spaces for the development as a whole and servicing is provided at ground floor and part of first floor of Block A and street level of Block B. Cycle and bin stores and a secondary entrance are provided with access from Bartholomew Street East with a layby formed to replace the redundant car park vehicular entrance.</p> <p data-bbox="500 1631 1369 1879">Block B fronting Mary Arches Street has been amended to be four storeys tall, with lowest floor set a storey higher than Block A and labelled first floor in drawings. Co-living units are arranged on each floor along with a communal kitchen in both blocks. A street entrance is provided at ground floor level. Block B has been amended to bring the corner elements forward to rear of footway and orientated those</p>

Issue	Conclusion
	<p>facades with the street alignment. The central section remains set back which provides defensible space in front of ground floor bedroom windows. The design and position of Block B is considered to significantly improve on that previously presented to committee and to reduce the heritage harm and better reflect historic street patterns and enclosure, particularly along Mary Arches Street.</p>
<p>Impacts on the Amenity of Neighbouring Residential and Commercial Occupiers</p>	<p>The development replaces an existing multi-storey car park which is not a good neighbour for residential development.</p> <p>The nearby residential properties in North Street, including those above and behind the street level commercial units, are not considered to be significantly adversely affected by loss of light or by loss of in-building privacy.</p> <p>Residential properties in Mary Arches Street and Mitre Lane are situated across a public street from the development and are not considered to be unacceptably affected In Mitre Lane there will be some shading of windows but given the city centre location and the distance between buildings the impact on light levels is not considered to result in unacceptable living conditions or an unusual relationship between buildings.</p> <p>A small number of buildings on North Street rely on the existing alleyway between the 20 and 21 North Street which is proposed to be gated. Access for these residents, can be secured in the legal agreement that secures public access to the walkways through the site.</p> <p>External lighting and plant noise from the development can be controlled by condition in the interest of avoiding nuisance to neighbouring residential properties as well as occupiers of the development itself.</p> <p>The proposed pocket park on the corner of Synagogue Place with Mary Arches Street and the walkway through the site have the potential to attract or give opportunity for antisocial behaviour. In addition to gating of the walkway the management of the park and walkway, and coverage by CCTV, will need to be secured through conditions and a legal agreement. Management presence on site is required 24/7.</p>

Issue	Conclusion
Amenity of future occupiers	<p data-bbox="500 279 1370 716">Communal spaces for the development as a whole and servicing is provided at ground floor and part of first floor of Block A and B. These include Lounges, Gym and Fitness Studio, Co-work spaces, media room, laundry, private events space, communal kitchens and communal dining. Whilst some spaces are remote from some residential units in Block B, covered connection is provided and the quantum, type and arrangement of internal communal spaces would meet the Greater London Guidance and is considered acceptable. Internal communal facilities average a total of 3 sqm per resident with 1 sqm per resident of additional kitchen/diner space.</p> <p data-bbox="500 768 1344 947">Amenity outdoor space is provided at the rear of Block A at ground floor level and in roof terraces on both blocks. The quantum and arrangement of external amenity space would meet the Greater London Guidance and is considered acceptable.</p> <p data-bbox="500 999 1349 1213">Each of the upper residential floors has a communal kitchen dining space with an average of 1 sqm per resident of kitchen/diner space located on the same floor as the residential unit. The size and location are considered appropriate for the quantum of co-living residential units when assessed against the London Guidance</p> <p data-bbox="500 1266 1308 1371">The range of communal amenity spaces, the quantum, arrangement and locations are also considered to accord with the aims of emerging Exeter Plan Policy H6.</p> <p data-bbox="500 1423 1373 1749">The development is comprised of 297 co-living accommodation units in total, 265 'Standard Units' and 32 'Large Units'. Of the Standard co-living units 240 are between 18 and 20 square metres internal area with 25 units that are between 21 and 26 sqm. The 32 'Large Units' are 27 sqm or more. 'Standard Units' are considered suitable for single occupancy and should be restricted in the S106. Amenity spaces will need to be protected in the interests of the living conditions of future occupiers.</p> <p data-bbox="500 1801 1365 1900">The acoustic design of the building facades can be controlled by condition to ensure that future residents are adequately protected from the impact of noise from neighbouring uses</p>

Issue	Conclusion
	<p>and general noise environment including during hot weather and at night. The landscaping of the site includes and acoustic barrier fence on the boundary of the Bingo all the details and implementation of which can be secured by condition.</p>
<p>Impact on Trees and Biodiversity</p>	<p>Landscaping and tree planting around the car park perimeters contributes positively to the area but is largely of ornamental species. The removal of these trees on the frontage of Bartholemew Steet East is undesirable on ecology and biodiversity grounds. However, the replacement of those trees with tree planting better suited to the location and which are planted to relate to the new building is considered justified in the interests of creating a development that sits well with its landscaping and addresses level differences more positively than the car park landscape planter.</p> <p>In Mary Arches Street some trees planted on the car park perimeter have been lost over recent years. The mature Raywood Ash tree in Mary Arches Street at the rear of the Bingo Hall is however a prominent and healthy tree that makes a substantial positive impact and is considered worthy of retention. Similarly, three mature trees in Mitre Lane are considered worthy of retention and the building footprint of the rear wing of Block B has been adjusted to allow for the retention of these trees. The junction of Mitre Lane and Mary Arches Street is an opportunity to replace recently lost tree and to enhance Mitre Lane and Mary Arches Street.</p> <p>The proposed development results in an overall reduction in measured biodiversity due to the loss of trees on the Bartholemew Street East Road frontage. The development includes enhancement, through landscape planting and the introduction of bat and bird boxes at street and roof levels and will require off-site measures to be secured to achieve overall 10% Biodiversity Net Gain.</p> <p>Compensation for the loss of biodiversity and ecology on site can be secured through both on and off-site measures.</p> <p>Contributions to mitigate the identified impacts of the proposed residential development on the Exe Estuary SPA can be secured in accordance with the South-east Devon</p>

Issue	Conclusion
	European Site Mitigation Strategy.
Travel, Access and Parking	<p>The proposed development is car-free with servicing from Mitre Lane and Bartholemew Street East. The area is subject of on street parking controls and the development can be excluded form eligibility for residents parking permits. Three disabled parking spaces for general use are proposed on Synagogue Place.</p> <p>Provision is made for resident’s cycle parking the quantum of which is in accordance with the Sustainable Transport SPD and is located in two cycle stores which are accessed directly from Bartholemew Street East and have internal access.</p> <p>The development is not considered to give rise to any unacceptable impact on highway safety and the residual cumulative impacts on the road network are not severe, the multi-storey car parks being closed, and hence it is not considered that there are any grounds for refusal of the application for Highways reasons.</p> <p>There are no documented public rights of way across the site between North Street and Mary Arches Street. Two alleyways from North Street that are public highway do not extend to Mary Arches Street or Mitre Lane, though these routes are used informally. The proposed development would physically block the route from North Street to Mitre Lane. A permissive route linking the two existing alleyways from North Street together and to Mary Arches Street would be created by the development. This is proposed to be gated with public access secured through a S106 legal agreement and managed by the site operator. Provisions for closure for maintenance and in the event of antisocial behaviour are proposed to be included.</p> <p>Synagogue Place connects to private land as part of the Bingo Hall (which is gated) and would not be affected by the development.</p> <p>There are loading bays on street in North Steet outside the building entrance. The proposals include a vehicular lay-by in Bartholomew Street East that would facilitate servicing of Block A and those moving in or out of the development. Mitre</p>

Issue	Conclusion
	<p>Lane also facilitates servicing of Block B.</p> <p>The removal of the car park access lane in Mary Arches Street, which is one way, would potentially enable footway widening, on street blue badge parking, and/or creation of dedicated cycle lanes or cycle priority.</p>
Sustainable Construction and Energy Conservation	<p>The multi-storey car park has a high embodied carbon in construction but is unsuitable for conversion to residential development.</p> <p>The proposed development includes Mechanical Heat Ventilation Recovery as part of the ventilation system, Heat Pumps to support water heating, and rooftop solar photovoltaic panels. The applicant has estimated overall CO2 emissions reduction for the proposed development is 67.4% against currently Building Regulations Part L 2021 as shown in the graph below. These measures will be secured by a condition.</p> <p>The proposed development will minimise the use of mains water by achieving a maximum indoor water consumption of 105 litres per person per day in line with the 'Optional Requirement' of Approved Document Part G (2016), which will be secured by a condition.</p> <p>A sustainable construction waste strategy will be secured by a condition.</p>
Flood Risk and Surface Water Management	<p>The existing development largely hard surfaces the site. The proposals would reduce the surface water run off rate and South West Water have confirmed capacity in their infrastructure to connect the development proposed.</p>
Pollution	<p>The site is identified as potentially to be subject of ground contamination however officers are satisfied that the development proposed can safely be permitted subject to conditions.</p> <p>Through reduced vehicular traffic movements to the site the development would not impact negatively on air quality.</p>
Affordable	<p>20% of the proposed co-living units would be secured as</p>

Issue	Conclusion
Housing	private rent affordable housing in accordance with national Planning Practice Guidance which is consistent with other Build to Rent developments granted permission in the city. The affordable housing can be secured in a s106 legal agreement.
Mixed Communities	The proposed development of co-living housing is in an inner urban area which has a wide mix of housing stock with purpose-built student accommodation on an adjacent site. Whilst it is a single residential type and tenure, it adds to the accommodation types in this area, and it is not considered that it would result in an over concentration of this particular residential use type in the area.
Housing supply.	<p>The development would provide 297 units of co-living accommodation, which would be counted as 165 dwellings and should be afforded substantial positive weight in the planning balance.</p> <p>The applicant has demonstrated that the building could be converted to studios and apartments that meet national minimum space standards should demand for Co-living reduce in future.</p>
Economic benefits	The development would provide economic benefits in construction phase. The development of these additional residential units, including affordable housing, will support the labour supply in the local economy. The additional residential accommodation in the city centre will support the vitality of the city centre.
Community Infrastructure Levey (CIL) and New Homes Bonus	<p>The development will generate approximately £182,355.74 in CIL at 2025 rates.</p> <p>New Homes Bonus will also be received on the basis of increased dwelling numbers.</p>
Planning Obligations	<p>A S106 obligation can secure:</p> <ul style="list-style-type: none"> <li>• 20% of Co-living Units (60 units) as 'Affordable Private Rent', including 3 wheelchair M4(3) units.</li> <li>• Highways Contributions totalling £139,050</li> <li>• Contribution of £10,000 for Traffic Orders</li> </ul>

Issue	Conclusion
	<ul style="list-style-type: none"> <li>• Car Club Contributions £146,4346.2 for vehicle provision, and associated £7,269 TROs and £7,269 Road Markings</li> <li>• Provision of permissive path, including public access and ongoing maintenance</li> <li>• Co-living Management Plan, including measures to discourage car ownership and use</li> <li>• Primary Health Care contribution £87,184 towards expansion of GPS surgery provision</li> <li>• Contribution of £457 per bedspace towards the provision and improvement of off-site public open spaces serving the development.</li> <li>• Contribution of £278 (per bedspace towards the provision or improvement of off-site playing fields city-wide.</li> <li>• Habitat Regulations mitigation - Exe Estuary (Affordable units only) - £1278.71</li> <li>• 24/7 onsite management presence</li> <li>• A financial contribution £93,035 to support public engagement of archaeological investigation and its findings</li> <li>• Restrictions on Full Time Student Occupation of 10%</li> <li>• S106 Monitoring Fee</li> <li>• Bio-diversity Net Gain Monitoring Fee</li> </ul>

## 5.0 Description of site

The 0.49-hectare site is within the historic centre of the City of Exeter and occupies the core of a city block with complex boundaries. It has highway frontages on Mary Arches Street, Bartholomew Street East, North Street, Synagogue Place, and Mitre Lane. The site includes a multi-storey and surface car park which are considered to make a negative contribution to the Central Conservation Area and the setting of nearby Listed Buildings, and to be poorly located from a traffic circulation perspective.

The site is partly bounded by the rear of commercial and residential buildings on Bartholomew Street East and North Street, and the rear of the Grade II Listed Mecca Bingo Hall.

The site levels are complex due to the history of development and the underlying topography. The site was levelled following the Second World War bombing, with the multi-storey car park and surface car park set at different levels; the surface car park

is raised by bomb-damage debris. Overall, the site slopes down towards Mary Arches Street, and more steeply towards the north-west corner at the junction of North Street and Bartholomew Street East.

The site is within the Central Conservation Area and Area of Archaeological Importance. The site comprises buildings and spaces that make a negative contribution to the Central Conservation Area.

Several other Listed Buildings including the Grade I St. Mary Arches Church, Grade II\* Synagogue and, as well as Grade II and Locally Listed buildings on North Street and Mary Arches Street are in proximity all of which make a positive contribution to the Conservation Area.

The site is prominent when viewed from the northwest from the St. Davids's Hill and Iron Bridge approach to the City Centre and from Mount Dinham area. The City Wall, which is a Scheduled Ancient Monument, is on the opposite side of Bartholomew Street East.

The site includes a number of mature trees that are protected by virtue of being in a Conservation Area. Trees on the street frontages at Mary Arches Street, Mitre Lane and Bartholomew Street East make a positive visual contribution towards the character and appearance of wider area. Trees on site were mixed species planted as part of previous development of the site.

## **6.0 Description of development**

Demolition of a six-deck multi-storey car park with solar panel canopies on the upper open deck, also redevelopment of a surface car park. The car parks provide a total of 481 spaces when fully operational, though upper floors of the multi-storey are currently not in use. The car parks can be accessed from Mary Arches Street and Bartholomew Street East. A decision to close the car parks was taken by the City Council in 2022 and capacity to accommodate parking displaced from Mary Arches was identified in other city centre car parks. Consent for the demolition of the footbridge connecting the multi-storey car park to the Guildhall Shopping Centre was granted in September 2025.

The proposal is for construction of a co-living development alongside public realm improvements, landscaping, cycle and car parking, servicing, refuse and recycling provision, and associated works.

The application was amended during the application process. Further substantial design changes have been made since committee considered the application in January, including reorganisation of internal accommodation, redesign of the link between the two blocks, reduction of the Mary Arches Street element to four storeys, and introduction of an entrance at the corner of Bartholomew Street and North Street.

At that meeting it was resolved to defer the decision to a subsequent planning committee, with a request that officers seek further consideration of scale, massing and design of the street-facing aspects.

The proposal comprises two blocks with a single storey link between the blocks. Block A, which is six storeys on the Bartholomew Street and North Street frontages with a four storey rear element with rooftop garden. The block has a ground floor reception with a new stepped entrance located at the corner of Bartholomew Street East and North Street, and an at-grade entrance on North Street to respond to challenging topography. The ground floor of Block A provides communal accommodation for both blocks including lounges, gym and studio, co-working, laundry, as well as service, bin store and cycle parking. Cycle and bin stores are directly accessed from Bartholomew Street East where there will be a service lay-by. The link to Block B is at the first floor of Block A as Block B is set at a higher level. A sunken courtyard garden and rooftop (4<sup>th</sup> floor) terrace on Block A provide amenity open spaces.

Block B is amended to be 4 storeys and comprises co-living units with communal kitchens on each floor with a lounge and reception at street level. There is an entrance from Mary Arches Street and an area of amenity space open to the street and the public on the junction with Synagogue Place. Bin and cycle storage is accessed from Mitre Lane.

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

18 June 2025

Topographical Survey - Whole site  
Landscape Management and Maintenance Plan  
Biodiversity Metric - Statutory  
Air Quality Assessment  
Arboricultural Impact Assessment  
Archaeological Assessment  
Geo Environmental Phase 1  
Archaeology WSI  
Co-living Draft Management Plan  
Fire Statement  
Flood Risk Statement and Drainage Strategy  
Geo Environmental Phase 1  
Noise Impact Assessment  
Sustainability - Net Zero Carbon Statement  
Travel Plan  
Transport Statement  
Co-living Demand Study  
CIL FORM 1 Additional Information

Design and Access Statement  
Daylight Sunlight and Overshadowing Report  
Waste Audit Strategy  
Planning Statement  
Planning Application Cover Letter June 25  
Statement of Community Involvement

25 June 2025

Heritage, Townscape and Visual Impact Appraisal (HTVIA)

15 July 2025

Ecological Impact Assessment Update July 2025

1 August 2025

Ecological Impact Assessment Update July 2025

19 September 2025

Design and Access Statement Addendum

24 September 2025

Cover Email revised plans and supporting information 24 Sept 2025  
Biodiversity Net Gain Statement and Assessment Revised  
BNG Addendum Note  
Ecological Impact Assessment Revised  
Response to Devon Tree Officer Observations & Design Officer Comments

30 October 2025

Arboricultural Management Plan October 25  
Ecological Impact Assessment - Update October 25  
Mary Arches Street, Exeter Archaeology Report

8 December 2025

Mary Aches Design Addendum  
Tree Retention Plan

6 January 2026

Tree Pruning and Encroachment Plan

15 January 2026

CGI Views  
Verified Views

12 March 2026

Mary Arches Exeter Arboricultural Impact Assessment Rev1

Ecological Impact Assessment rev4

Design Addendum3

Landscape Commentary

Marys Arches HTVIA Addendum 2503RE02.1

Unit Breakdown P4

Biodiversity Net Gain Statement and Assessment Rev3 17.03.2026

Statutory Biodiversity Metric

## 8.0 Relevant planning history

Reference	Proposal	Decision	Decision Date
25/0951/FUL	Demolition of footbridge between Guildhall Shopping Centre and Mary Arches Street car park	PER	11/09/2025
14/4624/ECC	Installation of photovoltaic solar panels on the top deck of multi-storey car park.	PER	09/12/2014
72/271	Car park and shops	PER	29/06/1972

## 9.0 List of constraints

Airfield Safeguarding buildings in excess of 90m.

Airfield Safeguarding potential bird attractant developments

Area Of Archaeological Importance

Air Quality Management Areas

Bombs and Crater points

SPA Exe Estuary

Central Conservation Area

Public Highways

## 10.0 Consultations

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

### National Bodies

**Historic England** advise that Mary Arches in Exeter is of exceptional historical and archaeological importance. Located within the ancient city walls, the site contains evidence from the Roman, Saxon, Medieval, and later periods. It is designated as an Area of Archaeological Importance and is surrounded by several listed buildings, including the Grade II\* Synagogue and Grade I St Mary Arches Church. Its inclusion

in the Central Conservation Area further highlights the necessity for a sensitive and contextually appropriate approach to redevelopment.

Redevelopment of the site is welcomed in principle, as the current condition—marked by open ground and an intrusive multi-storey car park—detracts from the setting of heritage assets and the wider conservation area. The site presents a significant opportunity to provide new accommodation and to enhance the character of the city centre. However, the proposed scheme raises several substantial concerns.

**Scale and Massing:** The proposed buildings are considered excessively tall and bulky, which would intensify the existing discordance with the historic townscape. The increased height would further harm the conservation area and the setting of adjacent listed buildings, exacerbating the disparity between new and historic structures.

**Design Response:** The design does not sufficiently respond to the historic context. There is a missed opportunity to reinstate historic street patterns and enclosure, particularly along Mary Arches Street and North Street. The decision to set buildings back from the street line and to introduce a pocket park disrupts the traditional urban grain and fails to address the area's historic character.

**Active Frontages and Public Realm:** The lack of active street-level uses—such as shops, cafes, or entrances—along key elevations is likely to diminish the vibrancy and safety of the area. Long, inactive frontages will have a deadening effect on the street scene, contrary to the principles of good urban design.

**Archaeological Impact:** There is insufficient evidence regarding the extent, preservation, and significance of below-ground remains. A comprehensive archaeological evaluation is required to inform the final design and any necessary mitigation. The site's archaeological potential is high, and any intervention must be guided by robust evidence and best practice in urban archaeology.

**Policy Alignment:** The scheme does not currently meet the requirements of national and local planning policies. It falls short of the standards set for design quality, heritage conservation, and enhancement of local character. The proposal does not demonstrate a robust understanding of the site's significance or adequately minimize harm to heritage assets.

**Potential for Exemplar Development:** The site offers a rare opportunity to set a benchmark for sensitive redevelopment within Exeter's historic core. A more ambitious and contextually responsive design could restore and reconnect the urban fabric, enhance the setting of heritage assets, and deliver substantial public benefits.

Following deferral at committee in January and submission of revised plans Historic England continues to raise concerns. It considers that the proposal, notwithstanding recent amendments, fails to respond adequately to the historic context in terms of its overall massing, scale, grain, articulation and architectural approach, and therefore does not achieve the high-quality design expected for such a sensitive and prominent location. Particular concern remains in relation to Block A, which is viewed as a missed opportunity to better reflect the historic grain and topography of the

conservation area, while revisions to Block B, including the removal of the upper storey, have improved its relationship with the surrounding townscape but have resulted in an unsatisfactory and overly blunt roofline. Historic England also highlights opportunities to better address the relationship with nearby heritage assets, including the synagogue site and adjacent listed buildings.

Concern is also expressed in relation to below-ground archaeology. A submitted archaeological trench evaluation confirms the presence of substantial archaeological stratigraphy, with evidence of Roman occupation, and identifies the site as being of very high archaeological significance within a designated Area of Archaeological Importance. However, Historic England notes that the evaluation is limited to the open car park area and does not cover the entire site, leaving key uncertainties unresolved. It reiterates the importance of achieving a fuller understanding of archaeological remains across the whole site at an early stage to inform design development, foundation solutions and appropriate mitigation, thereby reducing risk and potential impact. Overall, Historic England advises that, without further design improvements and a more comprehensive assessment of below-ground impacts, the proposal does not currently meet relevant national policy requirements or statutory duties relating to the preservation of listed buildings and conservation areas, and it recommends that amendments, safeguards or further information are sought before the application is determined.

**Conclusion:** There are strong concerns regarding the application on heritage grounds, specifically relating to the impact on below-ground archaeology and the overall design approach. The issues and safeguards outlined in the advice must be addressed to ensure compliance with statutory duties and planning policy requirements.

**Natural England** advises that the proposed development has the potential to have a harmful effect on terrestrial Sites of Special Scientific Interest (SSSIs) and those Special Areas of Conservation (SACs), Special Protection Areas (SPAs) or Ramsar sites that they underpin. Natural England's statutory advice on these potential impacts is set out below. Page 2 of 2 Your authority has measures in place to manage these potential impacts through a strategic solution which Natural England considers will be effective in preventing adverse impacts on the integrity of the site(s). Notwithstanding this, Natural England advises that these measures should be formally checked and confirmed by your authority, as the competent authority, via an appropriate assessment in view of the Natural England Access to Evidence - Conservation Objectives for European Sites and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended). Providing the appropriate assessment concludes that the measures can be secured, it is likely that Natural England will be satisfied that there will be no adverse effect on the integrity of the European Site(s) (habitats site(s)) in relation to recreational disturbance. Where the proposal includes bespoke mitigation that falls outside of the strategic solution, Natural England should be consulted.

**Active Travel England** has determined that standing advice should be issued and would encourage the local planning authority to consider this as part of its assessment of the application.

**South West Water** responded with advice about asset protection, confirmation that the surface drainage proposals meet with the Run-off Destination Hierarchy, that SWW can provide potable water and foul drainage, and recommend informatives to be attached to any consent.

**Wales and West Utilities** responded with advice about asset protection and connection to their apparatus.

**The Royal Devon University Healthcare NHS Foundation Trust** reviewed the planning application and determined that the proposed development will increase demand on already fully utilized healthcare services. The Trust requests a developer contribution of £86,011 to address the funding gap created by new residents, as NHS funding does not account for population growth from new developments. Without this contribution, service quality and waiting times may be negatively affected. The request aligns with national and local planning policies and relevant regulations.

**NHS Devon Integrated Care Board** reviewed the proposed development of 297 studio dwellings and determined that a contribution of £83,799 is needed to expand local primary care infrastructure, as existing GP surgeries lack capacity for the additional residents. Without this funding, the development would strain health services, increase waiting times, and negatively impact both primary and secondary care, leading the ICB to object to the application unless the contribution is secured.

**Police Designing Out Crime Officer** responded to emphasize the importance of designing the development to minimize opportunities for crime and ASB, especially given the prevalence of offences such as violence, drugs, theft, and public disorder in the vicinity. Conditions and detailed advice with regards: External Lighting, 24/7 Onsite Management, CCTV Installation, Access Control, Gates on Pathways, Maintenance Access, Cycle Hubs, and landscape design were provided.

I note that it is proposed that the path linking Mary Arches Street and North Street is to have its gates removed and for the public to have full access of this path and space at all times. From a designing out crime perspective, I cannot support this amendment.

As alluded to previously, the site is located within the vicinity of the heart of the night-time economy of Exeter. It is a hotspot location for crime and anti-social behaviour (ASB) with reports of violence, drug use, damage, theft and public order particularly high. Incidents of assaults, serious sexual offences, violence against women and girls (VAWG) etc. have occurred on the street within the area and I am concerned that by

leaving this pathway open, it increases the risk of crime and ASB, particularly at night. I appreciate the desire to make the space 'a welcoming, inclusive, and positive public space' as per the response to the Design Review Panel comments however, how will this be achieved at night?

During daylight hours the open space can be attractive to use, and surveillance opportunities will be good. However, overnight when there will be minimal legitimate use and limited surveillance, I am concerned that by leaving the pathway and space accessible, it could encourage misuse, crime and ASB. As the Design Review Panel states, public open spaces must be safe at all times of the day and discourage anti-social behaviour. A clear distinction between public and private spaces is needed, as well as consideration of future management arrangements, to ensure public spaces have positive use and value.'

A previous proposal to gate this pathway at either end and for it to remain open during daylight hours, but locked overnight to restrict access, seemed a practical option for promoting use of the space when safer to do so, whilst ensuring it does not become unsafe or misused overnight.

**Devon and Somerset Fire and Resue Service** comment that the Fire Strategy Will be considered at Building Regulations stage.

### **Internal and including DCC**

**Local Highway Authority (DCC)** does not object subject to securing contributions for signage, LCWIP, and TRO contributions listed below are secured via a legal agreement and attaching the recommended conditions. Bicycle parking spaces meet Exeter City Council Sustainable Transport SPD requirements; maintenance facilities are recommended.

- Travel Plan: A broadly acceptable Travel Plan has been submitted and must be secured in a legal agreement.
- Traffic Regulation Orders (TROs): Any changes to the public highway require a TRO, funded by a £10,000 developer contribution.
- Other Considerations: The developer must remove outdated road markings, including box junctions, and restore the highway. No water or debris may be discharged onto the highway, and drainage connections are not assumed permitted. A Construction Management Plan (CMP) is required to minimize traffic impacts during construction on Heavitree and Gladstone Roads.
- Contributions: As the development is car-free and impacts LCWIP routes, the Highway Authority requires a £139,050 contribution—£50,000 for an electronic sign on Mary Arched and £89,050 for LCWIP and highway improvements—secured in a Section 106 agreement.

(£139,050 + TRO + conditions)

**Lead Local Flood Authority (DCC)** further to the revised submission 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.

**Waste Planning Authority (DCC):** The Waste Audit Statement (June 2025) outlines measures to prevent waste and manage any generated waste according to the waste hierarchy. It provides details on demolition waste by material type and sets targets for re-use and recycling. It also predicts annual waste generation for the operational phase and confirms that waste storage provisions are satisfactory. However, construction waste details are incomplete—specifically, the breakdown by material type is missing. To comply with Policy W4 of the Devon Waste Plan, the Waste Planning Authority recommends updating the statement and this can be secured by condition attached to the consent.

**Environmental Health (ECC)** recommend approval with conditions relating to Contaminated Land, Noise, Construction/Demolition Environmental Management Plan.

**Public & Green Spaces Team (ECC)** while children's play provision is deemed unnecessary due to the expected resident demographics, the development will increase demand on nearby public green spaces, playing fields, and outdoor leisure facilities. With suitable investment, these spaces can accommodate the additional usage, and the development is considered acceptable provided a financial contribution is made for landscaping, accessibility improvements, and additional seating in neighbouring open spaces. Specifically, the required contributions are £457 per bedspace for off-site public open spaces and £278 per bedspace for off-site playing fields.

**Ecology and Biodiversity Officer (ECC)** advise that the scheme has undergone several amendments following feedback, including updates to the Biodiversity Net Gain (BNG) Statement, Ecological Impact Assessment, and landscaping plans, resulting in minor improvements such as the creation of a pocket orchard and increased native tree planting, which have slightly reduced the onsite biodiversity unit loss from. However, the loss is still primarily due to the removal of mature trees, which the design does not retain, meaning offsite units will be needed to compensate. The applicant has correctly identified a gains site within the ECC boundary, and while the revised scheme better applies the BNG hierarchy and mitigation measures, its acceptability depends on whether the tree removal is considered appropriate in broader planning terms. Additionally, any approval should include conditions requiring lighting to comply with the Ecological Impact Assessment specifications and for details to be submitted to the Local Planning Authority for approval.

Subsequent to my previous comments the applicant has submitted revised ecological supporting information. I can advise that the Ecological impact Assessment is acceptable, subject to submission of elevation plans which show more accurately the locations of integrated ecological features which are shown in plan form on Figure 3, appended to the EclA. Recommendations contained with section 5 should be secured by condition. In addition, I would advise applying a specific condition to any approval requiring that internal and external lighting be compliant with the specifications in section 5.4 of the EclA, and that details are submitted to the LPA for approval. In relation to BNG, the overall percentage onsite change in habitat units appears to have only reduced slightly.

**Tree Manager (ECC)** the submitted Arboricultural Impact Assessment (AIA) identifies tree removals and sets out mitigation via replacement planting, I have concerns regarding the arboricultural impacts of the proposal: The loss of the trees on Bartholomew Street East will have a high impact on local amenity, removing important green infrastructure in an area of already low tree canopy cover. Although some of the trees are not of the highest individual quality, they collectively make a strong contribution to the local landscape character and urban tree cover. The mitigation strategy is considered inadequate for addressing both immediate and long-term canopy loss.

Note: Further response in respect of Trees T1-T5 in Mitre Lane and Mary Arches Street following revised plans and additional information regarding impact on these trees have not been received at time of publication and will be reported to committee in update.

**Waste & Recycling Team (ECC):** (Based on the review of the ground floor plan (Pan SMA-DAA-ZZ-00-DR-A-PLA03), both bin stores appear adequately sized, but there are concerns about the distance to the collection point, the need for a dropped kerb at the loading bay, and ensuring wide enough doors and suitable access (such as a ramp) for 1100-litre bins on Mitre Lane.

**Heritage Officer (ECC):** The Mary Arches site is highly significant due to its location within the city walls and its rich archaeological layers, spanning from Roman times to World War II. It is one of the last undeveloped open archaeological areas in the city, surrounded by important listed buildings and within a Conservation Area, making sensitive redevelopment essential. Redevelopment is generally supported since the current use detracts from the heritage setting, but the site's topography and views make it sensitive to inappropriate development. The proposed scheme increases building height and mass, which would harm the Conservation Area and setting of Listed Buildings, with the harm assessed as high but still less than substantial. Though design is improved the design does not restore historic street patterns. A pre-determination archaeological evaluation shows good survival of archaeological deposits, considered highly significant regionally. The depth of the remains begins at 0.40m and does not exceed 1.80m across the evaluation trenches, therefore

preservation in situ by either raft or piled foundation design is problematic. Compression and changes to hydrology is likely to result in the long term degradation of previously unknown archaeological deposits. Therefore, the principal of preservation by record via full excavation before development of the open car park area and monitoring after demolition are recommended, the car park construction may have damaged some deposits, but pockets of survival may remain. Archaeological work of this important site should be secured by conditions, and a full programme of public engagement through outreach in conjunction with the RAMM should be secured in a S106 agreement.

**Urban Design and Landscape Officer (ECC):** Updated comments responding to revised plans will be reported to committee in update.

### **Town/Parish/Community Groups**

**Exeter Civic Society:** Massing changes in revisions are minimal, with concerns about the building's bulk and the retention of pediments that increase apparent height. The design does not sufficiently respond to the historic context or provide active frontage along North Street and Bartholomew East, and the proposed display space lacks clear purpose. Suggestions include creating an interpretation space for local history. Servicing arrangements, including disabled parking and refuse collection, are considered inadequate, and the reliance on public car parks and laybys is problematic. The proposal does not present a comprehensive strategy for deliveries, maintenance, or refuse collection, and the management plan is incomplete. The development's justification for additional co-living accommodation is questioned, with recommendations for contingency plans should demand not materialize. The scheme lacks civic quality, contextual awareness, and sustainability, with insufficient evidence of local need for co-living and missed opportunities for a broader housing mix. Environmental strategies are underdeveloped, and adaptability for future use is not adequately addressed. The partial closure of historic pedestrian links and lack of a car share scheme for residents with disabilities further detract from the proposal. Overall, the review finds the internal layouts, massing, servicing, and social integration to be poorly considered, and recommends significant revisions to address these shortcomings and ensure the development meets the needs of residents and the wider community.

The internal planning shows kitchens at each corner of the two blocks, yet many are undersized, especially in Block A, raising questions about their suitability for communal use and accessibility for disabled residents. The plans lack clarity on kitchen layouts and seating arrangements, and additional or larger kitchens are recommended for certain floors. Facilities for the gym and fitness studio are inadequate, with shared WCs located inconveniently and lacking wheelchair-accessible options. Community amenities are concentrated in Block A, with poor connectivity to Block B, resulting in weak integration and limited natural light due to long, dark corridors.

The Civic Society's North Street Redevelopment Vision document made the following recommendations: Approving adequate S106 funding will secure essential public realm improvements that directly offset the development's impacts and deliver measurable safety, accessibility, environmental and social benefits that are fully supported by residents, local businesses and users of North Street. The council is therefore asked to negotiate and secure the full, proportionate S106 contributions including Contribution to fund a co-design engagement process to identify the most appropriate public realm and highways improvements, including delivery, specification, maintenance and monitoring of the highways improvement works.

Following deferral at committee in January and submission of revised plans Exeter Civic Society objects to the revised co-living proposals at Mary Arches Street. While the reduction of Block B by one storey is acknowledged, the amendments are said to leave a scheme that remains fundamentally unsuitable for this sensitive gateway site. Heritage and townscape harm: continued excessive and poorly resolved massing is considered to erode Conservation Area character, harm the setting of Listed Buildings, and diminish important views and the wider skyline. Poor architectural response: the scheme is described as incoherent and insufficiently contextual in scale, rhythm, proportion and articulation, with unresolved courtyard elevations and weak streetscape integration. Resident wellbeing and social sustainability: substantial reductions in internal and external amenity space and over-subscribed kitchens are argued to increase crowding and reduce quality of life, with associated wellbeing risks for residents living in small studios. Hygiene, food safety and disease transmission: absence of communal WCs/hand-washing near shared spaces is presented as contrary to guidance and likely to increase cross-contamination and public health risks in high-occupancy shared kitchens. Loss of amenity driven by design changes: the reduction in Block B height is said to have been "absorbed" mainly by cutting amenity (including roof terrace, laundry/media room and lower-ground support spaces) rather than reducing resident numbers. Policy non-compliance: the revised offer is stated to fall below London Plan/GLA shared-living benchmarks previously referenced by the Council and to conflict with the intent of Emerging Policy H6 (kitchens, dining/social space, workspace, outdoor amenity, laundry, storage/refuse). Plant area concerns: plant space and location are questioned in relation to the proposed MVHR/heat pump strategy, with concern that future roof plant may be required, adding to perceived height/massing impacts.

The Society asks that the revised application should be rejected unless the scheme is materially improved—particularly through architectural redesign, stronger community integration, resolution of plant strategy concerns, and reinstatement of communal/amenity provision to comply with (or exceed) the shared-living benchmarks previously used by the Council.

**Exeter Cycling Campaign:** We are pleased to see the quantity of secure indoor step free cycle parking and provision of Sheffield stands for visitors. We think that the

applicant should give more consideration to parking for non-standard cycles, provision additional stands in the park, provision of space for repairs. We support the proposal and hope these points will be addressed.

**Devon Buildings Group** objects to the proposed development on four main grounds: design, impact on the wider townscape, suitability of co-living apartments, and effects on adjacent historic buildings and potential archaeological remains. The plan to replace the existing multi-storey car park with two taller blocks is criticized for dominating the townscape and failing to complement the historic character of the area, particularly the traditional street frontages of North Street and Bartholomew Street East. The design is seen as monolithic and excessively dense, inappropriate for the sensitive location within Exeter's historic intra-mural area and conservation zone, and likely to negatively affect views of the Cathedral and city. Concerns are raised about the small size and limited communal space of the proposed apartments, questioning their suitability for long-term occupation and local demand, especially given issues with existing co-living developments. The group urges Exeter City Council to develop policies regulating co-living schemes and to refuse this application, citing the scheme's lack of respect for local heritage, inadequate accommodation standards, and potential adverse archaeological impacts.

**RSPB** supports the recommendations of the Ecological Impact Assessment (Bats and Birds) which should be secured by conditions.

**Disability Access Champion, Living Options Devon:** No response.

**Devon Archaeological Society** highlights the exceptional archaeological significance of the Mary Arches Street site in Exeter, noting that its full importance may not yet be recognized. The site, located within the historic core and Central Exeter Conservation Area, contains deep and complex urban deposits spanning Roman, Saxon, Medieval, and post-medieval periods, with the potential for substantial archaeological survival, including Roman military structures. Even areas beneath the multi-storey car park may hold valuable remains. The Society stresses that any development should be preceded by thorough open-area excavations, which could be extensive and costly, especially if waterlogged deposits are found. They urge developers to consider the scale, cost, and timing implications, ensuring archaeological remains are properly examined, recorded, and published before construction. Concerns are also raised about the impact on listed buildings, historic pedestrian routes, and the proposed density of new dwellings, warning against repeating past mistakes of slum clearance and loss of heritage.

Following deferral at committee in January and submission of revised plans we maintain our view that the scheme remains unsuitable for the site in terms of its design, mass, impact on the townscape in general and upon the Exeter skyline in particular. The accommodation offered seems to us to be wholly unsatisfactory for permanent occupation. The archaeological evaluation so far undertaken has demonstrated, and the impact of this proposal would be to wipe out all archaeological

traces within the development area. For this reason, a programme of comprehensive and competent excavation will be required, including extensive post-excavation study and publication.

**Design Review Panel.** The scheme was subject of Design Review at pre-application stage and copy of the pre-application Design Review Panel letter has been made available on the website. The scheme was subject of Design Review following the January Committee, the Panel offered recommendations to strengthen the scheme and deliver high-quality design.

**Block A: Entrances and legibility:** Better resolve competing entrance requirements and define a clear hierarchy (potentially through internal planning, not façade treatment alone); reconsider the north-facing corner steps/sitting area due to limited functionality and potential anti-social behaviour. **Precedent, proportion and massing:** Review how historic precedent informs the façade; address the tension between narrow vertical repetition and the large horizontal building plate; reconsider the 'bookend' corner treatment to reduce heaviness and improve proportion, hierarchy and massing transitions (including study of comparable large-scale historic urban buildings in Exeter). **Context, views and identity:** Better study relationships to surrounding buildings and key views (including from St David's Hill); pursue a lighter, more varied architectural response to reduce perceived mass; ensure proposed elevation changes do not create a dissonant overall identity. **Materials, detailing and maintenance:** Refine materiality and detailing with a focus on quality of finish and long-term maintenance; review whether large overhanging balconies (notably at the north-east corner) are necessary. **Streetscape and planting:** Integrate planting more convincingly along Bartholomew Street East; avoid overly rigid repetition that emphasises scale and contributes to a homogeneous appearance.

**Block B: Overall form and skyline:** Despite the reduced height, avoid an overly monolithic appearance by widening precedent studies and exploring more varied approaches; provide clearer resolution of how the building meets the sky/roofline, particularly on the south-east elevation (a key view). **Top storey articulation:** Increase articulation of the top storey (e.g., explore an indicative mansard element and/or material changes) to add depth and refine the massing without overcomplicating the design. **Identity, entrance and wayfinding:** Strengthen identity at the south-east corner entrance and the adjacent pocket park; consider legibility/wayfinding impacts where main entrance, reception and servicing are in Block A (risking perception of a single extensive building rather than two blocks). **Ground-floor privacy:** Address privacy risks for ground-floor rooms on Mary Arches Street; provide section studies to resolve the relationship between the back of footpath and the building line.

**Biodiversity net gain:** Consider an extensive biodiverse roof on the flat roof to optimise on-site biodiversity net gain. Consider fixed shading to mitigate overheating for south-facing rooms; better articulate the 'pavilion' (including a shadow gap) to visually separate it from Block B and reduce perceived mass.

**Landscape & Public Realm:** While 'Arches Walk' and the portal are welcomed, the public realm should read as a series of new public spaces rather than an extension of the architecture; consider an additional threshold/portal from Mary Arches Street to strengthen place and identity. As a public route, ensure it remains attractive and safe,

maximise overlooking, provide good lighting, use a simple landscape/planting palette to maintain sightlines, and support 'incidental' play; clarify whether it is a continuous route or a sequence of pause spaces; develop thresholds and distinct identities; consider integrating and interpreting below-ground archaeology through design/materiality. Explore larger trees to match the stature of existing trees, supplemented with smaller trees for seasonal interest; give the pocket park south of Block B a distinct character (potentially with more hard surfacing to accommodate parking and pedestrian movement).

### **Exeter City Council St. Davids Ward Cllrs Moore and Read**

**Archaeology:** The site is considered one of Exeter's most significant intra-mural archaeological locations, second only to Cathedral Close. Initial trench evaluations are mandatory, and further exploratory work may be required depending on findings. The applicant's assessment underestimates the site's complexity, especially in areas with high archaeological potential. Full open-area excavation is likely necessary, which will be costly and time-consuming. The developer has not demonstrated awareness of the scale or cost. Local Plan Policy C5 and the HIA (2024) require a comprehensive archaeological survey, with further method statements and public consultation at each stage. Preservation, archiving, and public presentation of significant finds must be conditioned, aligning with NPPF 2024.

**Access:** A 24-hour public right of way through the site must be maintained. Proposed gates restricting access during non-daylight hours would turn the development into a gated community, limiting access for residents and the public, and disrupting historic thoroughfares. The design also impedes commercial bin storage for North Street shops. Alternative safety solutions should be considered. The demolition of the pedestrian bridge over North Street is supported.

**Co-living:** The demand for co-living is not evidenced by the applicant's report, which ignores the Exeter Local Needs Housing Assessment 2024. The LHNA projects minimal need for co-living, yet the application does not specify affordable or accessible units, nor does it meet national space standards. There are concerns about the adaptability of units, accessibility for disabled residents, and the practicality of shared facilities. The number of affordable units is unspecified and should be conditioned or compensated offsite if not provided.

#### **Planting and Biodiversity:**

Landscaping and biodiversity plans are weak and poorly coordinated. The biodiversity net gain report is unclear and does not address the presence of protected species like bats. Maintenance plans for roof terraces are lacking, and the landscaping plan fails to address climate change impacts or provide long-term maintenance. Only a five-year guarantee is offered, which is inadequate; maintenance should be guaranteed for the building's lifetime.

**Trees:** The proposal significantly reduces green infrastructure, with insufficient plans for replacement planting. A prominent tree (T1) must be preserved, and the removal of 10 trees (including 3 category B) will impact local amenity. Replacement tree types, sizes, and locations are unspecified. More comprehensive onsite and offsite planting, including in local cemeteries, should be required. The plan favours amenity trees over fruit trees, missing opportunities for biodiversity and resident engagement.

**Amenity and Recreation:** The development does not address the cumulative impact on local services and infrastructure, especially given existing co-living and student accommodation clusters. New developments should avoid clustering and contribute to local green spaces, such as St Bartholomew's Cemetery, which will see increased use. There is no recognition of increased demand on primary care facilities or provision for financial contributions to support them.

**Cycle Hub:** While covered, secure cycle parking is provided, the design does not accommodate cargo or disability-adapted bikes. The access to the bike store is impractical, especially for users with shopping or adapted bikes. Redesign is needed for better usability, such as installing sliding doors.

**Transport:** The site is well-located for sustainable transport, but access and safety need assessment. There are no formal cycle paths nearby, and improvements are needed to support cycling and walking. Pavements are narrow and unsafe, especially for wheelchair users, and formal pedestrian crossings are lacking. Disabled parking provision is inadequate; designated spaces for blue badge holders should be provided in proportion to the number of accessible units.

**Height, Mass and Scale:** The proposed building's increased height and mass will negatively impact the St David's Conservation Area and local views, including the Cathedral. The new building should not exceed the height of the current multi-storey car park to mitigate overshadowing and visual impact.

**Statement of Community Involvement:** Concerns raised by local councillors about amenities and transport have not been fully reflected in the consultation feedback. While some engagement (e.g., public exhibition, leaflets) is noted, residents report inconsistent information about objection deadlines and insufficient outreach.

**Conditions should ensure:** Co-living units are not allocated to students (and second homes are declared); Conversion to student accommodation requires planning; conversion to flats if underoccupied; Disabled and affordable units are provided in perpetuity; Landscaping and tree planting plans are improved, conditioned, and maintained for the building's life; Financial contributions are made for local green space and cemetery upkeep.

## **11.0 Representations**

The application has been advertised by sites notices, press notice and neighbour letters. The application was advertised in July 2025 when received, and in September 2025 and March 2026 when revised plans and additional and revised supporting information was submitted.

25 objections received raising the following concerns: -

- The design is bland and not in keeping with local architecture.
- The building is too tall, overbearing, and will overshadow and dwarf nearby historic buildings
- Calls for a more imaginative scheme that enhances the area, with softer outlines and rounded corners, reflecting Exeter's historic character.
- There is scepticism about whether these units will serve the local workforce or simply attract students.

- The scheme is criticized for not providing affordable housing.
- There is a perceived oversupply of student accommodation in Exeter.
- The development is circumventing minimum size standards for studio flats.
- Flats of a sensible size should be built
- Concerns about increased pressure on already overstretched sewerage and water supply systems, leading to more sewage spills.
- The density and scale of the development will put severe pressure on NHS services.
- Objections to the loss of trees, and wildlife.
- The landscaping plan is criticized for lacking attention to biodiversity and climate change.
- The site is of significant archaeological interest, including the city's Roman wall, and requires careful excavation.
- Criticism of the adequacy of archaeological assessment.
- Concerns about increased anti-social behaviour, especially around the 'pocket park', and cemetery.
- The development is seen as detrimental to the quality of life for permanent residents with fears of turning the area into a student campus.
- Objections to the lack of car parking provision, which is seen as essential for residents, staff, and visitors.
- Loss of car parking for those attending the synagogue.
- Requests to retain the motorcycle park
- Concerns about disruption to local businesses and organizations.
- The development is not seen as suitable for families, homeless people, or those seeking long-term accommodation.
- Impact on daylight, privacy, and views for neighbouring properties.
- Security concerns for the synagogue due to increased density and temporary accommodation.
- Concerns about the suspension of public rights of way.
- Block B is still taller than adjacent buildings.
- Kitchen provision is inadequate.

## **12.0 Relevant policies**

### National Planning Policy and Guidance

National Planning Policy Framework (NPPF) (December 2024) – in particular, sections:

2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes

7. Ensuring the vitality of town centres
8. Promoting healthy and safe communities
9. Promoting sustainable transport
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

Build to rent

Climate change

Community Infrastructure Levy

Design: process and tools

Effective use of land

Fire safety and high-rise residential buildings

Healthy and safe communities

Historic environment

Housing needs of different groups

Housing for older and disabled people

Housing: optional technical standards

Housing supply and delivery

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

Town centres and retail

Travel Plans, Transport Assessment and Statements

Use of planning conditions

Viability

Waste

Water supply, wastewater and water quality

National Design Guide (MHCLG, 2021)

National Model Design Code (MHCLG, 2021)

“Building for a Healthy Life” (Homes England’s updated Building for Life 12)  
GPA3 – The Setting of Heritage Assets (Historic England, December 2017)  
HEAN 2 – Making Changes to Heritage Assets (Historic England, February 2016)  
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)  
Protected sites and areas: how to review planning applications (DEFRA and Natural England, 5 August 2016)  
Biodiversity duty: public authority duty to have regard to conserving biodiversity (Natural England and DEFRA, 13 October 2014)  
Guidance for Outdoor Sport and Play Beyond the Six Acre Standard England (Fields in Trust, 2020)

### Development Plan

Core Strategy (Adopted 21 February 2012)

- Core Strategy Objectives
- CP1 – Spatial Strategy
- CP3 – Housing
- CP4 – Density
- CP5 – Mixed Housing
- CP7 – Affordable Housing
- CP9 – Transport
- CP11 – Pollution
- CP13 – Local Energy Networks
- CP14 – Renewable and Low Carbon Energy
- CP15 – Sustainable Construction
- CP16 – Green Infrastructure, Landscape and Biodiversity
- CP17 – Design and Local Distinctiveness
- CP18 – Infrastructure

Exeter Local Plan First Review 1995-2011 (Adopted 31 March 2005) – Saved Policies

- AP1 – Design and Location of Development
- AP2 – Sequential Approach
- H1 – Search Sequence
- H2 – Location Priorities
- H3 – Housing Sites

H5 – Diversity of Housing  
H7 – Housing for Disabled People  
TM5 – City Wall  
L4 – Provision of Playing Pitches  
T1 – Hierarchy of Modes  
T2 – Accessibility Criteria  
T3 – Encouraging Use of Sustainable Modes  
T5 – Cycle Route Network  
T9 – Access to Buildings by People with Disabilities  
T10 – Car Parking Standards  
T11 – City Centre Car Parking Spaces  
C1 – Conservation Areas  
C2 – Listed Buildings  
C3 – Buildings of Local Importance  
C4 – Historic Parks and Gardens  
C5 – Archaeology  
LS2 – Ramsar/Special Protection Area  
LS3 – Sites of Special Scientific Interest  
LS4 – Nature Conservation  
EN2 – Contaminated Land  
EN3 – Air and Water Quality  
EN5 – Noise  
EN6 – Renewable Energy  
DG1 – Objectives of Urban Design  
DG2 – Energy Conservation  
DG3 – Commercial Development  
DG4 – Residential Layout and Amenity  
DG7 – Crime Prevention and Safety  
KP1 – Pedestrian Priority Zone

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)  
H3: Affordable housing (Strategic policy)  
H4: Build to rent  
H5: Co-living housing  
H6: Custom and self-build housing  
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:

Affordable Housing SPD (April 2014)  
Sustainable Transport SPD (March 2013)

Planning Obligations SPD (April 2014)  
Public Open Space SPD (Sept 2005)  
Residential Design SPD (Sept 2010)  
Trees and Development SPD (Sept 2009)

Devon County Council Supplementary Planning Documents:

Minerals and Waste – not just County Matters Part 1: Waste Management and Infrastructure SPD (July 2015)  
Liveable Exeter Principles – A city-wide initiative of transformational change (2022)  
Exeter Density Study (July 2021)  
Net Zero Exeter 2030 Plan (Exeter City Futures, April 2020)  
Annual Infrastructure Funding Statement 2021/22  
Green Infrastructure Study (April 2009)  
Green Infrastructure Strategy – Phase II (December 2009)  
South-east Devon European Site Mitigation Strategy (June 2014)  
Archaeology and Development SPG (November 2004)

### **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.

It is acknowledged that there are certain properties where they may be some impact. However, any interference with the right to a private and family life and home arising from the scheme as a result of impact on residential amenity is considered necessary in a democratic society in the interests of the economic well-being of the city and wider area and is proportionate given the overall benefits of the scheme in terms of provision of residential accommodation.

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.

## **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 or 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

Receipt from disposal of site owned by Exeter City Council  
Contributions towards opens space and sports pitch enhancement  
Contributions towards highways and sustainable travel  
Contributions towards GPs surgeries

#### Non-material considerations

CIL contributions. 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. 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. The rate per square metre updated in January 2024 for this co-living £51.31 to which indexation will be applied. The applicant has provided a CIL Information form which states that there is 8,720 square metres of floorspace being demolished and the fee calculation shows 12,274 square metres being constructed. On that basis the Net gain in floor area is 3,554 square metres and the CIL receipt is estimated as £182,355.74

New Homes Bonus will also be received, which is calculated on the basis of the increase in dwelling numbers citywide.

The proposal will generate Council Tax in occupation with individual co-living units rated Band A.

## **16.0 Planning assessment**

The key issues are:

1. Principle of development
2. Impact on heritage assets
3. Scale, design, appearance, density
4. Impacts on the amenity of neighbouring occupiers
5. Amenity of future occupiers
6. Impact on landscape/ and biodiversity
7. Travel, access and parking
8. Sustainable Construction and Energy Conservation
9. Flood Risk and Surface Water Management

10. Pollution
11. Affordable Housing
12. Mixed Communities
13. Housing supply
14. Economic benefits
15. CIL
16. Planning Obligations
17. Planning Balance and Presumption in Favour of Sustainable Development

### 1. Principle of development

In determining that the current car park, which is only partially open, is no longer required Exeter City Council demonstrated that sufficient capacity exists within other car parks to accommodate city centre parking demand. This car park draws vehicular traffic across the main High Street/Fore Street spine of the city centre and closing this car park would impact positively on air quality and reduce conflicts between pedestrians and vehicular traffic. The application includes provision for three disabled parking spaces on Synagogue Place. There is existing dedicated provision for on-street motorcycle parking nearby on Bartholomew Street East. There is therefore no objection to the loss of car parking on the site.

The proposal would result in the loss of 150kW solar electricity generating capacity from the rooftop installation on the multi-storey car park. The potential to reuse this installation on another site is being explored.

The demolition of the car park would also involve the loss of two retail units on North Street which are part of the car park building. The loss of these units is regrettable; however, the development includes active frontages, including an entrance, in this location.

Redevelopment of this brownfield site in a highly sustainable location for 297 co-living beds conforms to the spatial principle of redeveloping such sites in preference to greenfield sites and is strongly supported by Core Strategy Policy CP1, and saved Local Plan 1<sup>st</sup> Review Policies AP1, which requires developments to be accessible by public transport, walking or cycling, and AP2 which prioritises brownfield land in existing centres, which is reinforced by policies H1 and H2, and as well as national guidance in the NPPF, which particularly encourages the use of brownfield land and higher-density development.

Co-living is a relatively new residential use type which is considered to fall outside the uses defined in the Use Classes Order, which is to say it is considered to be a 'sui generis' use. The principle of this use has been established through consents on other sites (e.g. Summerland Street, Harlequins Centre, and former Police Station Heavitree Road) and in draft Exeter Plan Policy H6 Co-living.

Officers consider that co-living is best seen as a form of specialist accommodation for young adults who might otherwise reside in HMOs, and that both policies H5 and CP5 can be interpreted as supporting such uses in accessible locations. Whilst a sui generis residential type co-living is considered to be a form of Build to Rent Housing and national guidance that 20% of units (60 units) should be Affordable Housing is considered to apply. Affordable Housing can be secured through a S106 agreement.

Policy H7 of the Exeter Local Guides that housing on larger sites with good access to services should provide Accessible Housing for people confined to wheelchairs. 5% of the Affordable Units (3 Units) should be secured to M4(3) standard as Wheelchair Accessible.

With the exception of the Affordable Housing units, the co-living accommodation is market housing. The applicant has advised that only a small percentage of units are anticipated may be occupied by students. It is considered desirable that the accommodation is not dominated by students in the interests of promoting co-living community. The applicant has offered to include a restriction not more than 10% of occupants being undergraduate students and to exclude full time students from occupation of the Affordable Units. This restriction is not necessary to make the development acceptable in planning terms and has not been taken into account in the assessment of the application or the planning balance. This specific obligation is offered voluntarily by the applicant and is not a material planning consideration.

Bringing forward the redevelopment of brownfield sites to meet identified housing need as set out in Core Strategy policies CP1 and CP3 helps to protect other less sequentially preferable and greenfield sites from development, conserve the natural environment and protect the landscape setting of the city.

Redevelopment of this brownfield site in a highly sustainable location for 297 co-living beds meets identified housing need and, in line with national policy for Build-to-Rent development 20% of these units (60 no.) will be secured as affordable private rent housing let by the operator. As such, the proposals are considered to accord with the aims of policies H2 and H5 of the Exeter Local Plan 1st Review and CP5 of the Exeter Core Strategy.

The development includes 5% of the affordable units (3 No.) are required to be M4(3) wheelchair accessible standard. As such, the development is considered to comply with the aims of policy H7 of the Exeter Local Plan 1st Review.

The proposed redevelopment of the car parks is considered to be in accordance with the aims of Exeter Local Plan Policy T1 and the Vision and Objectives of the Exeter Core Strategy.

## 2. Impact on heritage assets

The site is within the historic walled core of the Roman city and through investigation has been demonstrated to retain good survival of multi period archaeological deposits from the Roman genesis of the city through to the second world war. The importance of the archaeological deposits, which would be lost to development, necessitates a full excavation, analysis and recording of the site, and for a high standard of public engagement to connect the city to that buried heritage which would be lost. A programme of archaeological work can be secured by conditions and support for public engagement through the S106 agreement.

The site is surrounded by several listed buildings, including the Grade I St Mary Arches Church, Grade II\* Synagogue and Grade II listed former Gaumont Cinema (now Mecca Bingo), as well as Grade II and locally listed buildings on Mary Arches Street and North Street. Its inclusion in the Central Conservation Area further highlights the necessity for a sensitive and contextually appropriate approach to redevelopment. At four storeys the building would represent an increased height and massing compared to historic buildings in the street, with the exception of Mary Arches Church. The reduction in height of block B reduces the impact on the setting of the Grade I Mary Arches Church in particular. The relative scale of the building is considered to impact on this part of the Conservation Area and setting of nearby Listed and Locally Listed buildings and the City Walls (Scheduled Ancient Monument). The harm has been assessed as less than substantial harm.

The development will be visible in longer range views from the west and especially from the St Davids Hill/Iron Bridge approach. Block A which replaces the multi-storey car park will be one storey, approximately 4.5 metres, taller than the car park with the installed rooftop solar panel canopies. The building will not impede views from the west of historic buildings; most importantly views of the Cathedral. The impact of the building on longer range views is not considered unacceptable.

The development will impact on medium and shorter-range views in and around the city centre. The view of St. Michaels Mount Dinham from Fore Street will be largely lost, though this view is revealed when travelling along Mary Arches Street. In views along North Street from High Street the building will book end the historic terrace of building rising taller than the current carpark. The appearance of building itself is improved and the removal of the bridge over North Street results in an improved view out towards the landscape setting of the city.

In coming to the recommendation set out in this report, officers of the council have been mindful of their 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.

Notwithstanding the impacts on above ground heritage assets in Mary Arches Street the proposals as a whole are considered to accord with aims of policies C1 and C3 of the Exeter Local Plan 1st Review, policy CP4 of the Exeter Core strategy, and aims of Section 16 of the NPPF.

### 3. Scale, design, appearance, density

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.*

NPPF paragraph 130 sets out that planning decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

The National Design Guide (“Planning practice guidance for beautiful, enduring and successful places”) is a material consideration and sets out the components for good design. It notes in paragraph 20 that the components for success include the context of places and buildings. Paragraph 21 refers to making the right choices around the layout, the form and scale of buildings, appearance, details, landscaping. Importantly the document sets out the Ten Characteristics of a well-designed place: this includes considering context and how a development can “enhance the surroundings”.

Context is defined in the document as “the location of the development, and the attributes of its immediate, local and regional surroundings”. The document sets out how to consider context and Paragraph 40 states:

Well-designed places are:

- based on a sound understanding of the features of the site and the surrounding context, using baseline studies as a starting point for design;
- integrated into their surroundings so they relate well to them;
- influenced by and influence their context positively; and
- responsive to local history, culture and heritage.

Paragraph 41 states “Well-designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary. It enhances positive qualities and improves negative ones”.

The “Building for a Healthy Life: A Design Toolkit for neighbourhoods, streets, homes and spaces” document published by Homes England also sets out design principles for successful development including the consideration of existing context, street types, landscape character, urban grain, plot shapes, building forms and their influence on local character.

The application seeks to comprehensively redevelop the site, demolishing existing multi-storey car park and building on the existing surface car park and to replace them with a 4, and 6 storey co-residential scheme of 297 residential units, with communal facilities, associated landscape, and public realm enhancements.

The application has been amended since first received to revise the external appearance, reduce the number of residential rooms, introduce communal kitchens on each residential floor, improve ground floor internal arrangements; to improve the design of the building and entrances and officers are now satisfied with the internal layout and co-living facilities of the proposed redevelopment.

Further design changes have been made since committee considered the application in January, including reorganisation of internal accommodation, redesign of the link between the two blocks, reduction of the Mary Arches Street element to four storeys, and introduction of an entrance at the corner of Bartholomew Street and North Street. At that meeting it was resolved to defer the decision to a subsequent planning committee, with a request that officers seek further consideration of scale, massing and design of the street-facing aspects.

The development comprises two blocks linked at surface level.

Block A replaces the multi-storey car park on the corner of North Street and Bartholomew Street East. Though a storey taller it is of similar massing and footprint. The building has a ground floor with entrances to a reception space located at the corner of Bartholomew Street East and North Street and in the North Street frontage to respond to challenging topography. Nevertheless, the ground floor level will be approximately 2m above footway at the corner of North Street and Bartholomew Street East with the corner access being stepped. Nevertheless, the ground floor level will be approximately 2m above footway at the corner of North Street and Bartholomew Street East. Details of works within the site to align with the pavement level will need to be secured by condition. Fire safety regulations for taller buildings impose barriers to creating a partially lower floor level in the corner location unless this was part of a separately accessed unit. At the rear, an open amenity space at ground floor level is below the surrounding rear land level, and a fourth-floor external amenity roof terrace is also provided.

Communal internal spaces for the development as a whole and servicing is provided at ground floor and part of first floor of Block A. Cycle and bin stores and a secondary entrance are provided with access from Bartholomew Street East with a lay-by formed to replace the redundant car park vehicular entrance.

Block B fronting Mary Arches Street has been reduced to be four storeys. The lowest floor is set at Mary Arches Street level (but is a storey above ground floor in Block A) is labelled first floor in plans. Co-living units are arranged on each floor along with a communal kitchen. A street entrance is provided at ground floor level. The building has been brought forward to meet the pavement edge at either end, and remains set slightly back from the highway edge centrally. The set back provides defensible space in front of ground floor bedroom windows. At four storeys the building would represent an increased height and massing above historic buildings in the street, with the exception of Mary Arches Church. The relative scale of the building and its position, centrally in the street, are considered to be harmful to the Conservation Area and setting of nearby Listed and Locally Listed buildings. The harm of the reduced building, which is set at edge of footway, is assessed as less than substantial harm, and the degree of harm has been reduced through the design amendments which reduce height difference relative to other historic buildings in the street and make a substantially diminished impact on views of the Grade I Mary Arches Church from the east.

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.

For specialist housing such as co-living, density is difficult to compare to regular housing, as it is best measured in bedspaces rather than dwellings per hectare. The proposed scheme offers 331 bedspaces (if dual occupancy of Large Units is accepted), equating to 675 bedspaces per hectare. To benchmark against policy expectations, the government methodology from the Housing Delivery Test Measurement Rulebook translates communal accommodation into dwelling equivalents: one dwelling equals 1.9 communal bedspaces. Applying these ratios, the scheme provides an equivalent of 355 dwellings per hectare which aligns with other PBSA and co-living schemes recently given resolution to grant.

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. With reference to the issues relating to overlooking and lighting impacts on neighbours discussed later in this report, it also promotes flexibility in daylight and sunlight policies to facilitate higher densities, provided living standards remain acceptable.

It is clear that both national and local policies expect high-density development in locations such as this, and the density of the proposal is very high. Whilst supported in principle, a conclusion on its acceptability can only be reached following detailed assessment of impacts on local amenity, environment, and transport matters, as required by Saved Local Plan policy H2 and Core Strategy policy CP4.

The application has been significantly amended during pre-application process and during the application. It is considered regrettable that the pre-application process was curtailed by submission of an application and the Historic England's offer to be directly involved in design discussions at pre-application and application stage were not taken up. Officers are however now satisfied with the appearance and internal layout of the proposed development, and also with the scale and layout of Block A. The scale and layout of Block B, for the reasons given above, are considered to be harmful to this part of the Conservation Area and setting of nearby Listed and Locally Listed buildings, that harm is assessed as less than substantial harm.

The proposals are, on balance, considered to accord with the aims of Exeter Local Plan 1st Review policies DG1, DG4, DG7 and H5, Policy CP4 of the Exeter Core strategy, and the aims of NPPF Sections 11 and 12.

#### 4. Impacts on the Amenity of Neighbouring Residential and Commercial Occupiers

The development replaces an existing multi-storey car park which is not a good neighbour to residential development. The surrounding properties in North Street including those above and behind the street level commercial units are not

considered to be significantly adversely affected by loss of light or through loss of in building privacy.

In Mary Arches Street and Mitre Lane residential properties are situated across the public street from the development. In Mitre Lane there will be some shading of windows but given the city centre location and distance between buildings the impact is not considered to result in unacceptable living conditions or an unusual relationship between buildings.

A small number of buildings on North Street rely on the existing alleyway between the 20 and 21 North Street which is proposed to be gated. The control of access for these residents, can be secured as a part of the legal agreement securing public access to the walkways through the site.

The proposed pocket park on the corner of Synagogue Place with Mary Arches Street and the walkway through the site have the potential to attract or give opportunity for antisocial behaviour. In addition to gating of the walkway, the management of the park and walkway, and coverage by CCTV, will need to be secured through conditions and a legal agreement. Management presence on site is required 24/7.

#### *Daylight and Sunlight.*

Local Plan policy supplemented by the Residential Design Guide SPD guides that reference should be had to British Standards and Buildings Research Establishment (BRE) good practice guidance in assessing quality of daylight. The proposed building will be taller but will be set further in many cases from the windows of neighbouring buildings. The proposed development is considered to result in an improvement in diffuse light levels to some neighbouring properties and not to the detriment of any. In this respect the proposed development complies with the aims of policy DG4 of the Exeter Plan 1st Review.

#### *Outlook and privacy.*

The supporting text to Exeter Local Plan 1st Review Policy DG4 guides that an acceptable degree of privacy allowing people to feel at ease in their own homes can be achieved by providing a minimum distance of 22 metres between [windows of] habitable rooms or by imaginative design. The Residential Design Guide SPD guides that windows of habitable rooms should not face high blank walls, and that developers should produce an analysis to demonstrate that dwellings have sufficient daylight. The Residential Design Guide SPD was adopted to support the delivery of the spatial strategy and strategic allocations in the Exeter Core Strategy, which were urban extensions on largely greenfield sites. The standards set out in that guidance are not all directly transferable to the type of development or the spatial strategy being brought forward by the emerging Exeter Plan which include significant urban brownfield sites. As such it is considered that the guidance in the SPD should be applied flexibly in some respects in this location.

Provided conditions are used to restrict windows and require obscure glazing in that part of the side elevation of Block A facing 15 Bartholomew Street East/44 Mitre Lane and facing the rear of properties adjacent the development on North Street, the arrangement of buildings and windows would not be considered to give rise to a loss of in building privacy impact that is unacceptable in this urban setting. In this respect the proposed development accords with the aims of saved policy DG4 of the Exeter Local Plan 1st Review.

#### *External lighting.*

The site is in a city centre location where street lighting and existing site lighting are present. Lighting is considered necessary to ensure public safety and the safety of future residents. The details of the lighting can be secured by condition in the interests of protecting the amenity of existing and future residents and ecology. As such, the proposals are considered to accord with the aims of Exeter Local Plan 1st Review policy DG4.

#### *Noise.*

The site is in a city centre location with noise generating uses and activities in proximity. The potential for noise to adversely affect residents has been addressed and it is considered that provided suitable attenuation is secured by condition the impact on future residents can be considered acceptable. As such, the proposals are considered to accord with the aims of Exeter Local Plan 1st Review policy DG4.

### 5. Amenity of future occupiers

Co-living accommodation typically has similar characteristics to Purpose Built Student Accommodation but is open to anyone to live in over the age of 18. It is characterised by its design, which offers more communal space than other forms of housing and seeks to foster social interaction and a sense of community between residents. It is highly managed and is only available to rent. Although tenancy lengths will vary, typically a minimum tenancy of 3 months is expected. The Council has accepted the principle of the co-living model through the granting of consent for such schemes.

As co-living is a relatively new concept which has arisen since the adoption of the Local Plan and Core Strategy, there are no policies within the adopted development plan that were drafted with co-living in mind. Whilst there are general housing policies, and policies including references to 'specialist' housing which are applicable to a degree, none give us a specific framework against which to assess co-living. In recognition of the recent demand for Co-living, however (both across the country and within Exeter), the emerging Exeter Plan does include an emerging policy: H6.

As the Exeter Plan has only recently been submitted, and as such has not yet been examined or adopted, its policies may only be given very limited weight (in

accordance with NPPF paragraph 49), and this is dependent on the extent to which they are subject to unresolved objections as well as their degree of consistency with the NPPF.

In the absence of adopted policy and noting that care must be taken to apply only very limited weight to the policy, given the available policy framework, officers consider it helpful to compare the proposal to emerging policy H6. Parts a-c of the policy are of relevance in respect of living standards for future residents.

*Co-living development proposals will be supported when they:*

- a. Provide high quality accommodation designed and built specifically and entirely for rent;*
- b. Provide each resident with a private ensuite bedroom or studio that affords adequate functional living space and layout and is not a self-contained home or capable of being used as a self-contained home;*
- c. Include the following minimum communal spaces and facilities at a sufficient quantity to meet the needs of the total number of intended residents and located to provide each resident with convenient access:*
  - A kitchen;*
  - Other internal space for dining and socialising;*
  - Collaborative workspace;*
  - Outdoor amenity space (roof terrace and/or garden);*
  - Laundry and drying facilities; and*
  - Storage and refuse facilities*

Paragraph 6.36 of the emerging Exeter Plan states that ‘The City Council will publish additional planning guidance to amplify Policy H6 in due course.’ In the absence of detailed guidance of this type, officers and committee members must use their judgement to assess these aspects of the proposal with reference to existing policy. However, officers consider it reasonable for a Local Planning Authority’s judgement to be informed by guidance from elsewhere, provided that applications for planning permission ‘are determined in accordance with the development plan’ as required by planning law (also reflected in national guidance at NPPF para 48).

Having reviewed available guidance, officers note that the only adopted guidance appears to be for London Boroughs, and for the City of Birmingham (April 2022). Other Councils have published interim position statements on co-living (e.g. Bath & NE Somerset), and Watford and Bristol have consulted on draft SPDs. Officers consider the London Plan Guidance: Large-scale purpose-built shared living to be the most helpful. It was adopted in February 2024 following consultation and supports London Plan Policy H16.

Members must remember that whilst this document has been through a robust process and is recognised formally as guidance in London, it does not form part of Exeter's Development Plan. Despite this critical policy position, officers consider the guidance to serve as a useful guide and it is therefore referred to for the purposes of assessing the development proposal.

Communal spaces for the development as a whole and servicing is provided at ground floor and part of first floor of Block A. These include; Lounges, Gym and Fitness Studio, Co-work spaces, media room, laundry room, private events space, communal kitchens and communal dining. Whilst these spaces are remote from some units in Block B, covered connection is provided and the quantum, type and arrangement of internal communal spaces would meet the Greater London Guidance and is considered acceptable. Internal communal facilities average a total of 3 sqm per resident with 1.5 sqm per resident of additional kitchen/diner space.

Amenity outdoor space is provided at the rear of Block A at ground floor level and in roof terraces on both blocks A and B. The quantum and arrangement of external amenity space would meet the Greater London Guidance and is considered acceptable.

Each of the upper residential floors has a communal kitchen dining space with an average of 1.5 sqm per resident of kitchen/diner space located on the same floor as the residential unit. The size and location are considered appropriate for the quantum of co-living residential units when assessed against the London Guidance and the location of kitchen/diner spaces are considered to accord with the emerging Exeter Plan Policy H6 requirement to be conventionally located. The seven rooms on the ground floor of Block A and 14 rooms on the ground floor of Block B do not have a kitchen/diner conveniently located on the same level and corridor, though they are closer to the central communal kitchen than other upper floor units.

The development is comprised of 297 co-living accommodation units in total, 265 'Standard Units' and 32 'Large Units'. Of the Standard co-living units 240 are between 18 and 20 square metres internal area, with 25 units that are between 21 and 27 sqm. The 32 'Large Units' being of 27 sqm or more. Amenity spaces will need to be protected in the interests of the living conditions of future occupiers.

The question of whether the units are capable of being occupied as self-contained units is difficult. The only way to prevent this completely would be for the layouts to exclude either the ensuite/WC facilities, or the kitchen. The wording of H6 requires an ensuite meaning the kitchen would need to be excluded. Officers have given consideration to excluding kitchen facilities and have reviewed guidance and practice from elsewhere. Officers have visited The Gorge, as well as a completed scheme in Bristol. Overall, the feeling is that the provision of units with no cooking facilities would be undesirable and is likely to make schemes more akin to large HMOs. One of the frequently cited problems relates to the storage of food: residents would

typically prefer to store food in their own rooms where it is secure and may wish to prepare snacks and light meals in their rooms in private. Provision of kitchenettes is therefore considered desirable but that these cooking facilities should be limited, and communal kitchens provided with 'convenient access' as per Policy H6 to encourage communal living and encourage units not to be occupied on a self-contained basis.

The range of communal amenity spaces, the quantum, arrangement and locations are also considered to accord with the aims of Exeter Local Plan 1<sup>st</sup> Review Policy DG4 and emerging Exeter Plan Policy H6.

Contributions towards the provision of off-site informal open spaces and formal sports provision to support the use of these by residents are proposed to be secured by S106 agreement.

The acoustic design of the building facades can be controlled by condition to ensure that future residents are adequately protected from the impact of noise from neighbouring uses and general noise environment including during hot weather and at night. The landscaping of the site includes an acoustic barrier fence on the boundary of the Bingo; details and implementation of this can be secured by condition. As such the proposals can be conditioned to accord with the aims of paragraph 200 of the NPPF 2024.

## 6. Impact on landscape/BNG/Ecology

Landscaping and tree planting around the car park perimeters contributes positively to the area but is largely of ornamental species. The removal of these trees on the frontage of Bartholomew Street East is undesirable on ecology and biodiversity grounds. However, the replacement of those trees with tree planting better suited to the location and which are planted to relate to the new building is considered justified in the interests of creating a development that sits well with its landscaping and addresses level differences more positively than the car park landscape planter.

In Mary Arches Street some trees planted on the car park perimeter have been lost over recent years. The mature Raywood Ash tree in Mary Arches Street at the rear of the Bingo Hall is however a prominent and healthy tree that makes a substantial positive impact and is considered worthy of retention. Similarly, three mature trees in Mitre Lane are considered worthy of retention and the building footprint of the rear wing of block B has been adjusted to allow for the retention of these trees. The junction of Mitre Lane and Mary Arches Street is an opportunity to replace recently lost tree and to enhance Mitre Lane and Mary Arches Street.

The proposed development results in an overall reduction in measured biodiversity on site. The development includes enhancement, through landscape planting and the

introduction of bat and bird boxes at street and roof levels but will require off-site measures to be secured to achieve overall 10% Biodiversity Net Gain.

Compensation for the loss of biodiversity and ecology on site can be secured through both on and off-site measures.

With reference to The Conservation of Habitats and Species Regulations 2017, 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). The AA has been carried out and concludes that the development could have an impact in combination with other residential developments primarily associated with recreational activity of future occupants. However, 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 CIL collected in respect of the development being allocated to funding the mitigation strategy, and a s106 contribution with respect to the affordable housing.

For the reasons set out above, the proposed development is considered to accord with the aims of Exeter Local Plan policy DG1 and the objectives of Section 15 of the NPPF respecting nature conservation.

## 7. Travel, Access and Parking

The proposed development is car free, with the exception of disabled parking, which is increased to three spaces on Synagogue Place. Servicing is from Mitre Lane and Bartholomew Street East. The area is subject of on street parking controls and the development can be excluded from eligibility for residents parking permits by DCC. As such the development is located in accordance with emerging Local Plan Policy H6. Disabled parking spaces for general use are proposed on Synagogue Place with the number of spaces increased to three spaces.

Provision is made internally for resident's cycle parking the quantum of which is in accordance with the Sustainable Transport SPD and is located in two cycle stores which are accessed directly from Bartholomew Street East and directly accessed internally.

The development is not considered to give rise to any unacceptable impact on highway safety and the residual cumulative impacts on the road network are not severe, the multi-storey car parks being closed, and hence it is not considered that there are any grounds for refusal of the application for Highways reasons.

There are no documented public rights of way across the site between North Street and Mary Arches Street. Two alleyways from North Street that are public highway do not extend to Mary Arches Street or Mitre Lane, though these routes are used informally. The proposed development would physically block the route from North Street to Mitre Lane. A permissive route linking the two existing alleyways from North Street together and to Mary Arches Street would be created by the development. At Planning Committee in January an amendment to the recommendation was proposed and carried that “that the pedestrian route shall be treated as a permissive path and be kept open to the public at all times, unless closure was subsequently justified by demonstrable incidents of anti-social behaviour, as identified through the management plan required by the Section 106 Agreement.” This is proposed to be gated with public access secured through a S106 legal agreement and managed by the site operator. Provisions for closure for maintenance and in the event antisocial behaviour are proposed to be included and the presumption that the path remain open can be secured.

Synagogue Place connects to private land as part of the Bingo Hall (which is gated) and would not be affected by the development.

There are loading bays on street in North Street outside the building entrance. The proposals include a vehicular lay-by in Bartholomew Street East that would facilitate servicing of Block A and those moving in or out of the development. Mitre Lane also facilitates servicing of Block B.

The removal of the car park access lane from Mary Arches Street, which is one way, would potentially enable footway widening, on street blue badge parking, and/or creation of dedicated cycle lanes or cycle priority.

The proposals are considered to accord with the aims of Exeter Local Plan 1st Review policy T3, Core Strategy policy CP9 and the aims set out in section 9 of the NPPF.

A Travel Plan has been submitted, and the Highway Authority consider it acceptable. Final Travel Plans for each part of the scheme are required by condition.

We note the advice of DCC as Highway authority and agree that the development is not considered to give rise to any unacceptable impact on highway safety and the residual cumulative impacts on the road network are not severe. Hence, as guided by paragraph 115 of the NPPF 2023, it is not considered that there are grounds for refusal of the application for highways reasons.

## 8. Sustainable Construction and Energy Conservation

The multi-storey car park has a high embodied carbon in construction but is unsuitable for conversion to residential development.

The proposed development includes Mechanical Heat Ventilation Recovery as part of the ventilation system, Heat Pumps to support water heating, and rooftop solar photovoltaic panels. The applicant has estimated overall CO2 emissions reduction for the proposed development is 67.4% against currently Building Regulations Part L 2021 as shown in the graph below. These measures will be secured by a condition.

The proposed development will minimise the use of mains water by achieving a maximum indoor water consumption of 105 litres per person per day in line with the 'Optional Requirement' of Approved Document Part G (2016), which will be secured by a condition. The proposed development in accordance with Core Strategy policy CP15 requirement and NPPF 2023 paragraph 162.

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.

## 9. Flood Risk and Surface Water Management

The site is in Flood Zone 1. The existing development largely hard surfaces the site. The proposals would reduce the surface water run off rate, reducing the risk of flooding elsewhere, and South West Water have confirmed capacity in their infrastructure to connect the development proposed. As such the proposal is considered to accord with the aims of Exeter Local Plan 1st Review Policy EN4, policy CP12 of the Exeter Core Strategy and Paragraph s181 and 182 of the NPPF 2024

## 10. Pollution

The site is not identified as likely to be subject of ground contamination, however a condition is proposed on precautionary basis should contamination be uncovered during construction. Officers are satisfied that the development proposed can safely be permitted subject to this condition. As such the development is considered to comply with the aims of Exeter Local Plan 1st Review Policy EN2 and paragraph 196 of the NPPF 2024.

North Street and its junction with Bartholomew Street East are part of the designated Air Quality Management Area. As such, the development would have a lower impact on air quality than the current use and is not contrary to policy EN3 of the Exeter Local Plan 1st Review and would contribute to the improvement of air quality as

sought by Policy CP11 of the Exeter Core Strategy and paragraph 199 of the NPPF 2024

### 11. Affordable Housing

The development would provide 20% of the 297 co-living units as private affordable rent housing which can be secured through a S106 agreement. This is in accordance with the national planning policy requirement which has precedence over Local Plan policy for these residential tenure types. Of the affordable dwellings, 5% will be wheelchair standard M4(3). The location of the affordable and wheelchair accessible units and the nomination of occupiers can be secured through the S106 agreement. As such, the proposals meet the requirements of Exeter Core Strategy policy CP7, Exeter Local Plan 1st Review policy H7 and the Affordable Housing SPD.

### 12. Mixed Communities

The proposed development of co-living housing is in an inner urban area which has a wide mix of housing stock, with a recently completed purpose-built student accommodation development on an adjacent site. Policy H5 of the Exeter Local Plan 1st Review guides that the conversion to or construction of special needs housing, bedsits, houses in multiple occupation and student housing will be permitted provided that the criteria set out in that policy are met. These criteria include that the development should not cause an over concentration of the use in any one area of the city that would change the character of the neighbourhood.

Whilst it is a single residential type and tenure, co-living it adds to the accommodation types in the immediate area, and it is not considered that it would result in an over concentration of this particular residential use type in the area, or in the wider city centre. The proposed development is not considered to result in an over concentration of a particular residential use type in the area and as such is considered to accord with the aims of policy H5 of the Exeter Local Plan 1st Review.

### 13. Housing supply

The development would provide 297 units of co-living accommodation, which would be counted as 165 dwellings using the Housing Delivery Test multiplier, and this should be afforded substantial positive weight in the planning balance.

The applicant has demonstrated that the building could be converted to studios and apartments that meet national minimum space standards should demand for co-living reduce in future.

The Council is not currently able to demonstrate a 5-year housing land supply (supply on 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. The tilted balance is therefore to be borne in mind when balancing the planning issues that have been outlined in this report and reaching a recommendation.

#### 14. Economic benefits

The development would provide economic benefits in construction phase directly in construction and indirectly. The development will create jobs in occupation phase through the staffing and ongoing maintenance activities. The development of these additional residential units, including affordable housing, will support the labour supply in the local economy. The additional residential accommodation in the city centre will support the vitality of the city centre.

#### 15. CIL & New Homes Bonus

The development will also generate approximately £182,355.74 in CIL at 2025 rates.

New Homes Bonus will also be received on the basis of increased dwelling numbers.

#### 16. 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 matters listed below are considered necessary to make the development acceptable in planning terms, to be directly related to the development, and fairly and reasonably related in scale and kind to the development meeting the tests set out in Regulation 122. The request for funding made by the RDUH is not considered to meet those tests.

The application has not been subject to a viability process, and as such a full package of S106 obligations have been secured. The S106 wording will allow for payments to be phased and linked to each of the two phases/types of development.

All financial contributions set out below are to be index-linked.

- 20% of Co-living Units (60 units) as 'Affordable Private Rent', including 3 wheelchair M4(3) units.
- Highways Contributions totalling £139,050.
- Contribution of £10,000 for Traffic Orders

- Car Club Contributions £146,434.62 for vehicle provision, and associated £7,269 TROs and £7,269 Road Markings
- Provision of permissive path, including public access and ongoing maintenance
- Co-living Management Plan, including measures to discourage car ownership and use
- Primary Health Care contribution £87,184 towards expansion of GPs surgery provision
- Contribution of £457 per bedspace towards the provision and improvement of off-site public open spaces serving the development.
- Contribution of £ 278 (per bedspace towards the provision or improvement of off-site playing fields city-wide.
- Habitat Regulations mitigation - Exe Estuary (Affordable units only) - £1278.71
- 24/7 onsite management presence
- A financial contribution [amount to be confirmed] to support public engagement of archaeological investigation and its findings
- Restrictions on Full Time Student Occupation of 10%
- S106 Monitoring Fee
- Bio-diversity Net Gain Monitoring Fee

## 17. Planning Balance and Presumption in Favour of Sustainable Development

Case law has established that where the proposal will have an impact on the significance of Heritage Assets, first an assessment of the potential harm of the development against the benefits of the scheme applying a 'non-weighted balance' should be carried out. If the benefits of the proposal outweigh any harm caused to heritage assets, then the second part of paragraph 11d) should be carried out, i.e. the 'tilted balance' test.

For completeness, the weight given to each harm or benefit and an assessment of the planning balance applying a 'non-weighted balance' is set out here.

Weight given on each planning matter:

- The provision of 297 Co-living dwelling units of which 60 Affordable Private Rent Units of which 3 are Wheelchair units on a highly sustainable site is given significant weight in decision making.
- The redevelopment of an underdeveloped site and the removal of buildings that make a negative contribution to the setting of Listed Buildings and the Character and Appearance of the Central Conservation Area centre, and the enhanced public engagement with the Archaeological Investigation of the site, is given positive weight in decision making.

- The car free development of the site that will reduce traffic movement in the city centre is given moderate positive weight given the modest reductions in traffic and impact on overall air quality.
- Contributions from the development to offset the impact of the development on services and public spaces are given limited positive weight.
- The less than substantial harm to the setting of Listed Buildings and the Character and Appearance of the Central Conservation Area is given significant weight in decision making given the special regard that is required to be had to the assets and that the harm would be long lasting.
- The loss of trees and reduction in on site biodiversity, which will need to be compensated off site, is given significant weight in decision making
- The loss of renewable energy generating capacity is given moderate weight in decision making.

An assessment of the harm to heritage assets is set out in Section 16 part 2 of this report. This concluded that the impact on above ground Heritage Assets (the Central Conservation Area, Grade I, II\* and II Listed Buildings, and Locally Listed Buildings) is considered to be less than substantial harm. The investigation of the archaeology of the site and the enhanced public engagement that development would secure are considered significant public benefits.

With regards to that less than substantial harm, the public benefits that the scheme provides, including in public engagement and investigation of the buried Heritage Assets, are considered to outweigh the harms, even given the special regard that need to be had to the desirability of preserving such buildings or their setting and the great weight that should be given to their protection as set out in the NPPF. On an unweighted basis a recommendation would be to approve the application.

Having reached that conclusion on an unweighted basis we can then move to consider whether a tilted balance set out in paragraph 11 should be applied. The Council is not currently able to demonstrate a 5-year housing land supply (supply on 01 April 2025 it 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.”

Footnote 8 to this paragraph 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 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 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.

The tilted balance is therefore to be borne in mind when balancing the planning issues that have been outlined in this report.

The key benefits of development and identified harms and the weight given to them is set out earlier in this section and remain unchanged.

## **17.0 Conclusion**

In light of the officer assessment set out in the ‘Planning Balance’ section above and taking into consideration the guidance in paragraph 11 of the NPPF, it is considered that the benefits of the proposed residential development, in meeting demonstrated housing need, outweigh the heritage harm and all other harms. It is also considered that the design of the development is acceptable given the impact of the current site on the Conservation Area and the setting of listed and locally listed buildings.

The scheme will also deliver significant public benefits, including the comprehensive regeneration of a prominent brownfield site and the removal of buildings and spaces that currently make a negative contribution to the Central Conservation Area. It will provide new city-centre housing (including 20% Affordable Private Rent), a car-free form of development in a highly sustainable location, and public realm and permeability improvements including the new pedestrian route and pocket park. The development will also secure extensive archaeological investigation and public engagement, alongside ecological mitigation and a Biodiversity Net Gain package,

and measures to reduce operational carbon emissions. These benefits are considered to weigh positively in the planning balance.

## 18.0 Recommendation

The recommendation is in two parts: **APPROVE**, subject to conditions and completion of a S106 legal agreement; and **REFUSE** if the agreement is not completed in a timely manner.

### RECOMMENDATION PART A

a) DELEGATE TO 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:

- 20% of Co-living Units (60 units) as 'Affordable Private Rent', including 3 wheelchair M4(3) units.
- Highways Contributions totalling £139,050
- Contribution of £10,000 for Traffic Orders
- Car Club Contributions of £146,434.62 for vehicle provision, and £7,269 for associated TROs and £7,269 for associated Road Markings
- Provision of permissive path, to be kept open to the public at all times, unless closure is subsequently justified by demonstrable incidents of anti-social behaviour, or for maintenance, as identified through the management plan
- Co-living Management Plan, including measures to discourage car ownership and use
- Primary Health Care contribution £87,184 towards expansion of GP surgery provision
- Contribution of £457 per bedspace towards the provision and improvement of off-site public open spaces serving the development.
- Contribution of £278 per bedspace towards the provision or improvement of off-site playing fields city-wide.
- Habitat Regulations mitigation - Exe Estuary (Affordable units only) - £1278.71
- 24/7 onsite management presence
- A financial contribution £93,035 to support public engagement of the archaeological investigation and its findings
- Restrictions on Full Time Student Occupation of 10%
- S106 Monitoring Fee
- Bio-diversity Net Gain Monitoring Fee

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

And the following conditions (and their reasons) the wording of which may be varied.

Standard conditions

- 1) 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) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 17 April 2026 listed below, as modified by other conditions of this consent.

[Final plan numbers and references to be confirmed in update sheet.]

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

Pre-commencement conditions

- 3) Prior to the commencement of the development hereby permitted, 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 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. These details are required pre-commencement as specified to ensure that building operations are carried out in a sustainable manner.

- 4) No development (including ground works) or vegetation clearance works shall take place until a Construction/Demolition Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The Statement shall describe the actions that will be taken to manage development to protect the amenity of the locality, especially for people living and/or working nearby. It shall include as a minimum provision for:

- a) A programme of the works.
- b) Construction working hours and deliveries to be restricted to from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays, unless otherwise agreed in writing in advance by the Local Planning Authority.
- c) A noise and vibration management plan, including details of quantitative monitoring of noise and/or vibration to be conducted if deemed necessary by the LPA following justified complaints.
- d) All mobile plant and equipment based at the site to use white noise reversing alarms or a banksman unless agreed otherwise in writing.
- e) No driven piling without prior written consent from the LPA.
- f) A detailed proactive and reactive dust management plan, including details of quantitative monitoring of dust emissions at the site boundaries.
- g) No burning on site during construction or site preparation works.
- h) All non-road mobile machinery (NRMM) based at the site shall be of at least stage IIIB emission standard (or higher if stage IIB has not been defined for the type of machinery) unless agreed otherwise in writing in the CEMP.
- i) Site layout; including site compound, access points of all vehicles to the site, the areas for loading and unloading plant and materials, the location of storage areas for plant and materials and on-site parking.
- j) The anticipated number, sizes and frequency of vehicles visiting the site in connection with the development.
- k) Details of proposals to promote sustainable travel and car sharing amongst construction staff in order to limit construction staff vehicles parking off-site.
- l) Details of wheel washing facilities and obligations.
- m) The proposed route of all construction traffic exceeding 7.5 tonnes.
- n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work.
- o) The details of how power will be provided to the site (use of a generator overnight will not normally be considered acceptable).
- p) The erection and maintenance of site securing hoarding.
- q) The arrangements for communication and liaison with local residents, including regular letter drops and a dedicated contact number for complaints.

The approved Statement shall be strictly adhered to throughout the construction period of the development.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby.

- 5) Pre-commencement condition: No materials shall be brought onto the site or any development commenced, until the developer has erected tree protective

fencing around all trees or shrubs to be retained, in accordance with a plan that shall previously have been submitted to and approved in writing by the Local Planning Authority. This plan shall be produced in accordance with BS 5837:2012 - Trees in Relation to Design, demolition and construction. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.

Reason for pre-commencement condition - To ensure the protection of the trees during the carrying out of the development. This information is required before development commences to protect trees during all stages of the construction process.

- 6) No development shall take place (including any demolition, ground works, site clearance) until a Construction Ecological Management Plan (CEcMP) has been submitted to and approved in writing by the local planning authority. The CEcMP shall include appropriate measures, methods, and communication lines to manage potentially damaging construction activities on ecological features including bats, birds, and any other significant features identified prior to, or during, construction. Once approved, the plan shall be implemented for the duration of the construction period.

Reason: In the interests of protecting and enhancing the natural environment.

- 7) No development shall take place until the implementation of a programme of archaeological works 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) Prior to the demolition of 21 North Street details of the temporary works to protect and support the retained elevation of 20 North Street shall be

submitted to and approved in writing by the Local Planning Authority. Within one month of the demolition of 21 North Street details of a scheme of making good the facade of 20 North Street, including a programme for implementation, shall have been submitted to the Local Planning Authority. The works shall be carried out in accordance with a scheme approved by the Local Planning Authority.

Reason: Insufficient information has been submitted with the application and in the interests of visual amenity.

#### Pre-construction and pre-occupation conditions

- 9) Prior to the commencement of construction (excluding demolition and site preparation), details of the proposed structural approach to the proposed buildings shall be submitted to and approved in writing by the Local Planning Authority, along with details demonstrating how the accommodation proposed within the building will be capable of adaptation or reuse in future for alternative configurations of residential use. The building shall thereafter be constructed in accordance with the approved structural details.

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) Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved shall achieve an overall CO2 emissions reduction of at least 67.4% against currently Building Regulations Part L 2021 as set out in Sustainability Net Zero Carbon, Statement, June 2025, as a minimum. Prior to commencement of development (excluding demolition and site clearance), the developer shall submit to the Local Planning Authority a design (interim) stage assessment report, which shall set out the performance expected to be achieved by the building. A post completion report of the building is to be carried out within three months of substantial completion of the building.

Reason: To ensure that the proposal complies with Policy CP15 of Council's Adopted Core Strategy and in the interests of delivering sustainable development. The design stage assessment must be completed prior to commencement of development because the findings may influence the design for all stages of construction.

- 11) No construction hereby permitted (excluding demolitions and site clearance) 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 Proposed Redevelopment of Mary Arches Car Parks, Exeter Flood Risk Statement and Drainage Strategy (Report Ref. 25106-RLL-XX-RP-C-0002, Rev. P02, dated June 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 parts (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.

- 12) Prior to commencement of any construction (excluding demolition and site clearance) of the building hereby approved 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. Prior to the occupation of the building hereby approved an Acoustic Installation Verification Report shall be submitted. This report shall document the successful completion of the acoustic insulation work and post-installation testing.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby.

- 13) No construction works above 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, canopies, glazing systems, and other fabrications.

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 that the setting of the Conservation Area opposite would be preserved.

- 14) A schedule of all the materials it is intended to use externally in the construction of the development (including facing, roofing, rainwater goods, glazing systems, doors, hard surfaces and means of enclosure), and where requested by the Local Planning Authority samples of those materials, shall be submitted to the LPA. No external finishing material shall be used until the Local Planning Authority has confirmed in writing that its use is acceptable. Thereafter the materials used in the construction of the development shall correspond with the approved samples/details in all respects.

Reason: To ensure that the materials conform with the visual amenity requirements of the area.

- 15) A detailed scheme for landscaping, including the planting of trees and or shrubs, the use of surface materials and boundary screen walls and fences, including the acoustic barrier, shall be submitted to the Local Planning Authority and the building shall not be occupied until the Local Planning Authority have approved a scheme; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and any earthworks required together with the timing of the implementation of the scheme. The landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with an agreed programme.

Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

- 16) Prior to commencement of the development (with the exception of demolition and clearance) a Landscape and Ecological Management Strategy shall be submitted to and approved in writing by the Local Planning Authority.

Prior to the first occupation of any part of the development hereby permitted, a Landscape and Ecological Management Plan (LEMP), shall have been submitted to and approved in writing by the Local Planning Authority. The content of the LEMP 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.
- h) On-going monitoring and remedial measures for biodiversity features included in the LEMP.

For the avoidance of doubt this shall include 24 integral Swift Nest Boxes in accordance with the detailed recommendations of the Ecological Impact Assessment and confirm the type of swift bricks to be installed, locations, into which boxes are to be installed, and evidence in the form of photographs of correct installation.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(s) responsible for its delivery.

All post-construction site management shall be undertaken in accordance with the LEMP.

Reason: In the interests of biodiversity and good design in accordance with Policy CP16 of the Core Strategy, Policies LS4 and DG1 of the Local Plan First Review and paragraphs 58, 109 and 118 of the NPPF.

#### Other conditions

- 17) Prior to the installation of any new plant on the site (such as ASHP, MVHR, etc), 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 amenity of the area, including nearby residential as well as future residents. These details are required prior to the installation of the relevant equipment as specified to ensure that the plant will not give rise to significant adverse impacts on the amenity of neighbouring receptors.

18) The loading lay-by on Bartholomew Street East shown on the approved plans shall be provided and made available for use prior to the first occupation of the development.

Reason: To ensure satisfactory access into the site in accordance with saved policies T1 and T3 of the Exeter Local Plan First Review, the Sustainable Transport SPD and paragraphs 115 and 117 of the NPPF.

19) Public access to the walkway linking North Street with Mary Arches Street and the space at the junction of Bartholomew Street East with Synagogue Place shall be provided prior to the first occupation of the development hereby permitted.

Reason: To ensure satisfactory access through the site in accordance with saved policies T1 and T3 of the Exeter Local Plan First Review, policy CP9 of the adopted Core Strategy, the Sustainable Transport SPD and paragraphs 115 and 117 of the NPPF.

20) In accordance with details that shall previously have been submitted to, and approved by, the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway.

Reason: In the interest of public safety and to prevent damage to the highway

21) Details of external artificial lighting, including for the walkways, compliant with the specifications in section 5.4 of the EclA, shall be submitted to and be approved in writing by the Local Planning Authority.

The details shall include location, type, specification of lighting, and an assessment of the lighting against BS5489-1:2020 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 relevant phase of the development, including lighting to the proposed site access and permissive path.

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.

- 22) Prior to occupation of the development hereby permitted details of CCTV to be installed shall be submitted to and approved in writing by the local planning authority. CCTV shall be installed in accordance with the approved details prior to first occupation of the building or the walkways and public areas first being brought into use.

Reason: In order to help prevent / detect crime, disorder and anti-social behaviour and to ensure the development is carried out in accordance with the Operator Management Plan and the DAS with the minimum coverage outlined which must include external areas of the site.

- 23) Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence until a Road Safety Audit (RSA) S1 and detailed scheme for the required offsite highway improvement works relating to the cycleways has been submitted to the Highway Authority. For the avoidance of doubt, any problems identified in the RSA S1 must be adequately rectified to a standard deemed acceptable by the Highway Authority. Prior to the first occupation of the development hereby permitted the offsite highway improvement works shall have been completed in accordance with the approved details.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity.

- 24) The building Blocks shall not be occupied until secure cycle parking for the residents of each Block, and outdoor Sheffield cycle stands for visitors have been provided in accordance with the details submitted to and approved in writing by the LPA. 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.

A cycle maintenance stand, pump, and basic cycle maintenance tools shall be provided for use by residents in each of the cycle stores and shall be maintained as such thereafter.

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

- 25) 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 approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority, for the development in the approved phase. 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.

- 26) Prior to occupation of the development hereby approved, access control measures must be in place to prevent casual intrusion beyond public / semi-private space and into private space. This includes no tradesperson access for mail delivery or utility readings.

Reason: To prevent unlawful access to private / semi-private space and thus reduce the likelihood of crime, conflict, disorder and anti-social behaviour. The access control system should prevent unlawful free movement throughout the development which includes lift controls and access to stairwells.

- 27) Details of the gates to be installed at the access points of the pathways linking North Street to Mary Arches Street in the locations shown on Plan ref. [inset final plan reference] shall be submitted to and approved in writing by the Local Planning Authority and shall have been installed in accordance with those approved details prior to occupation of any part of the development hereby approved.

Reason: To restrict unauthorised access, particularly during hours of darkness to prevent the opportunity for casual intrusion, crime and anti-social behaviour.

- 28) The development hereby permitted shall not be occupied 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.

- 29) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 4 of this condition 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 part 4 of this condition has been complied with in relation to that contamination.

#### Part 1. Site Characterization

An 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 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. 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 archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

#### Part 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.

#### Part 3. Implementation of Approved Remediation Scheme/ Verification Report

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 prior to occupation and is subject to the approval in writing of the Local Planning Authority.

#### Part 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 part 1 of this condition, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part 2 of this condition, which is subject to 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 part 3 of this condition.

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.

- 30) The communal amenity spaces and shared facilities (shown as the Communal Kitchens, Communal Dining rooms, Pantry, Private Event Space, Media Room, Fitness Studio, Reception, Lounges, Co-work spaces, Gym & Studio, Laundry, and Meeting Rooms) shown on the approved floor plans of the

development shall be provided prior to occupation and thereafter maintained in perpetuity for communal amenity use only. They shall not be converted or subdivided in any way to create additional residential 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.

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

- 31) No part of the residential use hereby approved shall be occupied until bin storage and collection facilities have been provided in accordance with details set out in the approved plans and Design and Access statement, or in accordance with such details as may be subsequently agreed in writing by the LPA. Thereafter the said bin facilities shall be retained for that purpose at all times.

Reason: To ensure that bin storage is provided in the interests of amenity and human health.

- 32) In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to become established and to prosper for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced with such live specimens of such species of such size and in such number as may be approved by the Local Planning Authority.

Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

- 33) The proposed development will minimise the use of mains water by achieving a maximum indoor water consumption of 105 litres per person per day in line with the 'Optional Requirement' of Approved Document Part G (2016) in accordance with the Mary Arches, Exeter, Sustainability Net Zero Carbon, Statement, June 2025.

Reason: In the interests of reducing water resource consumption and to ensure compliance with the approved development details.

- 34) Unless otherwise agreed in writing, windows in that part of the southwest side elevation of Block A opposing 15 Bartholomew Street East and

44 Mitre Lane, and windows in that part of the southeast elevation of Block A facing adjacent properties in North Street, shall be constructed as obscure glazed and maintained as such thereafter.

Reason: In the interests of protecting the privacy of the occupiers of neighbouring buildings.

- 35) The development hereby consented, including demolition, shall be carried out in accordance with a phasing strategy that shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure redevelopment is carried out in a co-ordinated manner and the development is delivered on a comprehensive basis.

## **INFORMATIVES**

- 1) 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).
- 2) 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 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) A legal agreement under Section 106 of the Town and Country Planning Act 1990 relates to this planning permission.
- 4) 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 (i.e. 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) 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.

- 6) The applicant's attention is drawn to the potential for Unexploded Ordnance to be present on the site and the need for UXO risk assessments to be undertaken and the recommendations of those assessments to be adopted in working practices on site.
- 7) South West Water response relates to surface water discharge to our network, where the discharge is from buildings and yards belonging to buildings. Where the applicant has highlighted that the surface water does not connect to South West Water network, we are not commenting on this as it is not our responsibility.
- South West Water has no duty to accept land drainage runoff, flows from natural watercourses or groundwater to the public sewer system, and this is not permitted to discharge to the South West Water network. The applicant should make alternative arrangements to deal with this separately during the development and once the construction work is complete.
- South West Water are not responsible for Highway Drainage, and our comments do not relate to accepting any of these flows. The applicant should discuss and agree with the Highway Authority, where the highway water connects to.
- If the applicant wishes to connect this development to the South West Water network, they should engage with us separately to see if we can accommodate this.
- No highway drainage will be permitted to be discharged to SWW foul or combined public sewer network either directly or indirectly.
- If the applicant is looking to have their sewers adopted (surface and foul), they should design and construct the sewers to the current version of the Design and Construction Guidance. The process for doing this can be found on South West Water's website.
- 8) 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.
- 9) The following advice is given in respect of any CCTV installed:
- Compliance with the Surveillance Camera Code of Practice including Passport to Compliance.
  - Cameras, wiring and recording or monitoring equipment should be secured.
  - CCTV should be designed in co-ordination with external lighting and landscaping.
  - Installations should be protected with vandal-resistant housings.
  - Recorded images must be of evidential quality if intended for prosecution.

- Any CCTV is advised to be installed to comply with the requirements of BS EN 62676:2015 Video surveillance systems for use in security applications and BS 7958:2015 CCTV management.
- CCTV systems should be registered with the Information Commissioners Office (IOC) and be compliant with guidelines in respect to General Data Protection
- Regulations (GDPR) and Human Rights legislation. Further information is available via [www.ico.gov.uk](http://www.ico.gov.uk).
- Accredited NSI or SSAIB installers must be used.

#### RECOMMENDATION PART B

- b) REFUSE PERMISSION IF THE LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) IS NOT COMPLETED WITHIN 6 MONTHS OF THE DATE OF COMMITTEE, OR SUCH EXTENDED TIME AS AGREED IN WRITING BY THE HEAD OF CITY DEVELOPMENT.