

HERITAGE IMPACT ASSESSMENT

FORMER POLICE STATION AND MAGISTRATES COURT, HEAVITREE ROAD, CITY OF EXETER

APRIL 2025



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CONTENTS

1.0	INTRODUCTION	4	5.0	DESIGN DEVELOPMENT	30
	Summary of the Site and its Heritage Context			PREVIOUS APPEAL SCHEME	
	Purpose of this Report			DESIGN CONSIDERATIONS AND DEVELOPMENT OF PRESENT SCHEME	
	The Proposed Development			Emerging Context	
	Structure of this Report				
2.0	PLANNING AND LEGISLATIVE FRAMEWORK	8	6.0	ASSESSMENT OF THE PROPOSED DEVELOPMENT	34
	Legislation and National Policy			Assessment of the Proposals on the Significance of Identified Heritage Assets	
	Exeter Local Plan First Review 1995-2011				
	Exeter Core Strategy		7.0	CONCLUSION	40
	Outline Draft of Emerging Exeter Plan (2022)			Findings	
				Policy Compliance	
3.0	HISTORIC DEVELOPMENT	14			
	Historic Development of Site and Surrounds				
	Site as seen today				
4.0	ASSESSMENT OF SIGNIFICANCE OF IDENTIFIED ASSETS	20			
	Scoping				
	Conservation Areas				
	Listed Buildings				
	Locally Listed Buildings				

APPENDICES

- 01: HERITAGE ASSET MAPS
- 02: EXTRACTS FROM HEAN3
- 03: HISTORIC ENGLAND ADVICE NOTE 3 CHECKLISTS
- 04: HISTORIC MAP PROGRESSION

1.0 INTRODUCTION

FORMER POLICE STATION AND MAGISTRATES COURT, HEAVITREE ROAD, CITY OF EXETER

INTRODUCTION

1.1 Montagu Evans LLP have been instructed by Nixon Homes Limited and NCO (Seven) Limited (also referred to throughout this report as the 'client') to prepare this Heritage Impact Assessment in support of a full planning application regarding the site of Former Police Station and Magistrates Court, Heavitree Road, City of Exeter. The full proposals are described below at paragraph 1.10.



Figure 1.1 Aerial View of the Site from the southeast with Site marked in red. Source: Google Earth



Figure 1.2 Aerial view of the Site from the northwest with Site marked in red. Source: Google Earth.

SUMMARY OF THE SITE AND ITS HERITAGE CONTEXT

- 1.2The Site comprises the former Police Headquarters, Magistrates Court and ancillary office accommodation. It is now redundant and unoccupied.
- 1.3The buildings on the Site range in height with single, two, three and five floors for the central admin office block. The principal entry to the Site is from Heavitree Road. This route leads to an area of hardstanding to the northwest of the Site which serves as car parking. There is a secondary access point to the Site along Gladstone Road.
- 1.4The existing buildings are set back behind a perimeter of greensward to the south and eastern boundaries, which includes mature ornamental planting, trees, and also some utilities. The western site boundary similarly includes a grass buffer at a smaller scale which again sets the site back from Gladstone Road
- 1.5The Site spans a size of 1.2 hectares. It is situated along Heavitree Road, a heavily trafficked main route into the City Centre of Exeter which runs along the southern boundary of the Site. The Site is further bounded by the residential developments of St Matthew’s Close and The Gorge to the north, Gladstone Road to the East and the properties of Higher Summerlands to the west.
- 1.6There are no designated or non-designated heritage assets within the red line boundary of the Site (see **Figure 1.3**). The heritage assessment in this report is therefore wholly concerned with the potential for the Proposed Development to impact the setting of nearby heritage assets.
- 1.7There are 13 heritage designations within a 250m radius of the Site as indicated on the Heritage Asset Map at **Figure 4.1** and Appendix 01. These span 4 conservation areas, 6 Grade II listed buildings and 3 locally listed buildings.
- 1.8A scoping exercise was carried out to ascertain which heritage assets had the potential to be impacted by the Proposed Development. This scoping process is detailed at paragraphs 4.5–4.8. The list of scoped heritage assets comprises:
 - St Leonards Conservation Area (Map Ref: A)
 - Lower Summerlands Conservation Area (Map Ref: B)
 - Mont le Grand Conservation Area (Map Ref: C)
 - Grade II 1–4 and 7–9 Lower Summerlands (Map Ref: 1)

- Grouping of Grade II Eaton Place and Grade II Eaton’s Place (Map Refs: 2 and 3)
 - Grouping of Grade II Grendon’s Almhouses and Grade II Attwill–Kingdom Almhouses (Map Refs: 4 and 5)
 - Locally Listed St Luke’s College (Map Ref: 7)
 - Locally Listed 15, 17, 19, 21, 23, 35, 37 Heavitree Road (Map Ref: 8)
 - Locally Listed 22 Spicer Road, The Lodge (Map Ref: 9)
 - Planning History of the Site
- 1.9An outline application for a mixed-use student accommodation and co-living scheme was submitted under reference 21/1564/OUT in October 2021. This scheme sought approval for the following:

“Outline planning application with all matters considered in detail except landscaping, for the demolition of the existing buildings and construction of mixed-use development comprising Purpose-Built Student Accommodation (Sui Generis) and Co-Living (Sui Generis) with associated infrastructure.”
- 1.10In February 2023, the application was refused. The reasons for refusal relating to heritage were harm to the character of the area.
- 1.11This scheme was revised and taken to appeal (APP/Y1110/W/23/3328094). The appeal was dismissed in February 2024, following a public inquiry.
- 1.12The key heritage issue in the Inspector’s comments was the effects of the proposal on the character and appearance of the area which were deemed to result in harm.
- 1.13The Inspector assessed the effects of the nearby non-designated heritage asset of St Luke’s College and concluded there would be **no harm** as *“there would be no material diminishing effect on the architectural importance or historic value of St Luke’s college or the overall appreciation of it”*.
- 1.14The Inspector also assessed the effects of the Proposed Development on the three nearby conservation areas of Lower Summerlands, St Leonard’s and Mont le Grand. He found **harm** to the Lower Summerlands Conservation Area for an unspecified reason. At the Appeal Inquiry, no party alleged harm to any designated or non-designated heritage asset, and the Inspector did not ask any questions of the witnesses on heritage harm.

- 1.15His finding against the proposals was on the basis of harm to the character and appearance of the area.¹
- 1.16The scheme has been significantly amended to address the Inspector’s comments. A full discussion of the Appeal outcome and resultant changes to the scheme can be found at **Section 5.0** of this report in relation to heritage setting impacts.

PURPOSE OF THIS REPORT

- 1.17This report considers the impact of the Proposals on the setting of nearby heritage assets. These assets are mapped on the Heritage Asset Plan attached to this report at Appendix 01. They have been scoped according to a radius of 250m which is proportionate to the scale and mass of the Proposals within their context.
- 1.18The purpose of this Heritage Impact Assessment is to identify and assess the significance of the heritage assets which have the potential to be affected by the Proposals in line with Paragraph 207 of the NPPF (2024). The assessment is provided to assist in the determination of these applications by the decision maker(s). This assessment has been undertaken in accordance with statutory requirements and the relevant policy and guidance context at both a national and local level, as detailed further in Section 02 of this report.

THE PROPOSED DEVELOPMENT

- 1.19This report is submitted as part of a full planning application. The Proposed Development seeks to develop 414 co-living units and 399 purpose-built student accommodation room and comprises:

“Demolition of existing buildings and erection of mixed-use development comprising purpose-built student accommodation (sui generis) and co-living accommodation (sui generis) along with associated infrastructure, landscaping and servicing”.

¹ We consider that there is an error in the Decision Letter, at page 6, which identifies harm to the Lower Summerlands Conservation Ara. If that paragraph is read as a whole, and in the context of the Inspector’s reasons more generally, it is clear that he found no harm to any designated or non-designated heritage asset. In any event, that is the finding of this analysis, and on the basis of a materially less impactful scheme. Nevertheless, we have note here the Inspector’s decision that he found harm to the conservation area in the interest of thoroughness.

1.20 This report should be read in conjunction with the Design and Access Statement produced by Brown + Company which is submitted as part of this application.

STRUCTURE OF THIS REPORT

- 1.21 This report in comprised of five sections following this introduction:
- **Legislation and Planning Policy** details the relevant statute and policy requirements that have been taken into consideration to make an assessment of the Proposed Developments to the site of Former Police Station and Magistrates Court, Heavitree Road, City of Exeter.
 - **Historic Development** provides a chronological summary of the development of both the area of Heavitree Road and of the Site specifically in order to ensure a thorough understanding of the heritage context.
 - **Assessment of Significance** examines the historic interest and architectural interest of the 11 scoped heritage assets within the 250m radius of the Site.
 - **Assessment of the Proposed Development** examines the heritage impact of the proposals, and if/ to what extent this impacts the significance of the identified heritage assets. This assessment will conclude whether the Proposals causes any degree of harm based on statute and planning policy, and associated guidance.
 - **Conclusion** summarises the findings of this report.
- 1.22 This report also contains four appendices. **Appendix 01** comprises the Heritage Asset Plan detailing the location of scoped assets and **Appendix 02** comprises the relevant heritage extracts of the Inspector’s Report relating to the former 2023 Appeal APP/Y1110/W/23/3328094. **Appendix 03** contains the relevant checklists from Historic England’s Advice Note 03 relating to the setting of heritage assets which have informed this assessment and **Appendix 04** contains a map progression of the Site and surrounds to illustrate the historic development of the area.



Figure 1.3 Red Line Boundary of Development Site (Source: Brown + Company)

2.0

PLANNING AND LEGISLATIVE FRAMEWORK

FORMER POLICE STATION AND MAGISTRATES COURT, HEAVITREE ROAD, CITY OF EXETER

PLANNING AND LEGISLATIVE FRAMEWORK

2.1 This section sets out the legislative and planning policy context for the Proposed Development, including national and local guidance.

LEGISLATION AND NATIONAL POLICY

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS ACT) 1990

- 2.2 The statutory duties of the decision-maker when considering development proposals which affect listed buildings and conservation areas are provided by the Planning (Listed Building and Conservation Areas) Act 1990 ('the 1990 Act').
- 2.3 With respect to this application, the applicable statutory provision are Sections 66 of the 1990 Act.
- 2.4 Section 66 requires that when determining applications, the local planning authority or Secretary of State, "shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".
- 2.5 Section 72 (1) of the PLBCAA 1990 treats development in a conservation area only and does not have a setting provision equivalent to section 66 (1) of the same act and in relation to a listed building's setting. The setting of a CA is a matter of policy.

NATIONAL POLICY

2.6 At the national level, policies are set out in the National Planning Policy Framework 2024 (NPPF).

NATIONAL POLICY	KEY PROVISIONS
National Planning Policy Framework (NPPF) 2021	Chapter 12: Achieving well designed places <ul style="list-style-type: none">Paragraph 135Paragraph 136Paragraph 137Paragraph 138Paragraph 139Paragraph 140
	Chapter 16: Conserving and enhancing the historic environment <ul style="list-style-type: none">Paragraph 202Paragraph 203Paragraph 207Paragraph 208Paragraph 210Paragraph 212Paragraph 213Paragraph 215Paragraph 216Paragraph 219

- 2.7 Chapter 16 of the NPPF sets out the Government's policies relating to the conservation and enhancement of the historic environment. In determining planning applications, Paragraph 207 specifies that:
- Local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.*
- 2.8 Paragraph 210 of the NPPF states that in determining applications, local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.

- 2.9 The Policy approach to harm is set out in Chapter 16. Paragraph 212 states that:
- When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*
- 2.10 Paragraph 215 indicates that:
- where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.*
- 2.11 Paragraph 219 of the NPPF states that in determining applications regarding the setting of heritage assets, local planning authorities should take account of:
- Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.*
- 2.12 The considerable importance and weight are consistent with the provisions set out under Section 16(2) of the 1990 Act.
- 2.13 The National Planning Policy Framework ('the Framework') at paragraph 212 effectively translates this provision into policy, advising that great weight should be given to the conservation of an asset's significance. The grading of an asset is material to this calculation of weight.
- 2.14 The Glossary of the Framework advises that conservation comprises the avoidance of harm through change or benefit. Hence, as a matter of policy setting enhancements are to be treated as benefits of particular weight. That provision applies in this case.
- 2.15 Paragraph 207 also advises that significance can derive from the setting of an asset, and in this case that setting comprises the Application Site. The relationship of the Application Site to the assets under consideration is detailed in Section 04 of this report.

PLANNING AND COMPULSORY PURCHASE ACT 2004

- 2.16
- Section 38(6)** of the Planning and Compulsory Purchase Act 2004 states that, if regard is to be had to the Development Plan applicable to the site for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the Plan, unless material considerations indicate otherwise. Relevant documents of the statutory development plan identified for this assessment are as follows:

 - Exeter Local Plan First Review 1995–2011
 - Exeter Core Strategy (February 2012)
- 2.17
- This existing Development Plan (period 1995 to 2011) predates the first National Planning Policy Framework (NPPF or the Framework) and in certain respects is not consistent with the Framework.

DEVELOPMENT PLAN	RELEVANT POLICIES
Exeter Local Plan First Review 1995–2011	<p>Chapter 4: Housing</p> <p>H4: Loss of Dwellings</p> <p>Chapter 10: Heritage Conservation</p> <ul style="list-style-type: none">• C1: Conservation Areas• C2: Listed Buildings• C3: Buildings of Local Importance <p>Chapter 13: Design Guidance</p> <ul style="list-style-type: none">• DG1: Objectives of Urban Design
Exeter Core Strategy (February 2012)	<p>Chapter 10: Environment</p> <ul style="list-style-type: none">• CP4• CP17

POLICY DISCUSSION

EXETER LOCAL PLAN FIRST REVIEW 1995-2011

Policy H5

- 2.18
- The below cites Policy H5 in full which treats student housing. Relevant to the assessment of impact on heritage (in relation to character and appearance) is part a) which considers the impact of this form of housing on local character:

H5: The conversion of dwellings to flats, self-contained bedsitters or houses in multiple occupation and the development of special needs or student housing will be permitted provided that:

(a) The scale and intensity of use will not harm the character of the building and locality and will not cause an unacceptable reduction in the amenity of neighbouring occupiers or result in on-street parking problems;

(b) The proposal will not create an over concentration of the use in any one area of the city which would change the character of the neighbourhood or create an imbalance in the local community;

(c) Special needs housing is located close to local shops and services, community facilities and bus routes;

(d) Student accommodation is located so as to limit the need to travel to the campus by car.
- 2.19
- Part d) of the policy is also applicable to a site lying immediately north of a university campus and on a direct bus route to the City Centre and the main university campus to the south.

Policy C1 on Conservations Areas
- 2.20
- Policy C1 on Conservation Areas is cited in full below, which does not account for a setting provision:

C1: Development within or affecting a conservation area (including changes of use, alterations and extensions) must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

Policy C2 on Listed Buildings

- 2.21
- Policy C2 on listed buildings notes that development “*must have special regard to the desirability of preserving the building or its setting*”.

Policy C3 on Locally Listed Buildings or Buildings of Local Importance
- 2.22
- Policy C3 is cited below in full due to the proximity of the locally listed building of St Luke’s College which is sited directly opposite the Proposed Development Site:

C3: Development (including changes of use, alterations and extensions) which affects a building of local importance, as identified in schedule 5, will not be permitted where it harms the architectural or historic value of the building.

Schedule 5: buildings of local importance

Criteria for selection

(a) Structures of architectural and/ or historic interest which to date have not been considered sufficiently special in national terms to merit inclusion on the statutory list.

(b) Structures which have prominence and a landmark quality, and which therefore make an important contribution to the identity of a particular locality (i.e. which are therefore fundamental to the sense of place of a particular locality and/or to the cherished local scene.

(c) Structures which are particularly associated with, and resonant of, locally distinctive activities, events, personalities, and communities.

(d) Exemplars of distinctive and/or special building types and styles, particularly if now locally rare or unusual, or if constructed in local materials.
- 2.23
- This policy does not treat setting in terms, and that the drafting of the policy is binary (meaning it requires refusal of an application harming locally listed buildings). In these two respects C3 is not consistent with the Framework approach to heritage, as set out in Chapter 16 and discussed above, which allows the balancing out of harm as against benefit.

	Policy DG1
2.24	<p>The below includes Policy DG1 in full at paragraph 13.27 of the Exeter Local Plan First Review.</p> <p><i>DG1: Development should:</i></p> <p><i>(a) Be compatible with the urban structure of the city, connecting effectively with existing routes and spaces and putting people before traffic;</i></p> <p><i>(b) Ensure that the pattern of street blocks, plots and their buildings (the grain of development) promotes the urban character of Exeter;</i></p> <p><i>(c) Fully integrate landscape design into the proposal and ensure that schemes are integrated into the existing landscape of the city including its three-dimensional shape, natural features and ecology;</i></p> <p><i>(d) Be at a density which promotes Exeter’s urban character and which supports urban services;</i></p> <p><i>(e) Contribute to the provision of a compatible mix of uses which work together to create vital and viable places;</i></p> <p><i>(f) Be of a height which is appropriate to the surrounding townscape and ensure that the height of constituent part of buildings relate well to adjoining buildings, spaces and to human scale;</i></p> <p><i>(g) ensure that the volume and shape (the massing) of structures relates well to the character and appearance of the adjoining buildings and the surrounding townscape;</i></p> <p><i>(h) ensure that all designs promote local distinctiveness and contribute positively to the visual richness and amenity of the townscape;</i></p> <p><i>(i) use materials which relate well to the palette of materials in the locality and which reinforce local distinctiveness.</i></p>
2.25	<p>This policy is a context-based design policy, and consistent with the Framework’s principles of good urban design.</p>

2.26	DG1a) is relevant because the Site relates to an important approach route into the City Centre from the east.
2.27	DG1d) is notable because it requires the optimisation of Sites specifically for sustainability reasons (supporting services) and also because it seeks development reinforcing the ‘urban’ character of the City.
2.28	DG1e) is likewise relevant to the particular uses proposed. The student accommodation reinforces the educational use on the campus to the south of the Site and the recent development for the same purposes to the north.
2.29	DG1 is therefore relevant in an assessment of the appropriateness of the Proposed Development within the setting of heritage assets.

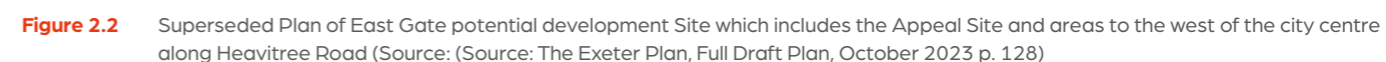
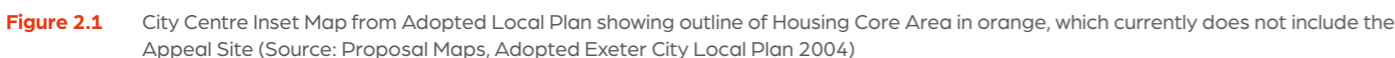
EXETER CORE STRATEGY

2.30	Policy CP4 requires the Proposed Development to “achieve the highest appropriate density compatible with the protection of heritage assets, local amenities [and] the character and quality of the local environment.”
2.31	Policy CP17 is an overarching policy that treats character and design in part. It is broadly drafted and so if the Proposals are deemed to meet the terms of DG1, then they would necessarily meet the design components of CP17.
2.32	CP17 requires a high standard of sustainable design that complements or enhances Exeter’s character, local identity and cultural diversity.

OUTLINE DRAFT OF EMERGING EXETER PLAN (2022)

2.33	The Local Plan is in the process of being updated. Work started on The Exeter Plan (2020–2040) in 2020.
2.34	The Publication Draft Exeter Plan (Regulation 19) was published on 12th December 2024 and was open for formal representations until 6 February 2025. It is intended to be submitted to the Secretary of State in summer 2025 for examination and the target adoption date is December 2025.
2.35	Through its evidence base, the plan has identified the Appeal Site as having certain characteristics which enable it to be treated for development control purposes together with nearby city centre sites.

	Site Allocation
2.36	The adopted Local Plan does not allocate the Site, though its focus on sustainable development and site optimisation supports the Site’s redevelopment.
	Past inclusion in Site Allocation
2.37	At the time of the Inquiry, the Emerging Local Plan (October 2023), sought to include the Appeal Site in an expanded, nearby allocation and under ‘East Gate – Site Reference 52’ (see Figure 2.2 below).
2.38	This allocation was one of the 8 ‘Liveable Exeter’ allocations that have been identified and was described as a ‘gateway site’.



The Site’s Current Status in Emerging Policy

- 2.39

The Publication Draft Exeter Plan (Regulation 19), December 2024, revised the SBA2 East Gate site allocation. The Site was removed and the allocation itself made substantially smaller.
- 2.40

The allocation is described as
A site of 6.1 hectares at East Gate is identified for a mixed use development delivering approximately 609 homes, employment, education/training space and an impressive and memorable city centre gateway. The development must support the achievement of net zero and accord with the Liveable Exeter Principles to deliver a compact and well connected neighbourhood, incorporating the highest standards of design.
- 2.41

Regarding heritage, the allocation states:
Conservation and enhancement of the historic environment: A layout and built form informed by the Exeter Views, Density and Heights Study and archaeological and heritage assessment, evaluation and mitigation...A built form that enhances the character and appearance of the Southernhay and The Friars and the Lower Summerlands Conservation Areas and protects the settings of all Listed Buildings including the Cathedral (grade I), Sidwell Street Methodist Church and 13–15 Dix’s Field (grade II) and those along Heavitree Road, others at Dix’s Field and Southernhay Congregational Church (grade II). Investigation and appropriate mitigation and remediation of any contaminated land, to ensure that the land is, or can be made suitable for, the proposed use.*
- 2.42

Whilst the Site itself has been excluded from the allocation (see **Figure 2.3**) the Proposed Development has taken into account the proximity of the East Gate allocation during the revision of the scheme.

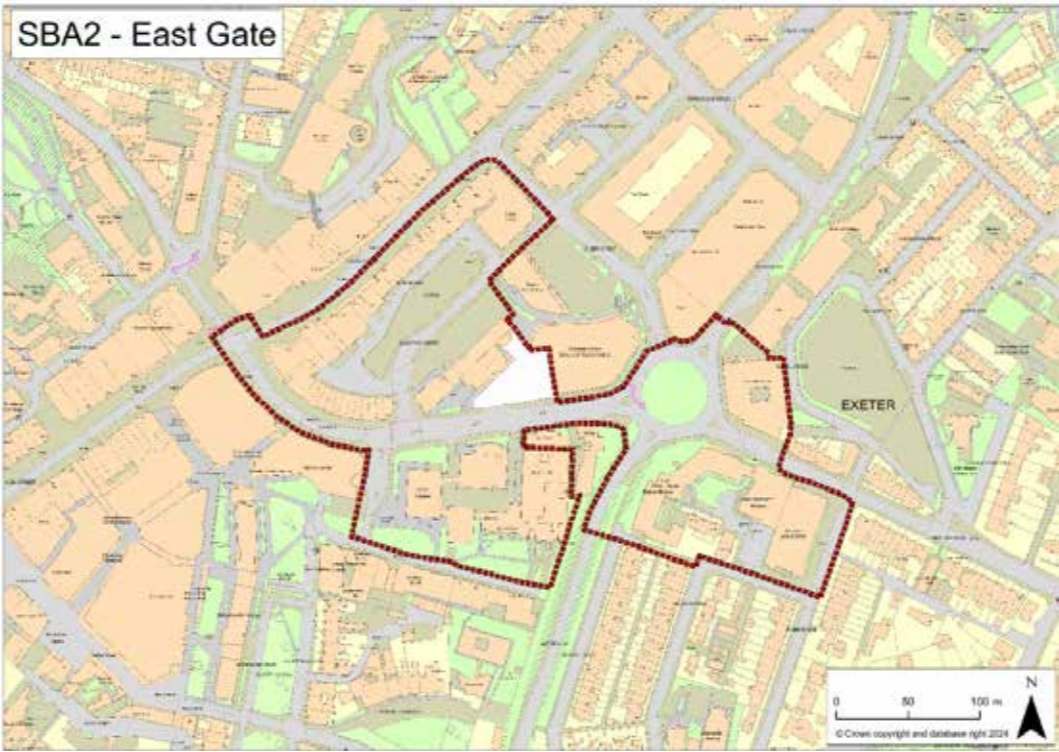


Figure 2.3 Plan of SBA2 East Gate Allocation, Emerging Local Plan December 2024 (Reg. 19), p141

OTHER MATERIAL CONSIDERATIONS

- 2.43

In addition to legislation and adopted national and local policy, the assessment will take into consideration relevant planning guidance and any material considerations, including:
 - National Planning Practice Guidance (online);
 - Historic England, Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (2015);
 - Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets (2017);
 - Statements of Heritage Significance: Historic England Advice Note 12;
 - Conserving and Enhancing the Historic Environment (2018);

DISCUSSION ON HISTORIC ENGLAND SETTING GUIDANCE

- 2.44

Historic England’s guidance on the analysis of setting impacts, HEAN 3 – *The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3* is commonly used by professionals to structure a setting impact analysis, as employed in this report, and particularly with reference to two checklists, see pages 11 and 13 (included in Appendix 03 of this report).
- 2.45

The first checklist treats whether or to what extent a Site, comprising the setting of an asset, contributes to the appreciation or experience of its significance.
- 2.46

The second identifies attributes of development form and character (including use) which can affect the appreciation or experience of an asset’s significance.
- 2.47

One must then consider whether or to what extent the setting of the asset contributes to its significance or its appreciation, and therefore whether the Proposals undermine that contribution.

3.0 HISTORIC DEVELOPMENT

FORMER POLICE STATION AND MAGISTRATES COURT, HEAVITREE ROAD, CITY OF EXETER

HISTORIC DEVELOPMENT

3.1 This Section should be read in conjunction with **Appendix 04 of this report** which presents a comprehensive historic map progression of the area.

HISTORIC DEVELOPMENT OF SITE AND SURROUNDS

3.2 It is likely that the route of Heavitree Road has Roman origins and was certainly used as a main route of entry into Exeter in the medieval period, hence it has always been a principal thoroughfare into the city.

3.3 Until the early 19th century the area of the Site and its surroundings was undeveloped and largely in agricultural use, with the exception of a workhouse and hospital to the east of the Site. This is evidenced on John Rocque’s 1744 Plan of Exeter where Heavitree Road is named London Road (see **Figure 3.1**).

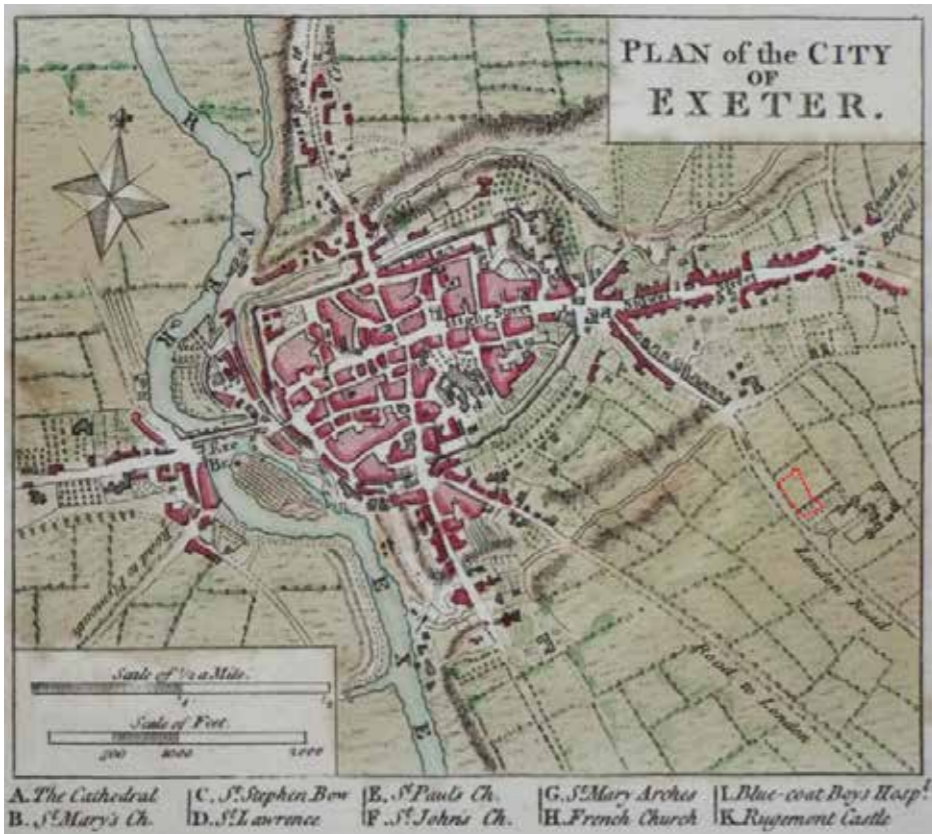


Figure 3.1 Extract of Rocque’s Plan of Exeter, 1744 with approx. location of Appeal Site in red (Source: wikimaps)



Figure 3.2 Thomas Budgens’s Map of Exeter, 1801 showing thoroughfare of Heavitree Road with workhouse ‘Poor House’ building near approx. location of Appeal Site in red (Source: Oldmapsonline)

- 3.4 In 1804 Higher Summerlands, comprising 11 red-brick townhouses, was constructed as evident on the 1842 tithe map (see **Figure 4.3**) within the boundary of the Site, now all demolished.
- 3.5 These houses were built as part of a wider development including Lower Summerlands (completed slightly later in 1810) which are listed at grade II and sit within the Lower Summerlands Conservation Area. They survive as a good example of Georgian terraced housing in suburban Exeter.
- 3.6 These properties are constructed of red brick with 6 over 6 sash windows, dentil cornicing along the parapet line and stucco detailing. Nos. 5 and 6 are not included within the list entry as they were damaged during the blitz and as a consequence have been re-built in facsimile, making the front of the terrace complete in its appearance.



Figure 3.3 Historic photo of Lower Summerlands terrace viewed from Heavitree Road, c. 1940 (Source: Historic England Archive)

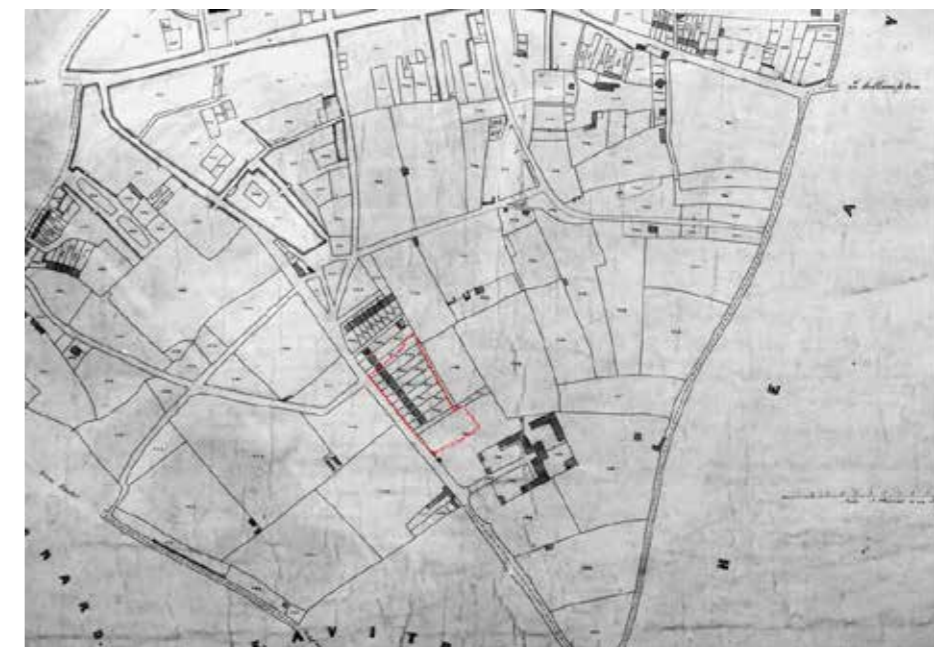


Figure 3.5 Extract of 1842 Tithe Map with approx. location of Appeal Site in red (Source: Genealogist)



Figure 3.4 Historic photo showing bomb damage to nos. 5 and 6 Lower Summerlands (Source: Historic England Archive)

- 3.7 Within the second half of the 19th century significant development occurred within the area of the Site and along Heavitree Road, with speculatively built Victorian housing contributing to the identity of the area as experienced today. St Luke’s Training College was constructed in 1854 opposite the workhouse (at this time a hospital building) as evidenced on the 1890 OS map.
- 3.8 The wall to the north of Site, separating the Site from St Matthew’s Close, appears in part to be a remnant of the older workhouse complex.
- 3.9 The majority of development in the area at this time comprises Victorian terraced housing, as well as a constructed tramway along Heavitree Road. Some open fields remain undeveloped to the west maintaining a slight separation between the city centre and the residential suburbs.
- 3.10 The 1932 OS map shows that in the early half of the 20th century this area had become developed with no open land remaining between the city centre and around Heavitree Road. Swathes of terraced housing had been constructed alongside some grander semi-detached and detached villa residences.



Figure 3.6 Extract of OS map surveyed 1888, published 1890 (Source: NLS)



Figure 3.8 1928 aerial photograph showing terrace of Upper Summerlands on the Appeal Site opposite St Luke’s College (Source: Historic England)



Figure 3.7 Extract of 1932 OS map (Source: NLS)

- 3.11 The character of the Site and surrounds changed significantly in 1942 when Exeter was heavily bombed.
- 3.12 All structures on the Site were demolished after extensive fire damage bar one house from the Upper Summerlands terrace. St Luke's College also suffered bomb damage, as evidenced in the photograph at **Figure 3.11**. The current building is predominantly comprised from the retained façade of this original structure and the substantial loss of material as a result of bomb damage is likely a large contributor as to why the building does not meet the standard for inclusion on the national list.



Figure 3.9 Exeter Bombing Map, 1947. Squares indicate location of bombs dropped and hatching indicates density and extent of damage. (Source: mapsandprints)



Figure 3.10 1947 photograph of fire damaged Higher Summerlands after an air raid, subsequently demolished. (Source: Historic England).



Figure 3.11 1947 photograph of fire damaged St Luke's College after an air raid (Source: Historic England).

SITE AS SEEN TODAY

- 3.13 The Divisional Headquarters of the Exeter and Devon Police Station and Magistrates' Court came to the Site as part of the city's post-WWII reconstruction, and the present complex was constructed mainly between 1952–59, replacing a horticultural nursery site with related outbuildings and allotment gardens. These appear to have been constructed on the bomb site, with one surviving buildings of the original Higher Summerlands still standing as evident on the 1951–3 OS map (see **Figure 4.10**)
- 3.14 The Exeter and Devon Police Station and Magistrates' Court primarily comprises a collection of low profile buildings (1–3 storey), which are characteristic of their age and type. The principal building fronting Heavitree Road bears a date-stone of 1957. Behind the lower buildings is a later, five-storey building constructed of prefabricated panels. OS maps show this building was constructed during the period of 1964–77.
- 3.15 Today the Site is redundant. It is unoccupied and in poor condition.

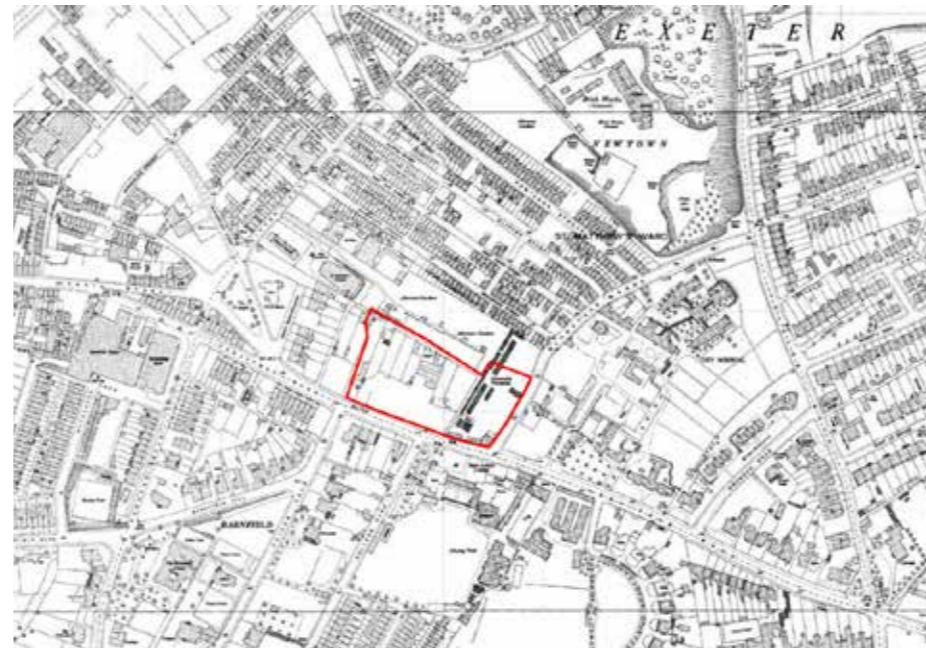


Figure 3.12 Extract of OS map, 1951–53 (Source: Promap)



Figure 3.14 Extract of OS map, 1964–1988 (Source: Promap)



Figure 3.13 Extract of OS map, 1969 (Source: Promap)

4.0

ASSESSMENT OF SIGNIFICANCE OF IDENTIFIED ASSETS

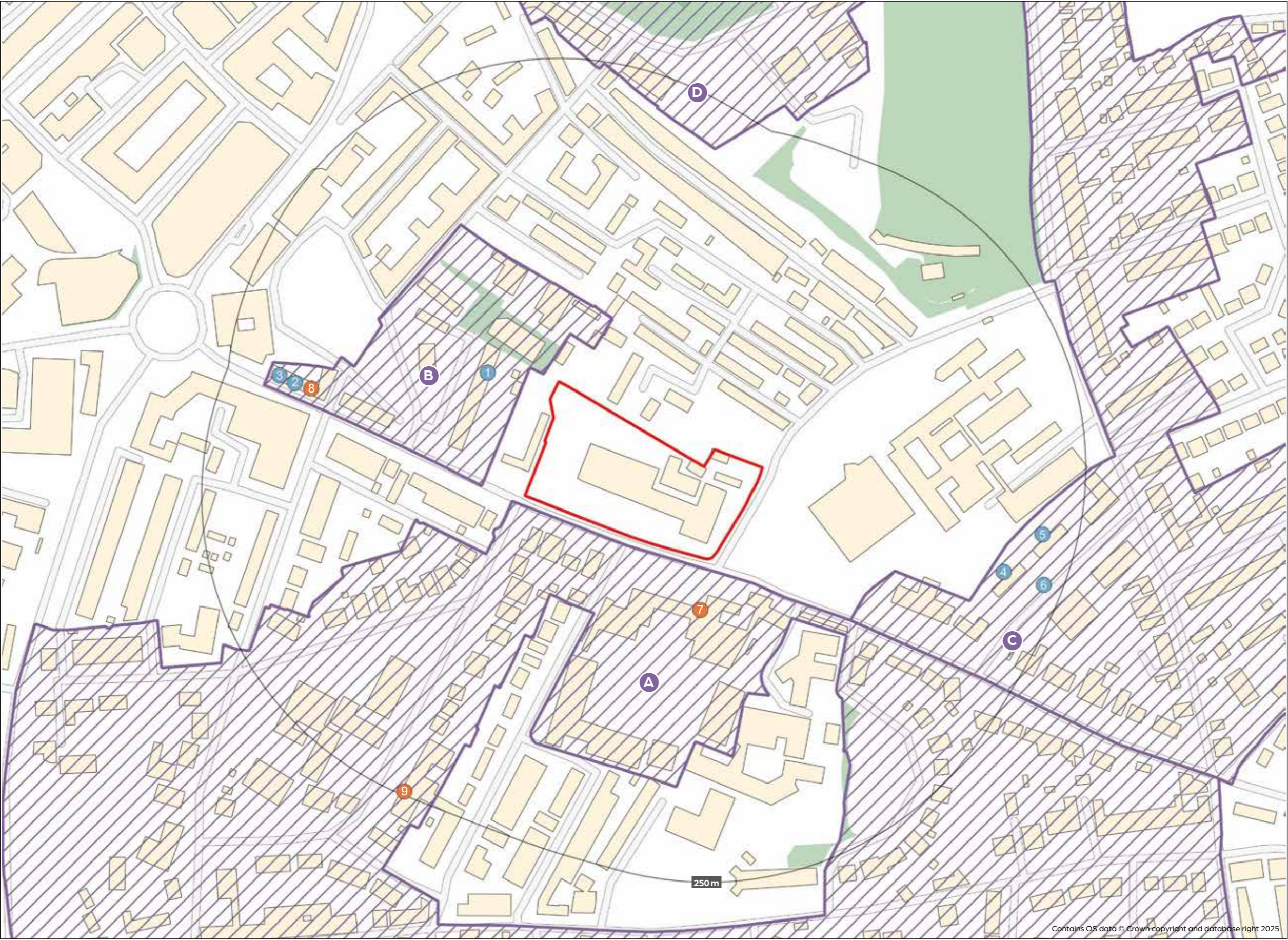
FORMER POLICE STATION AND MAGISTRATES COURT, HEAVITREE ROAD, CITY OF EXETER

ASSESSMENT OF SIGNIFICANCE OF IDENTIFIED ASSETS

- 4.1
- The significance of a heritage asset is defined in Annex 2: Glossary of the NPPF (2024). It states
The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site’s Statement of Outstanding Universal Value forms part of its significance.
- 4.2
- The setting of a heritage asset is within the NPPF (2024) as:
The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.
- 4.3
- Paragraph 205 of the NPPF (2024) requires an applicant to describe the significance of any heritage assets likely to be affected by future development proposals, including any contribution made by their setting. The level of detail should be proportionate to the importance of the heritage asset and no more than is sufficient to understand the potential impact on their significance.
- 4.4
- The following assessments of significance draw on the research findings presented above, site visits and carried out in accordance with the relevant Historic England Guidance, as outlined in Section 2. This includes GPA 2 – Managing Significance in Decision-Taking in Historic Environment (2015), GPA 3 – The Setting of Heritage Assets (2017) and Advice Note 12: Statements of Heritage Significance (2019).

SCOPING

- 4.5
- The heritage assets discussed in this Section have been scoped using a 250m radius from the Site which is proportionate to the height and scale of the Proposed Development in its context.
- 4.6
- These assets comprise 4 conservation areas, 6 listed buildings (all grade II) and 3 locally listed buildings.
- 4.7
- All assets have been mapped on the Heritage Asset Plan at **Figure 4.1**
- 4.8
- Based on orientation, lack of intervisibility, and the ability for setting to contribute to the significance of the asset (as per Historic England’s GPA3) two assets have been further scoped from consideration in this report). These assets comprise:
 1. **The Belmont Conservation Area (Map Ref: D)** scoped out due to substantial separating distance and lack of any intervisibility with the Proposed Scheme.
 2. **Street Wall Fronting Grendon's and Attwill Kingdon Almshouses (Map Ref: 6)** scoped out due to its significance being solely derived from its intrinsic architectural and historic interest and therefore development in its setting (regardless of the substantial separating distance) does not affect it significance.



HERITAGE ASSET PLAN

- Application Site
- Conservation Areas
 - A. St Leonards CA
 - B. Lower Summerlands CA
 - C. Mont le Grand CA
 - D. Belmont CA
- Listed Buildings
 - Grade II
 - 1. 1-4 and 7-9, Lower Summerlands
 - 2. Eaton Place
 - 3. Eaton's Place
 - 4. Grendon's Almshouses
 - 5. Attwill-Kingdon Almshouses
 - 6. Street Wall Fronting Grendon's and Attwill Kingdon Almshouses
 - Locally Listed Buildings
 - 7. St Luke's College Main Building, Chapel and Stable Block
 - 8. 15, 17, 19, 21, 23, 35, 37 Heavitree Road
 - 9. 22 Spicer Road - The Lodge

CONSERVATION AREAS

ST LEONARD'S CONSERVATION AREA (MAP REF: A)

- 4.9 The St Leonard's Conservation Area was designated in 1968 and is situated directly to the south of the Site. It is divided from the boundary of the CA by the main, heavily trafficked thoroughfare of Heavitree Road.
- 4.10 The boundaries have since been amended twice (1978 and 1993) with one of these later additions including the eastern St Luke's College buildings (chapel and stable to the east) and quadrangle. A map of the extent of the conservation area noting the boundary alterations which have occurred is included below and taken from the published appraisal (2008).
- 4.11 The conservation area spans a large area and is divided within the Appraisal into three character areas:
- 3. Central
 - 4. North
 - 5. East
- 4.12 The North sub-area contains the locally listed building of St Luke's College (see paragraph 4.35) and is closest to the Site, at a distance of c.15m.

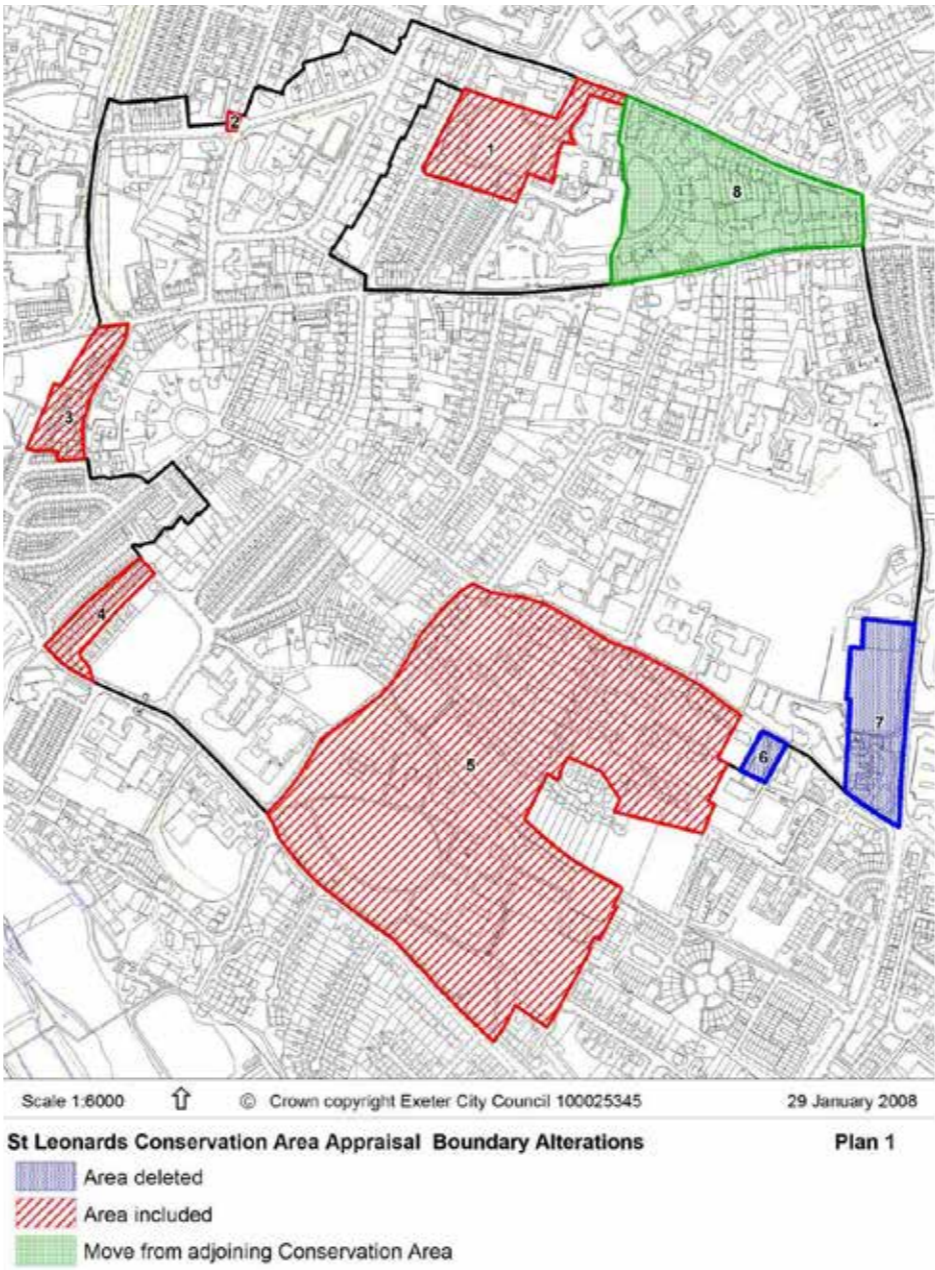


Figure 4.2 St Leonard's Conservation Area plan with Boundary Alterations (Source: SLCA Appraisal and Management Plan, 2008, p. 7)

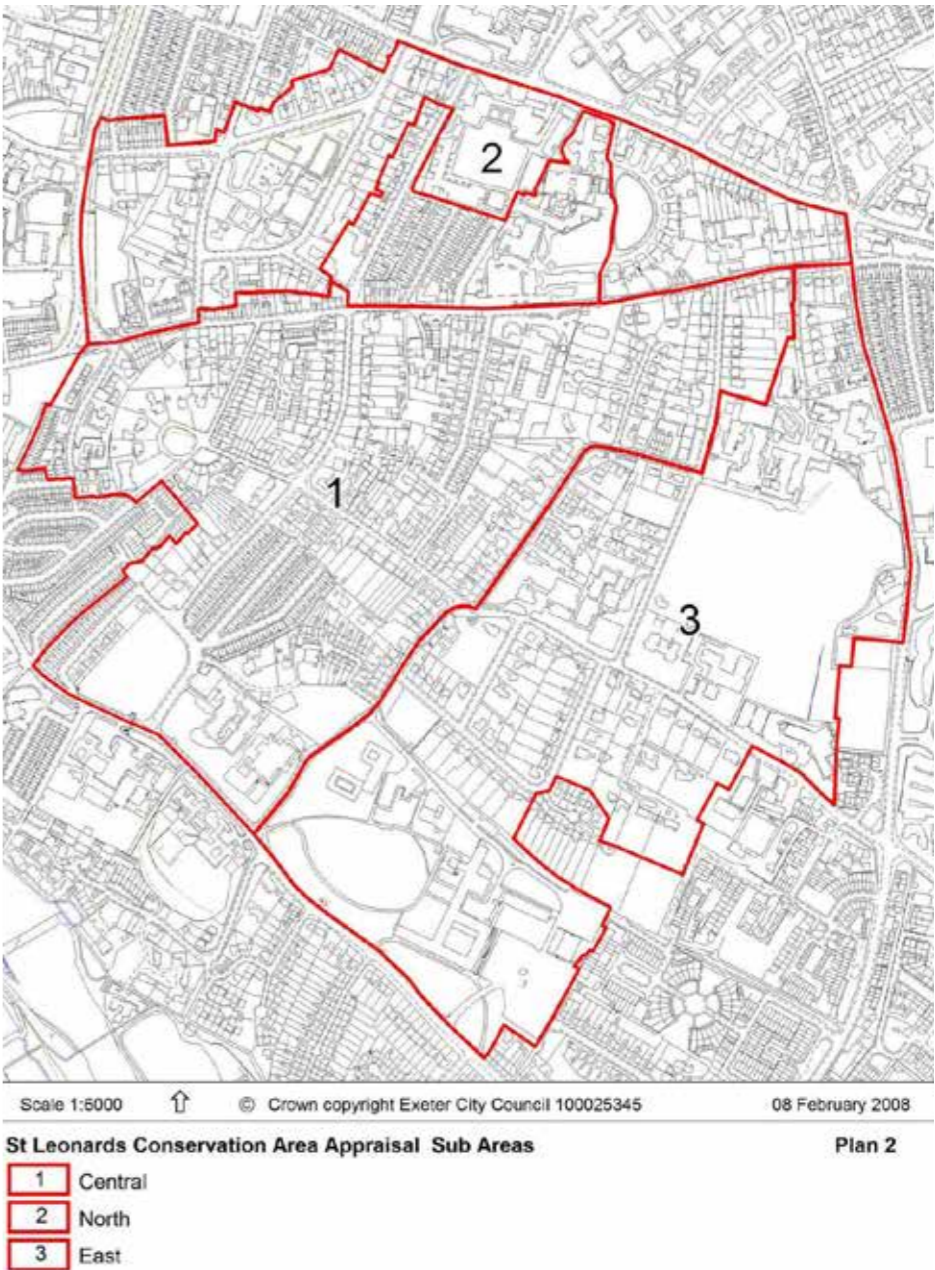


Figure 4.3 St Leonard's Conservation Area plan with sub-area divisions (Source: SLCA Appraisal and Management Plan, 2008, p. 15)

SIGNIFICANCE

- 4.13The significance of the CA is detailed within the Adopted Appraisal and attributed to its legibility and cohesiveness as a well-maintained Victorian residential suburb, containing a large number of listed and locally listed buildings. These buildings are generally Georgian and Victorian terraced housing of good quality and retaining original features within a mature verdant suburban setting.
- 4.14It has a varied character and there are three relevant components which comprise its significance. These are:

4.14.1The late Georgian planned development at Baring Crescent and a of similar date, Midway Terrace;

4.14.2The St Luke’s College component, with the locally listed building and its space as focal features, along with a short run of Victorian suburban houses to the west of this at 70–82 Heavitree Road, and

4.14.3The residential components of the Maynard School area, specifically Spicer Road, which is characterised by a number of larger and imposing late Victorian and Edwardian suburban properties set in large gardens, and is an extension of the Barnfield Hill character area.
- 4.15Green space, mature trees and shrubs which are ‘essential to the area’s local distinctiveness’
- 4.16Consistency of materiality across the CA – predominantly stucco and red brick housing with slate / red clay tile roofs with ‘a few stone buildings that are features in the townscape, such as Magdalen Road Almshouses and St Luke’s’

CONTRIBUTION OF SETTING TO SIGNIFICANCE

- 4.17This sub-section addresses the setting of the North sub-area of the conservation area due to the large scale of the designation and location of the Site.
- 4.18Heavitree Road is a significant perceptual boundary, clearly delineating the extent of the conservation area on the northern side. It is noted within the Appraisal as a detracting feature:

Some busy trafficked roads such as Heavitree Road which make the area busy and visually dominates it.

- 4.19The Appraisal does not mention the Site or identify any contribution it makes to significance by means of setting impact, or whether it detracts from the conservation area. Due to the poor architectural quality and redundant nature of the existing buildings of Site it can be concluded that the Site does not enhance an appreciation of the significance of the conservation area. The poor quality of the site more generally detracts from the amenity of the area.
- 4.20A positive feature of this element of setting is the landscape frontage to the Site which is comprised of a grassy bank, and which complements the landscaping within the setting of the conservation area boundary, in particular the treed forecourt of St Luke’s Chapel opposite the Site.

LOWER SUMMERLANDS CONSERVATION AREA (MAP REF: B)

- 4.21The Lower Summerlands Conservation Area was designated in 2008 and is situated 30m west of the Site.
- 4.22The conservation area is comprised of a quiet residential area located near the city centre. It includes rows of historic dwellings, St Matthew’s church, completed in 1882, and Newtown Primary School. It is noted as an example of 19th-century townscape. The CA has a peaceful and contained character, despite its location in a central area.
- 4.23The CA has a strong visual identity, despite its mixed uses. The architecture’s scale and consistent red brick materiality create a cohesive appearance.
- 4.24The streets radiate in three triangular routes, illustrative of the historic street patterns. St Matthew’s church hall forms the central building of the CA and is positioned on a prominent triangular-shaped island surrounded by mature trees. It forms a visual landmark within the area.

CONTRIBUTION OF SETTING TO SIGNIFICANCE

- 4.25Lower Summerlands CA is located north of Heavitree Road, a prominent route through the area. The adjacency to this road reinforces the quiet character of the CA.
- 4.26To the south of Heavitree Road is the St Leonards Conservation Area, which can be seen in conjunction with Lower Summerlands. The visual relationship between the two provides context for the historic development of the wider area.



Figure 4.4 Lower Summerlands Conservation Area

- 4.27The Site currently makes no contribution to the CA and any intervisibility is limited to glimpsed views looking east up the hill of Heavitree Road where both the edge of the CA and the Site can be seen in conjunction. This is not a static view.
- 4.28The Mont le Grand Conservation Area was first designated in 1978 and later amended in 2009. It is situated approximately 130m east of the Site.
- 4.29Located between Exeter City and Heavitree, the conservation area’s positioning drew wealthy residents, leading to high quality 19th-century development. The development was completed by William Hooper, a significant landowner, who played a key role in the construction of many prominent terraces in Exeter.
- 4.30Due to the various phases of development within the CA it consists of a range of architectural styles, including Greek Revival Stucco houses, almshouses, and Victorian flats.

CONTRIBUTION OF SETTING TO SIGNIFICANCE

4.31 The Mont le Grand Conservation Area is situated adjacent to the St Leonards Conservation Area along Heavitree Road. The visual relationship between these two areas contributes to the visual amenity experienced from viewpoints beyond the conservation areas. Furthermore, the surrounding historic buildings illustrate the developmental history of the area along Heavitree Road. The setting therefor contributes to its significance.



Figure 4.5 Mont le Grand Conservation Area

LISTED BUILDINGS

GRADE II 1-4 AND 7-9 LOWER SUMMERLANDS (MAP REF: 1)

4.32 Numbers 1–4 and 7–9 Lower Summerlands are a row of redbrick houses constructed in 1810. The two–storey houses follow a consistent design, creating long horizontal lines. The dwellings have simple architectural detailing, including round-headed doorways and modillion cornices at the parapet. The dwellings have sash windows and wood–panelled doors.

CONTRIBUTION OF SETTING TO SIGNIFICANCE

4.33 The asset is located within the Lower Summerlands CA. Adjacent to the asset are additional historic dwellings, illustrating the development of the wider area. The historic buildings, including St Matthews church hall to the west, also provide visual amenity.

GROUPING OF GRADE II EATON PLACE AND GRADE II EATON’S PLACE (MAP REFS: 2 AND 3)

4.34 The assets include a row of terrace houses constructed in the 1840s. The terraces are constructed of brick with painted stucco. The buildings include tiled roofs, an eavesband, and hornless sash windows. Following conversions the buildings now vary from one another, though they remain largely consistent in appearance. The setting contributes to ones understanding of the asset.

CONTRIBUTION OF SETTING TO SIGNIFICANCE

4.35 Eaton Place is located on Heavitree road, a historic route though the area. The relationship between the two and positioning at a prominent route contributes to the understanding of the heritage asset.



Figure 4.6 1–4 and 7–9 Lower Summerlands



Figure 4.7 Eaton Place

GROUPING OF GRADE II GRENDON'S ALMHOUSES AND GRADE II ATTWILL-KINGDOM ALMHOUSES (MAP REFS: 4 AND 5)

- 4.36 The Grendon's Almshouses were charitable buildings completed in 1880, with the Attwill-Kingdom almshouses following in 1892. The buildings were completed to the same designs with the only variation being the use of Heavitree stone for the façade of Attwill almshouses.
- 4.37 The buildings are a two storey Tudor style design. The facade is symmetrical with three projecting gabled bays and entrances. The almshouses include tiles roofs with clustered chimneys.

CONTRIBUTION OF SETTING TO SIGNIFICANCE

- 4.38 The listed almshouses are situated next to one another. The buildings are of a similar scale, materiality, and architectural quality. They are located within the Mont le Grand conservation area, which provides visual amenity. The buildings were are positioned near the hospital, resulting in the need for the almshouses to be completed. This proximity allows one to better understand the asset's historical significance.



Figure 4.8 Attwill-Kingdom Almshouses

LOCALLY LISTED BUILDINGS
ST LUKE'S COLLEGE (MAP REF: 7)

- 4.39 St Luke's College sits directly opposite the southern boundary of the Site across Heavitree Road. It is included in the northern sub-section of the St Leonard's Conservation Area termed St Leonard's North. A plan of this subsection as included in the SLCA Appraisal below.
- 4.40 St Luke's College was designed by the well-known Exeter church architect, John Hayward, as a diocesan training college. It was built between 1853-4 and later extended in 1911-12 and 1934-8. Remedial works including the construction of a new pitched roof and rebuilding of much of the original stonework façade occurred after the building suffered from bomb damage during the Exeter Blitz. The SLCA appraisal notes that '*despite further unsympathetic additions, the attractive campus character survives*'.
- 4.41 From 1978 it was taken over by the University of Exeter
- 4.42 The building is locally listed as a 'Building of Local Importance'. The Exeter Local List is included under *Schedule 5: Buildings of Local Importance* within Policy C3 of the adopted Local Plan. There is no specific description within this list on the merit of each building.
- 4.43 The importance of the LLB is derived from its architectural and historic interest, and some group interest with the wider Exeter University presence across the city.

Historic Interest

- 4.44 This building is historically interesting as an early example of a Diocesan training college, reflecting the modernization of the Anglican Church in England and Wales during the mid 19th century. The Diocese of Exeter was particularly associated with reform, and had a developed architectural programme that left the City and the rest of the Diocese with a distinguished legacy of Gothic Revival churches and vicarages and schools, with restored ancient churches, and so also this facility. The purpose-built nature of the facility and its Gothic Revival style also reflects the institutional modernisation of the Anglican church and its institutions, and the professionalisation of the Victorian Anglican clergy.

- 4.45 It was built to replace a previous training college that had been situated in the cathedral close in the city centre (founded in 1839). The LLB illustrates the demand for this form of training as its construction was commissioned in order to provide a larger campus space for a much higher intake of students

Architectural Interest

- 4.46 The architectural interest of the building is derived from the Victorian Gothic style employed by Hayward which was typical of his architectural practice. Its principal façade is highly attractive with simple and typical Gothic Revival features. The building is constructed from grey limestone locally sourced from Torbay with Bath stone dressings.

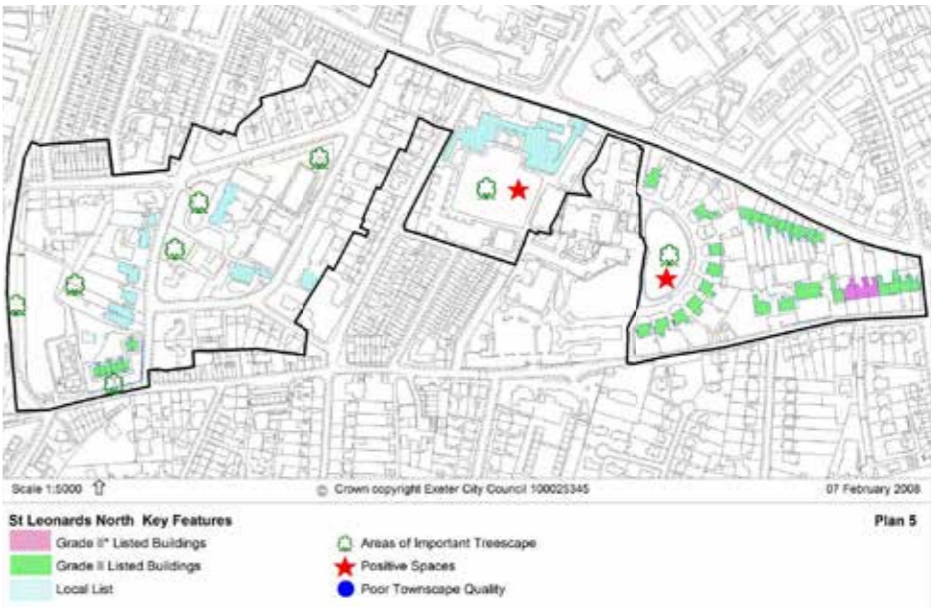


Figure 4.9 Plan of St Leonard's North CA Sub-Section (Source: SLCA Appraisal and Management Plan, 2008, p. 31)

- 4.47 It enjoys a well-defined setting, positioned behind of low wall and seen across a garden. Its façade has a strong character, which is the product of its facing materials (limestone I believe, a characteristic material in the region) and its Gothic detailing, varied sculptural form, gables, pointed windows and so forth. It occupies a long frontage too, which increases its prominence in the local area, as does its location near to the point where the topography levels out.
- 4.48 The level of detail reflects the hard facing stone, local limestone, and gives the building a simple, even austere character underlying its seriousness of purpose. That said, it has a lively elevation and compositional that is picturesque and attractive.
- 4.49 The plan of the building forms a three-sided cloister leading to an open green courtyard space to the rear. The plan of the main range and wings, along with the later buildings added to the perimeter of the courtyard (see: the library to the east; the 'south cloisters' to the south-west; and 'Giraffe House' building to the south) create an insular and enclosed feel to the open courtyard space to the rear of the building, reminiscent of medieval cloisters which provided space for exercising and thought.



Figure 4.10 Three-sided cloister space creating a sense of enclosure looking north from the rear courtyard (Source: Site photography)



Figure 4.11 Modern buildings forming part of the college campus and enclosing the courtyard space to the rear (Source: Site photography)

Contribution of Setting to Significance

- 4.50 The setting of the LLB as it relates to the conservation area to the south is a positive contribution to the significance of the asset. The green courtyard space to the rear of the College was included within the conservation area as a later addition and the college building can therefore be read as part of the wider Victorian suburban development of the St Leonard's area. The Appraisal notes the locally listed building as *'a building which makes a positive contribution to the character of the area'*.
- 4.51 The enclosed green courtyard space to the rear of the is emulative of a typical cloister form and is bounded to the east, west and south by more modern development to heighten the sense of an enclosed campus. This green space to the rear is therefore highly insular in its nature and noted in the Appraisal as: *'the green quadrangle is a superb space with a very strong sense of place, acting as a focal point for the campus and having a positive impact on the conservation area'*.
- 4.52 Heavitree Road makes no contribution to the importance of the locally listed building. Having always been a principal thoroughfare into Exeter from the east from the Roman period, development along Heavitree Road has always been constructed in the setting of this main approach. The building has therefore historically always been set within a functional area of the city. See the 1888 OS map reproduced in **Section 3.0** which shows the locally listed building fronting a horticultural nursey and the Exeter Union Workhouse.
- 4.53 The green space fronting Heavitree Road is a positive feature of the building's setting, noted in the Appraisal as *'providing an attractive setting for the historic building'*. This space separates the locally listed building from Heavitree Road with a setback of c.26m behind a wall. As with the space to the rear, this creates a sense of enclosure which is strengthened with the relatively dense tree coverage in the summertime. That setting off behind a green buffer again reinforces the institutional purpose of the building and is redolent of the openness of historic churchyards, a feature unique to Church of England parish churches (which functioned as burial grounds).
- 4.54 The immediate setting of the locally listed building formed of the green space to the front and rear of the asset contribute to its significance, as does its wider setting to the south to an extent in the conservation area.



Figure 4.12 Green space of LLB fronting Heavitree Road looking towards the Site with trees contributing to sense of enclosure (Source: Site photography)



Figure 4.13 Heavitree Road frontage of the LLB as viewed from the Site looking south (Source: Site photography)

15, 17, 19, 21, 23, 35, 37 HEAVITREE ROAD (MAP REF: 8)

4.55 The heritage assets are a block of three-storey terraces. The buildings are brick with a rendered façade. The buildings have limited ornamentation apart from a triangular pediment above the doorway. There are sash windows and panelled doors.

CONTRIBUTION OF SETTING TO SIGNIFICANCE

4.56 The assets are located within the Lower Summerlands CA and are positioned next to the grade II-listed terraces at Heavitree Road. The neighbouring terraces are a consistent scale, creating linear lines down Heavitree Road. The setting of the asset contributed to its understanding as part of the wider period of development.



Figure 4.14 Heavitree Road Locally listed buildings

22 SPICER ROAD, THE LODGE (MAP REF: 9)

4.57 22 Spicer road is a late Victorian villa constructed in 1888. The three-storey building is constructed of red brick with a pitched slate roof. The main façade is a symmetrical design with two projecting bay windows with a rounded turret roof. The building is further ornamented by terracotta tile detailing and a covered porch entrance.

CONTRIBUTION OF SETTING TO SIGNIFICANCE

4.58 The assets and front garden are enclosed by a brick boundary wall. To the east are a series of mature trees and a historic dwelling. To the north are modern brick dwellings which are of a similar scale and set back from the road as number 22. The setting makes a neutral contribution to the value of the heritage asset.



Figure 4.15 22 Spicer Road

5.0 DESIGN DEVELOPMENT

FORMER POLICE STATION AND MAGISTRATES COURT, HEAVITREE ROAD, CITY OF EXETER

DESIGN DEVELOPMENT

5.1 A full consultation analysis is provided at page 4 of the Design and Access Statement prepared by Brown + Company. This summarises the consultation comments received from throughout the pre-application process. Considerations of the design in relation to the character and appearance of the area are particularly pertinent due to the close proximity of a number of heritage assets, in particular the St Leonards and Lower Summerlands Conservation Areas and the locally listed building of St Luke’s College.

PREVIOUS APPEAL SCHEME

- 5.2 A previous outline application for the Site was submitted to the local planning authority in October 2021 (LPA Ref: 21/1564/OUT). This development comprised:
- The demolition of the existing buildings and construction of mixed-use development comprising Purpose-Built Student Accommodation (Sui Generis) and Co-Living (Sui Generis) with associated infrastructure.*
- 5.3 The scheme was designed by TP Bennett and comprised two buildings set around internal courtyards: a co-living residence to the west of the Site standing at 5–7 storeys and a student accommodation block to the east of the Site comprising 6–7 storeys. The two buildings were separated by a green corridor providing access to bike storage and amenity space.
- 5.4 The scheme was refused by the local planning authority on 21.02.2023 with six reasons for refusal given, including reason for refusal 1 which related to heritage, principally focused on the setting of the non-designated asset of St Luke’s College:
- 1. The proposed development would harm the character of the area, including the streetscenes along Heavitree Road and Gladstone Road, and the setting of the locally listed St Luke’s College buildings, by virtue of the heights and massing of the two buildings, which would be of a far greater scale than*

the majority of buildings in the area, and their siting in close proximity to the streets making them feel even more imposing on their surroundings. The proposed development is therefore contrary to Policy CP17 of the Core Strategy, which requires all proposals for development to complement or enhance Exeter’s character and local identity, saved Policies H5 and DG1 of the Exeter Local Plan First Review 1995–2011, and paragraphs 130 and 197c) of the NPPF (2021).

- 5.5 An appeal was lodged for this scheme on 08.09.2023 (APP/Y1110/W/23/3328094) which was ultimately dismissed. The Inspector’s Appeal Decision of February 2024 discussed the heritage assets at issue at paragraphs 19–23 (St Luke’s College) and 30–31 (conservation areas), reproduced below:
- 19. The locally listed St Luke’s college is directly opposite the site and next to the junction of Heavitree Road and Gladstone Road. It is a prominent and notable building which the proposal has the potential to affect the setting of. Whilst the proposed buildings would be of greater height and mass and set closer to it than the existing building, it would comprise materials sympathetic those of the college building in terms of their colour palette. Heavitree Road is a busy and wide road, and the college building is set well back from the footpath even at its closest point. Combined with the separation distance afforded by the Heavitree Road carriageway, even with the proposed building’s height and mass, there would be no material diminishing effect on the architectural importance or historic value of St Luke’s college or the overall appreciation of it when viewed from along Heavitree Road.*
- 20. There would be a change to the views towards the college from Gladstone Road. These are important views as the college building is experienced as stretching widely across the end of that road in the view. However, all but a very small part of the building would still be seen in this view although I acknowledge that the proposed building would be much more noticeable that the existing building on the appeal site. Nevertheless, given the Council’s desire for transformational change on the appeal site, it is inevitable that whatever is developed on it will have some effect on the view towards the college building from Gladstone Road.*

21. The Framework says that, in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset. Overall, I do not consider that there would be a level of harm to the appreciation of the college buildings that would go beyond the realm of acceptability and that would therefore justify refusing planning permission on that specific ground.

22. To conclude on this first main issue, the proposal would result in harm to the character and appearance of the area, thereby running counter to CS Policy CP17 which requires proposals for development to be of a high standard of sustainable design that is resilient to climate change and complements or enhances Exeter’s character, local identity and cultural diversity. It would conflict with saved LP Policy H5 which is a permissive policy that sets out four requirements that certain types of development, including student housing, should meet. Amongst other things, these are, that the scale and intensity of use does not harm the character of the area. Saved LP Policy DG1 sets out a series of things development should comply with. In short, and amongst other things, these are to protect local character through appropriate height, volume, massing, density and grain. The scheme would conflict with this Policy. Furthermore, it would run counter to paragraph 135 (formerly paragraph 130) of the Framework.

23. There would not be harm to the historic significance of the locally listed St Luke’s college building and in this regard, the proposal would therefore comply with Framework paragraph 203c) (formerly paragraph 197c).

30. The Lower Summerlands CA is a small and relatively discreet CA located on the other side of the dwellings in Higher Summerlands. It contains many listed buildings, mature trees and historic brick walls that create strong boundaries within the CA. The Lower Summerlands CA is well contained and is sufficiently robust to withstand the effects of nearby development. There is also a sufficient degree of physical and visual separation between the CA and the appeal site. There would be harm to its significance or the significance of the listed buildings within it.

31. The St Leonards CA covers a very large area and part of its northern boundary is contiguous with the boundary of St Luke’s College where it fronts onto Heavitree Road. The remainder of the CA extends to the south across a wide spectrum of residential areas. Whilst part of the CA’s boundary is therefore directly opposite and close to the appeal site, its significance in this specific area derives from the character and appearance of the college building to which I have not found that there would be harm. It therefore follows that no harm would result to the significance of the CA or the significance of the listed buildings within it.

- 5.6The Inspector’s Appeal Decision concluded at paragraph 36:
Set against the identified benefits, the harm to the area’s character and appearance would be severe. The proposal would cross the line of acceptability in terms of its effects on the local area into which it would not satisfactorily integrate. I have found that it would be overly-assertive and incongruous. The level of harm that would result is sufficient to outweigh the benefits of the scheme. The proposal would not accord with the development plan as a whole.
- 5.7The Inspector’s findings can be summarised with regards to the effects on heritage assets as follows:
 - St Luke’s College: **No harm** (although loss of important view of the building along Gladstone Road)
 - Lower Summerlands Conservation Area: **Harm** (unspecified)
 - St Leonard’s Conservation Area: **No harm**
- 5.8The general design elements at issue in the Inspector’s decision can be summarised as:
 - Harmful height and massing due to the large scale of the scheme which conflicts with its surroundings
 - Overly-assertive and incongruous design

DESIGN CONSIDERATIONS AND DEVELOPMENT OF PRESENT SCHEME

- 5.9The design of the present scheme has been informed by:
 - 5.9.1Engagement of new architects;
 - 5.9.2Responding to the Inspector’s conclusions on the dismissed Appeal Scheme (see above discussion);
 - 5.9.3Six pre-application discussions;
 - 5.9.4Public consultation;
 - 5.9.5A review of the scheme undertaken by Design West (August 2024)
- 5.10The key design changes relating to heritage have responded to the areas of criticism in the Appeal Decision and consist of:
 - Alterations to scale and footprint to form seven smaller, scaled buildings in place of the two taller large-footprint buildings;
 - Reduction in height to both buildings with height tapering to the west in the area of the Site near to the Lower Summerlands conservation area;
 - The setting back of buildings within the Site to minimise visual impact and to open up important views of St Luke’s College looking south along Gladstone Road;
 - A strong contribution from landscaping to strengthen the verdant nature of Site, particularly along the green bank of Heavitree Road, improving the setting of both the St Leonard’s Conservation Area and St Luke’s College;
 - Creating a frontage to Heavitree Road which reflects the character and appearance of the area, in particular the gabled ends of the co-living blocks which reflect the listed buildings of Lower Summerlands.
- 5.11The design rationale for these changes is discussed in detail with the Design and Access Statement accompanying this application.
- 5.12Section 06 provides an assessment of this revised design on the significance of the identified heritage assets.

EMERGING CONTEXT

- 5.13 The design development of the Proposed Scheme has also taken into account the changing emerging context of the Site and its surroundings.
- 5.14 Since the 2023 Appeal Scheme, the Site is no longer within the East Gate ‘gateway’ allocation as identified in the Emerging Local Plan (December 2024), and detailed in Section 02.
- 5.15 Proposals for the locally listed building of St Luke’s Campus opposite the Site have been announced by the University of Exeter which will involve change to the campus and to this section of the St Leonard’s Conservation Area. These proposals are currently at an early discussion stage and presently comprise:

 The vision for the campus aims to greatly improve the look of the site by creating a modern and biodiverse landscape, whilst opening up the area with welcoming, publicly accessible spaces that are beneficial to the health of those that work, study and visit the campus.

 *The proposal includes seven potential new buildings over the coming decades, and the area, scale, height and distribution of public open spaces within the campus, as well as which buildings, features and green spaces will be retained.*²

² <https://www.exeter.ac.uk/about/vision/capitalstrategy/featuredprojects/stlukesredevelopment/>

6.0

ASSESSMENT OF THE PROPOSED DEVELOPMENT

FORMER POLICE STATION AND MAGISTRATES COURT, HEAVITREE ROAD, CITY OF EXETER

ASSESSMENT OF THE PROPOSED DEVELOPMENT

- 6.1

This Section assesses the impact of the Proposed Development on the built heritage assets identified in **Section 4.0** of this report in light of national, regional and local planning policy and the relevant statutory provisions.
- 6.2

In preparing the proposals, the conservation of designated heritage assets has been afforded great weight, (consistent with paragraph 212 of the NPPF).
- 6.3

We consider the following matters are the principal considerations:
 - The impact of the proposed works on the setting and significance of Grade II listed buildings.
 - The impact of the proposed works on the setting and significance of locally listed buildings.
 - The impact of the proposed works on the setting and significance of the nearby conservation areas.
- 6.4

A qualitative assessment is provided below

ASSESSMENT OF THE PROPOSALS ON THE SIGNIFICANCE OF IDENTIFIED HERITAGE ASSETS

CONSERVATION AREAS

ST LEONARD'S CONSERVATION AREA (MAP REF: A)
- 6.5

The Site is located directly opposite and within the immediate setting of the northern boundary of the CA. The Proposed Development has the potential to impact views within the North segment of the CA only. The Proposed Development will be visible in some instances within the North segment of the CA principally from:
 - a. The St Luke's College component facing onto Heavitree Road
 - b. In views looking north along north-south oriented roads (Spicer Road and College Road)

- 6.6

The extent and nature of visibility varies significantly across the North segment of the CA. Interposing development and road orientation occlude views from much of the residential development to the southern half of the segment, whilst views towards the northern boundary of the CA comprise much of the southern frontage of the Proposed Development.
- A) The St Luke's College component
- 6.7

The CA orients towards part of the Site's frontage within the St Luke's College component. The Proposed Development and CA share an orientation towards Heavitree Road. Generally in these views out of the CA, the heavily-trafficked Heavitree Road acts as a clear perceptual and physical boundary.
- 6.8

In these views, looking out towards the Site from the College, the PBSA block of the Proposed Development will be seen. Careful consideration has been given to the appearance and function of this part of the development, with regard to its proximity within the settings of both the locally listed building and CA. The corner of the PBSA block which will be most prominent in these views will be in use as a student reception which reflects the institutional function of this part of the CA. The glass façade of this part of the Proposed Development provides an active frontage and will add visual interest to views looking north.
- 6.9

The materiality of the PBSA block has taken account of its historic context. The light brick responds to the stone of St Lukes College and architectural detailing such as stone banding, delineating storey height, and brick variation to provide visual interest reflects the architectural language of much of the Victorian development seen within the wider North segment of the CA.
- 6.10

The landscaping of this part of the scheme further complements the verdant character of the CA and reinforces its extant green setting, providing an improved green edge to the Site. Mature trees have been selected which will be seen in conjunction with the green space of the College forecourt and improve the green amenity in these views.



Figure 6.1 Existing Site, southeast corner as seen from St Luke's College component of the CA

- B) Views along Spicer Road and College Road
- 6.11

Only a small section of College Road is included within the CA which borders the west of St Luke's College (see CA map which details this at **Figure 4.2**). These views looking north include an oblique view of the western edge of the locally listed building. An appreciation of the College in these views is limited by modern development serving the campus on the east side and private housing of typical quality on the west side.
- 6.12

Views along the section of College Road included within the CA do not communicate much of real value to an appreciation of the CA, or offer important views of St Luke's College.
- 6.13

The Proposed Development will be visible in conjunction with the red brick Victorian buildings within the CA in views looking north along Spicer Road. These views will consist of part of the southern elevation of the co-living block and landscaping scheme.

- 6.14 Whilst there will be a change in views with the Proposed Development introducing a noticeable skyline change due to an increase in built form, it will not harm the CA. The change takes place across Heavitree Road, which is a perceptual boundary, and the Proposals comprise a form, scale and materiality which is complementary and contextual to the red brick, gabled housing as seen within the CA.
- 6.15 The introduction of the cycle route which joins College Road to St Matthew's Close and The Gorge through the Site will also allow for easier access to the CA. Views of the gap created by this new route along College Road also offers visual interest and relief, breaking up the massing of built form along Heavitree Road and allowing the forms to be clearly read as smaller individual buildings, reflective of the finer grain suburban development of the CA.
- 6.16 The landscaping will also offer a verdant setting to the CA in these views terminating along College and Spicer Road, further softening the impact of an increase in built form.
- 6.17 The materials, detailed architectural design and landscaping ensure the co-living block sits comfortably as a background element in views from this residential area, and therefore does not distract from the appreciation of the imposing late Victorian houses, in verdant gardens, which contribute to the significance of this part of the CA.



Figure 6.2 Landscaping Plan showing green link south into the CA (Source: OOBÉ)

Overall effect on the CA

- 6.18
- In views from all relevant components of the CA the impact can therefore be summarised as: an increase of built form which improves upon the current condition of the Site due to the improvement in architectural quality. The Proposed Development will improve the contribution of the Site to the setting of the CA through its contextual architectural language, materiality and related student function to the southeast. The setting of the CA will be further enhanced by a managed landscaping scheme which will improve upon the existing green edge of the Site, which currently comprises a green bank, and through the provision of a green link cycle route, linking the CA with routes to the north.
- 6.19
- In all instances of visibility the above assessment has concluded there will be **no harm** to the significance of the CA, and a modest enhancement through the attributes of the Proposed Development as stated above. The CA is preserved, and the terms of the NPPF and Local Plan Policy C1 are met.

LOWER SUMMERLANDS CONSERVATION AREA (MAP REF: B)

- 6.20
- The nature of intervisibility with the Proposed Development and the Lower Summerlands CA will comprise oblique views along Heavitree Road looking east, where the southern edge of the CA will be seen in conjunction with the Site.
- 6.21
- The Proposed Development has been designed so that the blocks nearest to the CA step down in height to ensure there are no views from within the CA, looking east across the listed buildings, to avoid overtopping of the parapet line. This ensures that the strong sense of enclosure which was noted by the Inspector (*"The Lower Summerlands CA is a small and relatively discreet CA ... [it] is well contained"*) as a key characteristic of the CA is not impacted. This is a reduction in height from the previous scheme at the western end of the Site.
- 6.22
- The only views where there is any intervisibility (along Heavitree Road) of the asset in conjunction with the Proposals, comprise a kinetic sequence of views travelling east out of the city along a busy throughfare, with a distance of c.35m between the CA and the Site.

- 6.23
- The Proposed Development has responded to the proximity of the CA by adopting a different architectural language and material palette for the co-living block which is positioned at the western end of the Site nearest to the CA. This block is proposed to be constructed from red brick with a slate roof, reflecting materials characteristic of the CA, with gable ends fronting Heavitree Road which takes reference from the terrace of Lower Summerlands, a key feature of the CA. Brick variation has been added to this block to create a cornicing detail, and downpipes have been located at regular intervals to break up the facade and reference the tall, narrow Georgian properties of the CA.
- 6.24
- The extant mature trees on the western edge of the Site will be retained as part of the wider proposed landscaping scheme, which creates a green buffer between the Proposed Development and the CA and maintains the attractive green setting of the CA the Site currently provides at this end.
- 6.25
- Therefore, in all instances of intervisibility, the above assessment has concluded there will be **no harm** to the significance of the CA. Its strong sense of enclosure is preserved and its setting is marginally improved with the improvement of architectural quality on the Site and the contextual design references, such as the rhythmic gable ends. The CA is preserved, and the terms of the NPPF and Local Plan Policy C1 are met.



Figure 6.3 Lower Summerlands gable end of listed building

MONT LE GRAND CONSERVATION AREA (MAP REF: C)

- 6.26
- There will be very limited intervisibility between the CA and the Proposed Development, limited to oblique views of the southern boundary of the CA and the Proposed Development seen at a distance of c.205m at the nearest points in views travelling along Heavitree Road.
- 6.27
- Any views of the Proposals will be interposed by the large-footprint commercial development of the supermarket and hospital.
- 6.28
- The design of the Proposals has taken influence from the historic buildings within the CA in order to ensure its contextual design. This includes the use of differing colours of brick, banding details, pitched roofs and dormer windows and protruding bays, referencing the bay windows seen on many of the Victorian properties within the CA, such as along Polsloe Road.
- 6.29
- The breaking down of massing into multiple smaller footprint buildings and visual relief achieved by the mature landscaping scheme also help to contextualise the Proposed Development within the finer urban grain and verdant setting of the CA.
- 6.30
- Where visible, the Proposed Development will therefore not appear incongruous. In all instances of visibility the above assessment has concluded there will be **no harm** to the significance of the CA. The CA is preserved, and the terms of the NPPF and Local Plan Policy C1 are met.

LISTED BUILDINGS

GRADE II 1-4 AND 7-9 LOWER SUMMERLANDS (MAP REF: 1)

- 6.31

These buildings are best appreciated looking east where the principal facades can be seen. In these views there is no visual relationship with the Site. The Proposed Development has been designed to ensure the roofline sits beneath the parapet line of these buildings in this view. This allows for the preservation of the architectural and historic interest of the buildings.
- 6.32

Any intervisibility between the listed buildings and the Proposed Development is limited to oblique, passing views when travelling east along Heavitree Road.
- 6.33

In these instances the sensitive design of the Proposed Development maintains the significance of the listed buildings. This comprises the stepping down of the co-living block towards the western end of the Site and the gable ends fronting the road, a reference taken from the listed buildings themselves.
- 6.34

The retention of mature trees on the western edge of the Site as part of the landscaping scheme also acts as a visual buffer between the listed buildings and the Proposed Development and maintains the verdant nature of this element of their setting.
- 6.35

In these instances where the Proposals and listed buildings are seen together, the Proposed Development will be clearly legible as a contextual modern development in keeping with city bounds and its surroundings (the food store, the Gorge development, the hospital).
- 6.36

The above assessment therefore concludes there will be **no harm** to the significance of the listed buildings. Their special interest is preserved, and the terms of the NPPF and Local Plan Policy C2 are met.

GROUPING OF GRADE II EATON PLACE AND GRADE II EATON'S PLACE (MAP REFS: 2 AND 3)

- 6.37

This grouping of heritage assets is located along Heavitree Road, which is a prominent thoroughfare in the area. The location along this busy route and adjacency to the roundabout has altered the experience of the heritage asset's setting.

- 6.38

The buildings are best appreciated from the south of Heavitree Road when viewing the principal frontage. Due to interposing development, screening from vegetation and the positioning of the road, the Site Proposed Development will only be visible in oblique views when looking east down Heavitree Road. This glimpsed visibility will not alter the heritage significance of the asset, which is derived from its architectural quality and intrinsic historic interest.
- 6.39

The heritage asset derives significance from its relation to Heavitree Road. The Proposed Development will not interfere with this setting component, and the heritage significance will be preserved.
- 6.40

The above assessment therefore concludes there will be **no harm** to the significance of the listed buildings. Their special interest is preserved, and the terms of the NPPF and Local Plan Policy C2 are met.

GROUPING OF GRENDON'S ALMHOUSES AND ATTWILL-KINGDOM ALMHOUSES (MAP REFS: 4 AND 5)

- 6.41

The almshouses are best appreciated from Grendon Road where the assets can be viewed in conjunction to one another. From this location, the Victorian design elements of the principal façade demonstrate the architectural significance of the asset.
- 6.42

The significant features of their setting, including their decorative Victorian architecture, southeast-facing facades, and enclosed landscaped gardens will not be altered by the Proposed Development, which will only be visible in oblique views looking west along Heavitree Road. This visibility will principally comprise the corner of the PBSA block consisting of the student reception and above storeys.
- 6.43

Due to the substantial separating distance, the Proposed Development will appear as a background element and the assets' visual relationship to the hospital will be preserved. The significance of the listed grouping will therefore be unharmed and its special interest will be preserved.
- 6.44

The above assessment therefore concludes there will be **no harm** to the significance of the listed buildings. Their special interest is preserved, and the terms of the NPPF and Local Plan Policy C2 are met.

LOCALLY LISTED BUILDINGS

ST LUKE'S COLLEGE (MAP REF: 7)

- 6.45

The Proposed Development is sited within close proximity to the north of St Luke's College. The height of the Proposals has been deliberately designed in order to ensure there is no intervisibility from the rear courtyard to retain the enclosed character of this space. As there would be no overtopping of the building in these important views, an appreciation of the building's architectural composition, which includes the steeply sloped roof, is retained.
- 6.46

There is a high level of intervisibility with the forecourt of St Luke's College and the Site, which sits directly opposite and from where the Proposed Development can be seen. There will be clear views of the Proposals from this area, across ornamental trees and the stone boundary wall which encloses the space.
- 6.47

An appreciation of the asset's historic and architectural interest is best understood in views looking south towards the principal frontage. In views looking north from the forecourt towards the Proposed Development, viewers are oriented away from the asset. These views would principally comprise the lower element of the PBSA block and look towards the student reception which is set within landscaped grounds, and a complementary use.
- 6.48

The articulation of the Proposed Development's form, its details, and sympathetic materiality all help to break down the scale of the building as seen at this point, such as the use of light brick and pitched roofs. These design details reinforce the characteristics and appearance of the locally listed building. The landscaping further complements the character and reinforces the green foreground setting of the locally listed building.
- 6.49

Views of the Proposed Development from the asset will comprise an increased scale of built form. This will result in a skyline change which will be experienced in a broad spatial context, and across a busy road. Accordingly the Proposed Development will not appear incongruous in the setting of the locally listed building, particularly given the extant built form of The Gorge, of a similar height, and the large-footprint hospital and commercial buildings nearby.

- 6.50

Further design references taken from the asset help to contextualise the Proposed Development within its setting including the adoption of enclosed courtyards providing amenity space, which is reflective of the local typology.
- 6.51

The Inspector’s comments on the previous scheme noted that although he found no harm, the former proposals curtailed important views of the locally listed building in views looking south along Gladstone Road:
There would be a change to the views towards the college from Gladstone Road. These are important views as the college building is experienced as stretching widely across the end of that road in the view. However, all but a very small part of the building would still be seen in this view although I acknowledge that the proposed building would be much more noticeable than the existing building on the appeal site. Nevertheless, given the Council’s desire for transformational change on the appeal site, it is inevitable that whatever is developed on it will have some effect on the view towards the college building from Gladstone Road.
- 6.52

The revised scheme has looked for means to better improve this aspect of setting and the PBSA block has been set back within its plot to open up views on the corner, allowing for better visibility of the entrance arch of the College which is a key architectural feature and wayfinding marker.
- 6.53

The Proposed Development would create a localised change to the setting of the main college building and stable block resulting from the new buildings and increase of built form. This is not considered to effect the significance of the locally listed building, nor the understanding or appreciation of its architectural and historic interest. The Proposals can clearly be read as a contextual, modern development clearly delineated from the asset by the busy route of Heavitree Road.
- 6.54

The above assessment therefore concludes there will be **no harm** to the significance of the locally listed building. Its architectural and historic interest is preserved, and the terms of Local Plan Policy C3 are met.



Figure 6.4 Existing view along Gladstone Road

15, 17, 19, 21, 23, 35, 37 HEAVITREE ROAD (MAP REF: 8)

- 6.55

The listed buildings are situated along the northern side of Heavitree Road. Due to the road's curvature and the substantial separating distance, the Proposed Development will not be visible in conjunction with these heritage assets.
- 6.56

The heritage asset's setting is characterised by modern buildings, including Eaton House, the road's traffic infrastructure, and the adjacent roundabout. Despite the area's heavy traffic flow, the building's architectural interest remains evident. The building is best appreciated from southern viewpoints, focusing on its principal frontage. From this perspective, the Proposed Development is not visible and therefore changes to the Site would cause no harm to the appreciation of the listed buildings.
- 6.57

The above assessment therefore concludes there will be no harm on the significance of the locally listed building. Its architectural and historic interest is preserved, and the requirements of Local Plan Policy C3 are satisfied.

22 SPICER ROAD, THE LODGE (MAP REF: 9)

- 6.58

The setting of 22 Spicer Road does not contribute to the value of the heritage asset. The surrounding setting is contained due to the brick wall which lines the perimeter. The existing area is defined by hardstanding and does not make a positive contribution to one's appreciation of the heritage asset.
- 6.59

Spicer Road is orientated towards the Site, and the Proposed Development would form terminating views at the junction with Heavitree Road. The proposed landscaping and selected brick materiality will enable the Site to positively integrate with the wider area and will create an attractive street frontage and an improvement on the extant condition.
- 6.60

The locally listed building will only be seen in conjunction with the Proposed Development in distant, oblique views. The orientation of the road, separating distance and interposing mature trees will limit this minor intervisibility to winter months in views travelling north along Spicer Road.
- 6.61

The above assessment therefore concludes there will be **no harm** to the significance of the locally listed building and a modest enhancement to its setting due to the contextual design of the Proposed Development which will improve the current condition of the Site, and the landscaping scheme which will provide an attractive green frontage to Heavitree Road. Its architectural and historic interest is preserved, and the terms of Local Plan Policy C3 are met.

7.0 CONCLUSION

FORMER POLICE STATION AND MAGISTRATES COURT, HEAVITREE ROAD, CITY OF EXETER

CONCLUSION

- 7.1
- Montagu Evans LLP have been instructed by Nixon Homes Limited and NCO (Seven) Limited to prepare this Heritage Impact Assessment in support of a full planning application regarding the site of Former Police Station and Magistrates Court, Heavitree Road, City of Exeter.
- 7.2
- This report has assessed the heritage impacts on 11 assets comprising conservation areas, Grade II listed buildings and locally listed buildings.

FINDINGS

- 7.3
- In our judgement there will be **no harm** caused to the significance of the identified designated and non-designated heritage assets by the Proposed Development. We have identified that the Proposed Development will result in modest enhancements to the setting of a number the following heritage assets as a result of the Proposals improving the quality of architecture on the Site:

 - St Leonards Conservation Area (Map Ref: A)
 - Lower Summerlands Conservation Area (Map Ref: B)
 - Mont le Grand Conservation Area (Map Ref: C)
 - Grade II 1-4 and 7-9 Lower Summerlands (Map Ref: 1)
 - Grouping of Grade II Eaton Place and Grade II Eaton's Place (Map Refs: 2 and 3)
 - Grouping of Grade II Grendon's Almshouses and Grade II Attwill-Kingdom Almshouses (Map Refs: 4 and 5)
 - Locally Listed St Luke's College (Map Ref: 7)
 - Locally Listed 15, 17, 19, 21, 23, 35, 37 Heavitree Road (Map Ref: 8)
 - Locally Listed 22 Spicer Road, The Lodge (Map Ref: 9)

POLICY COMPLIANCE

- 7.4
- On that basis, the Proposed Development complies with the policies set out in the Exeter Local Plan First Review 1995-2011 and Exeter Core Strategy (2012), in addition to the NPPF namely:

 - DG1c) The Proposals meet the test of a fully integrated landscape design through the continuation of the green corridor link along Heavitree Road which is a strong contributor to the character of the area and a positive contributor to the setting of a number of heritage assets;
 - DG1f and DG1g) The Proposals are of a height and massing appropriate to the surrounding townscape and which relate well to the character and appearance of the adjoining buildings and reflect the fine grain of the neighbouring conservation areas;
 - The test of limbs DG1h and DG1i) require a local distinctiveness in the design and use of materials in the Proposals relating well to the locality. The architects' use of brick with differing material palettes for each block and contextual design references succeed in fulfilling these policy limbs;

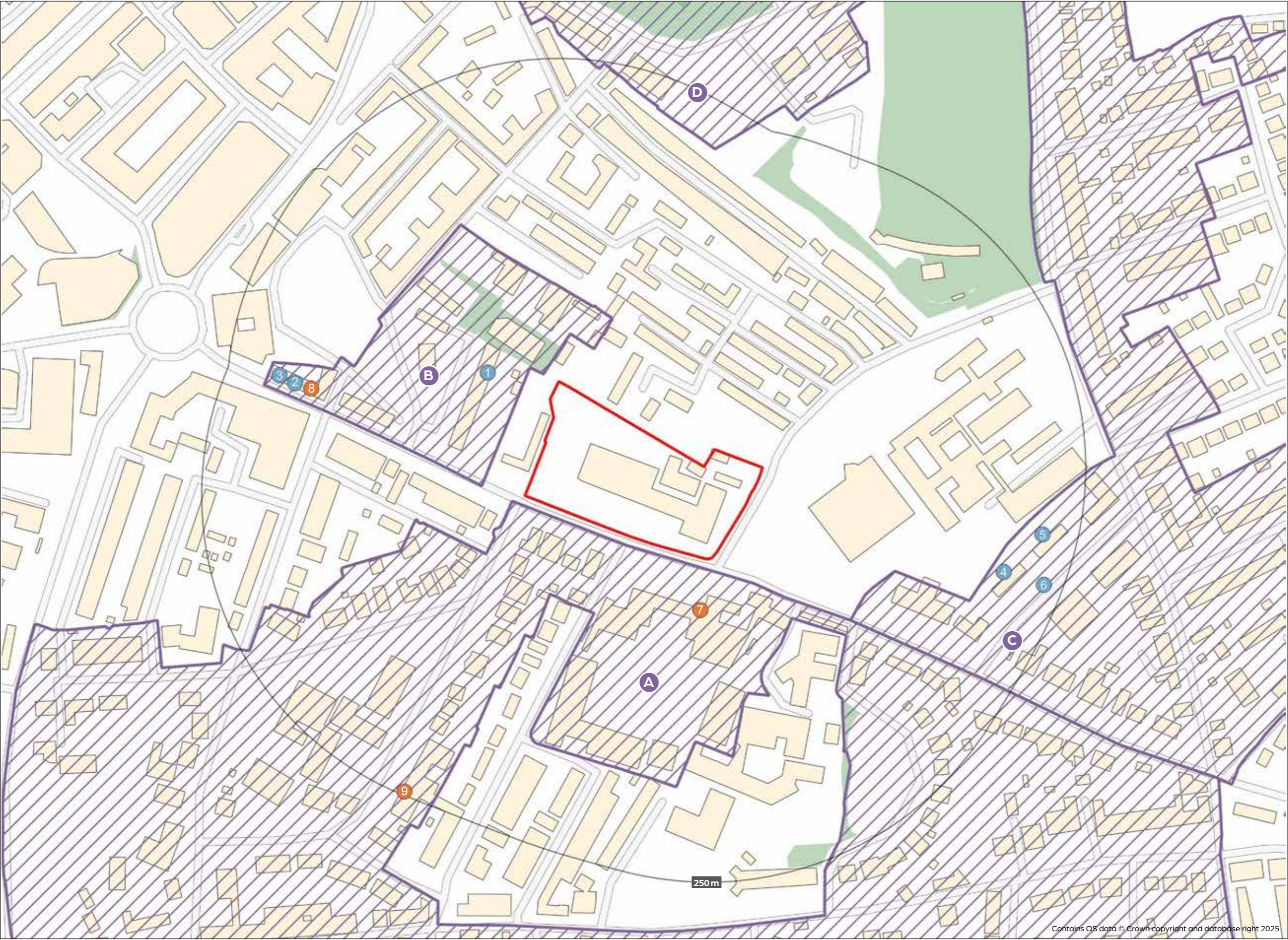
Policy H5: The setting of the locally listed building of St Luke's College is conserved and enhanced by the following aspects of the Proposals: design consideration, position (set back from Heavitree Road), materiality and landscaping. I therefore conclude the Proposals meet the test of policy limb H5a.

 - **Section 6.o** deals with these matters in detail and concludes, that no harm is caused to the significance of any of the three CAs, 3 listed building grouping and 3 locally listed buildings assessed. Therefore the test of policies C1, C2 and C3 are met.
 - The amendments made to the scheme ensure that policy CP17, which requires a high standard of sustainable design that complements or enhances Exeter's character, local identity and cultural diversity, has been met. This is shown through the contextual design of the Proposed Development as discussed in **Section 6.o** which responds to its historic environment.

- 7.5
- The decision maker is therefore able to discharge their legal duty according to Section 66 of the 1990 Act.
- 7.6
- If a different view is formed regarding the impact on the settings of the CA or the listed buildings, then the terms of NPPF 202 are engaged and the proposals may be justified on the balance of benefits. These would comprise, in part, the high quality mature landscaping scheme, the quality and character of the architectural design and the provision of a new access route and cycle path through the Site.

APPENDIX 1: HERITAGE ASSET MAPS

FORMER POLICE STATION AND MAGISTRATES COURT, HEAVITREE ROAD, CITY OF EXETER



HERITAGE ASSET PLAN

Application Site

Conservation Areas

- A. St Leonards CA
- B. Lower Summerlands CA
- C. Mont le Grand CA
- D. Belmont CA

Listed Buildings

Grade II

- 1. 1-4 and 7-9, Lower Summerlands
- 2. Eaton Place
- 3. Eaton's Place
- 4. Grendon's Almshouses
- 5. Attwill-Kingdon Almshouses
- 6. Street Wall Fronting Grendon's and Attwill Kingdon Almshouses

Locally Listed Buildings

- 7. St Luke's College Main Building, Chapel and Stable Block
- 8. 15, 17, 19, 21, 23, 35, 37 Heavitree Road
- 9. 22 Spicer Road - The Lodge

LOCATION:
Former Police Station and Magistrates Court,
Heavitree Road, City of Exeter

DATE:
April 2025

SCALE:
1:3,500 @ A3

FIGURE:

▲ NORTH



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APPENDIX 2: EXTRACTS FROM HEAN3

FORMER POLICE STATION AND MAGISTRATES COURT, HEAVITREE ROAD, CITY OF EXETER

Appeal Decision

Inquiry held on 12 December 2023

Site visit made on 15 December 2023

by H Baugh-Jones BA(Hons) DipLA MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 2 February 2024

Appeal Ref: APP/Y1110/W/23/3328094
Former Police Station and Magistrates Court, Heavitree Road, Exeter, EX1 2LS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by The Police and Crime Commissioner for Devon and Cornwall and PBSA Heavitree Road S.A.R.L against the decision of Exeter City Council.
- The application Ref 21/1564/OUT, dated 7 October 2021, was refused by notice dated 21 February 2023.
- The development proposed is outline planning application with all matters considered in detail except landscaping, for the demolition of the existing buildings and construction of mixed-use development comprising Purpose-Built Student Accommodation (Sui Generis) and Co-Living (Sui Generis) with associated infrastructure.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is in outline with only landscape as a reserved matter. I have dealt with the appeal on that basis.
3. Amended plans submitted after the Council made its decision on the application show a number of changes to room types within the development. It was also clarified that the number of units now proposed is 955. I am satisfied that these amendments do not bear on the principal of development or the matters to be considered under the main issues, or any other matters raised. Consequently, no party would be prejudiced by my taking them into account.
4. A planning obligation (by way of Agreement) has been submitted under Section 106 of the Town and Country Planning Act 1990 and was discussed at the Inquiry. The Agreement sets out a number of provisions to come into effect if the appeal is allowed. I return to this later in my decision.
5. Very shortly after the close of the Inquiry, the Revised National Planning Policy Framework (the Framework) was published. Amongst other things, this included a change to the requirements for local planning authorities in respect of maintaining a five-year supply of deliverable housing sites. I sought the parties' written views on this and have them into account.
6. Both before and during the course of the Inquiry, the Council and appellants reached further agreement on a number of matters including in relation to neighbouring residential amenity, on and off-site amenity space, trees and

planning obligations. The Council withdrew its objections to the scheme relating to those matters. Consequently, I did not hear formal evidence on them. I have, however, taken the views of interested parties who maintain their objections on some of those and other matters into account.

Main Issues

7. In light of the above, the main issues are now:

- The effects of the proposal on the character and appearance of the area, including its effects on a non-designated heritage asset, St Luke's College
- The effects on the living conditions of neighbouring occupiers in Higher Summerlands with regard to privacy and outlook

Reasons

Policy background

8. The development plan comprises the Exeter Core Strategy (2012) (the CS) and the Exeter Local Plan First Review 1995-2011 (the LP). The policies within the LP have been saved.
9. Consultation on the emerging Local Plan (eLP) ended on 15 January 2024. The eLP is therefore at too early a stage to be given anything more than limited weight.

Character and appearance and non-designated heritage asset

10. The appeal site is occupied by the building which formed the former police station and Magistrates Court. It is a large building and at its tallest, it extends to five storeys. The principal elevation of the building is set back from Heavitree Road. This is a main route into and out of Exeter and sees heavy vehicular and pedestrian use.
11. The character of the area is complex, being made up of the St Luke's College campus, a supermarket, hospital, recently built student accommodation known as The Gorge and extensive residential areas. The supermarket and hospital naturally have large footprints but nevertheless remain discreet in views from along Heavitree Road due to their modest height and available screening by vegetation and other buildings.
12. Upon leaving the city centre and heading along Heavitree Road towards the site, there is a notable change in character as the area becomes more suburban. The grain becomes finer, and despite the presence of the larger buildings, it comprises mainly residential development along streets off Heavitree Road within which buildings are 2, 2.5 and 3 storeys. In addition to the residential dwellings along Heavitree Road itself, the surrounding residential streets form the dominant character, thereby creating the sense that the site lies within a mainly suburban residential area away from the city centre albeit with some more urban elements dotted around. This is reinforced when looking towards the city centre from next to the site wherefrom it is clear that the edge of the city centre lies beyond the roundabout junction at Western Way.
13. With the somewhat anomalous exception of The Gorge which neighbours the site, the area is not host to tall buildings. However, the Gorge occupies a

comparatively small area compared to the extent of the appeal site. Consequently, it does not have any meaningful influence on the character or grain of the local area. The five-storey element of the former police station is set well-back from Heavitree Road and forms a relatively small component of the overall existing building. It is also part of a building that has a predominantly horizontal emphasis across the site which serves to minimise the visual effects of this taller element.

14. In contrast to all of this, the proposed development would be positioned with the main elevations facing and closer to Heavitree Road. The buildings would comprise two very large blocks split between the co-living and Purpose-Built Student Accommodation uses. They would be tall buildings of very substantial volume and mass. Their presence would be a dominant feature within a number of views from along Heavitree Road and within the surrounding streets.
15. When looking in both directions along Heavitree Road, the buildings would be read as one mass, appearing vastly larger than any other nearby building. Whilst planting along the road frontage would eventually 'soften' those effects, the sense of there being a building at odds with the size of other local buildings and grain of the surroundings would remain. It would also be many years before the planting matured to provide any meaningful mitigation.
16. The height of the buildings would be emphasised by the arrangement of windows in a vertical plane. The step back of the uppermost level and use of dormers with gables and sloping parts of the roof would not have any meaningful effect on mitigating this. I note the aim of varying the colours of the proposed materials in an attempt to also reduce the impression of scale. However, this would be unsuccessful given that the buildings would be of immense proportions compared to anything surrounding them. To my mind, the need to use these myriad architectural devices to mitigate the scale of the buildings indicates that they would be adversely large and of inappropriate design and scale in the first instance.
17. I note that the Council seeks transformational change on the site and there is clearly an opportunity to introduce a development that would achieve that objective. However, whilst 'transformational change' can be interpreted in a number of ways, it would be perverse for that interpretation to mean introducing a development at odds with its context as that approach would not accord with the principles of good design required by local and national planning policy. I acknowledge the desire for the efficient use of land, but the proposal goes beyond what is acceptable in terms of the density, grain and overall character of its surroundings.
18. I have considered the assertion that the scheme would create a gateway along Heavitree Road. However, given the distance of the site from the city centre (as read on the ground being beyond the Western Way roundabout), suggests to me that it would be a 'gateway' in the wrong place. Moreover, the creation of a gateway scheme does not rely on the provision of a scheme at odds with its local environment. The proposed development would be unacceptably strident within this predominantly suburban residential area.
19. The locally listed St Luke's college is directly opposite the site and next to the junction of Heavitree Road and Gladstone Road. It is a prominent and notable building which the proposal has the potential to affect the setting of. Whilst the proposed buildings would be of greater height and mass and set closer to it

than the existing building, it would comprise materials sympathetic those of the college building in terms of their colour palette. Heavitree Road is a busy and wide road, and the college building is set well back from the footpath even at its closest point. Combined with the separation distance afforded by the Heavitree Road carriageway, even with the proposed building's height and mass, there would be no material diminishing effect on the architectural importance or historic value of St Luke's college or the overall appreciation of it when viewed from along Heavitree Road.

20. There would be a change to the views towards the college from Gladstone Road. These are important views as the college building is experienced as stretching widely across the end of that road in the view. However, all but a very small part of the building would still be seen in this view although I acknowledge that the proposed building would be much more noticeable than the existing building on the appeal site. Nevertheless, given the Council's desire for transformational change on the appeal site, it is inevitable that whatever is developed on it will have some effect on the view towards the college building from Gladstone Road.
21. The Framework says that, in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset. Overall, I do not consider that there would be a level of harm to the appreciation of the college buildings that would go beyond the realm of acceptability and that would therefore justify refusing planning permission on that specific ground.
22. To conclude on this first main issue, the proposal would result in harm to the character and appearance of the area, thereby running counter to CS Policy CP17 which requires proposals for development to be of a high standard of sustainable design that is resilient to climate change and complements or enhances Exeter's character, local identity and cultural diversity. It would conflict with saved LP Policy H5 which is a permissive policy that sets out four requirements that certain types of development, including student housing, should meet. Amongst other things, these are, that the scale and intensity of use does not harm the character of the area. Saved LP Policy DG1 sets out a series of things development should comply with. In short, and amongst other things, these are to protect local character through appropriate height, volume, massing, density and grain. The scheme would conflict with this Policy. Furthermore, it would run counter to paragraph 135 (formerly paragraph 130) of the Framework.
23. There would not be harm to the historic significance of the locally listed St Luke's college building and in this regard, the proposal would therefore comply with Framework paragraph 203c) (formerly paragraph 197c).

Living conditions

24. The dwellings in Higher Summerlands are arranged such that their frontages face the western part of the site. Directly in front of the dwellings is a pedestrian footpath with a metal railing fence separating it from a grassed and treed bank within the site boundary. The land rises from the footpath to the access/car park that served the police station and court building.

25. There is a substantial separation distance between the dwellings and the existing building. The proposal would result in a building of greater proportions closer to the frontages of the dwellings in Higher Summerlands and part of the access road to serve the development would be situated in between. There could inevitably be some diminishing effect on the outlook from those dwellings when looking towards the site resulting from both the closer proximity of the proposed building and its associated vehicular movements.
26. Having said that, the dwellings have good sized rear gardens, and I observed a number of accesses leading directly from those gardens onto the street. Parking to serve the dwellings is also on this side of them and it seems likely to me that residents would predominantly use the rear garden gates to access their properties. Furthermore, I also observed net curtains in most of the windows facing the site and it would be reasonable to conclude that they were put up for privacy purposes in relation to the comings and goings associated with the site's former use. It therefore seems evident that the main focus for residents in Higher Summerlands is away from the site in terms of both outlook and access.
27. Moreover, I see no reason why the net curtains would not be left in place and thus, the effects on outlook and privacy for residents in Higher Summerlands would not be materially different to what they are currently. There is space for extensive new planting, as part of the reserved matter, between the dwellings and the proposed development. Given the rise in the land, this planting could be sufficiently dense such that it would take effect in the short term and acceptably mitigate the effects of the proposal on the outlook and privacy of occupiers of Higher Summerlands.
28. Taking all of this into account, the effects of the proposed development would not be so profound so as to result in harmful effects either in terms of outlook or privacy for residents in Higher Summerlands. The proposal therefore accords with LP Policies H5a) and SG4b) which both seek to protect the amenity of residents. It would also accord with paragraph 135f) (formerly paragraph 130f) of the Framework which, amongst other things, seeks to ensure developments provide a high standard of amenity for existing and future residents.

Other Matter

Conservation Areas

29. The Mont Le Grand Conservation Area (CA) covers a large area to the east but does not border the appeal site. It extends to the north and south of Heavitree Road. The CA comprises a large number of listed buildings and there is a range of distinctive architectural features typifying the main periods of building. There are also a number of green spaces and mature trees. The CA is sufficiently far away and discreet from the appeal site such that the proposal would not result in harm to its significance or the significance of the listed buildings within it.
30. The Lower Summerlands CA is a small and relatively discreet CA located on the other side of the dwellings in Higher Summerlands. It contains many listed buildings, mature trees and historic brick walls that create strong boundaries within the CA. The Lower Summerlands CA is well contained and is sufficiently robust to withstand the effects of nearby development. There is also a sufficient degree of physical and visual separation between the CA and the

appeal site. There would be harm to its significance or the significance of the listed buildings within it.

31. The St Leonards CA covers a very large area and part of its northern boundary is contiguous with the boundary of St Luke's College where it fronts onto Heavitree Road. The remainder of the CA extends to the south across a wide spectrum of residential areas. Whilst part of the CA's boundary is therefore directly opposite and close to the appeal site, its significance in this specific area derives from the character and appearance of the college building to which I have not found that there would be harm. It therefore follows that no harm would result to the significance of the CA or the significance of the listed buildings within it.

Planning obligations

32. The signed and dated obligation includes provision for contributions towards health, habitats, education, play and public open space. It also makes provision for restricting car use, other than for those with disabled badges, within the development of both the co-living and student accommodation. There are separate alternative provisions related to the habitats contribution in terms of whether it applies to part or all of the development. However, as I am dismissing the appeal for other substantive reasons, with the exception of affordable housing, I do not consider the obligations further.

Planning Balance and Conclusion

33. The emerging local plan has reached the relevant stage such that, under the provisions of the Revised Framework, the Council is required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing of deliverable housing sites. This arrangement applies for a period of two years from the Revised Framework's publication. The parties agree that the Council can identify over a four-year supply and thus, the tilted balance in Framework paragraph 11d) is not engaged.
34. The proposal would assist in meeting unmet needs in relation to market and affordable housing, PBSA and co-living including a specific identified need for one-bedroom units. It is likely that this would also help to free up market housing elsewhere in Exeter. The Council accepts that the housing requirement is not going to be met over the plan period and in any case, housing targets are a minimum. Aligning that with the government's desire to boost the supply of homes, the provision of market housing carries significant weight. This remains the case even taking into account the temporary reduction in the housing supply requirement as changing the parameter does not alter the prevailing need for housing. Set against a backdrop of long-standing affordable housing need in Exeter, the provision of affordable housing also attracts significant weight.
35. The appellants put it to me that if the appeal scheme does not go ahead in the location proposed, there would be scant opportunities for it to be located elsewhere due to a variety of land-use constraints in Exeter and its surrounding countryside. However, that is not to categorically say that a suitable site elsewhere may not come forward at some point. It is also possible that another scheme of different form which is acceptable to the Council might come

forward on the appeal site albeit not necessarily on the scale proposed in this appeal.

36. Set against the identified benefits, the harm to the area’s character and appearance would be severe. The proposal would cross the line of acceptability in terms of its effects on the local area into which it would not satisfactorily integrate. I have found that it would be overly-assertive and incongruous. The level of harm that would result is sufficient to outweigh the benefits of the scheme. The proposal would not accord with the development plan as a whole.

37. For the above reasons, the appeal does not succeed.

H Baugh-Jones

INSPECTOR

APPEARANCES

FOR THE APPELLANTS:

Charles Banner KC and Richard Sagar	Instructed by the appellants
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They called:

Dr Chris Miele IHBC MRTPI	Montagu Evans LLP
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Gareth Hooper BSc(Hons) MSc MRTPI	DPP Planning
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FOR THE LOCAL PLANNING AUTHORITY:

Timothy Leader	Instructed by Exeter City Council
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He called:

Christopher Cummings BA(Hons) MSc MRTPI	Exeter City Council
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Funda Kemal BSc(Hons) DipArch PGCert RIBA	Freelance Architect
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INTERESTED PARTIES:

Mr C Dent	Local resident
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Councillor Andy Ketchin	Ward Councillor
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Councillor Matthew Vizard	Ward Councillor
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DOCUMENTS

ID01	Appellants’ table relating to points in the Council’s proofs set against reasons for refusal; Statements of Common Ground and letters of clarification
ID02	Appellants’ opening statement
ID03	Council’s opening statement
ID04	Mr Dent’s statement
ID05	Statement of Common Ground – Reasons for Refusal
ID06	Errata to Dr Miele’s proof
ID07	Summary of section106 Agreement
ID08	Draft planning conditions
ID09	Indicative planting plan
ID10	Site visit viewpoint location plan

APPENDIX 3: HISTORIC ENGLAND ADVICE NOTE 3 CHECKLISTS

FORMER POLICE STATION AND MAGISTRATES COURT, HEAVITREE ROAD, CITY OF EXETER

assessment may also inform the production of a strategic, management or conservation plan in advance of any specific development proposal, although the assessment of significance required for studies of this type will address the setting of the heritage asset ‘in the round’, rather than focusing on a particular development site.

30 An assessment of the contribution to significance of a view does not depend alone on the significance of the heritage assets in the view but on the way the view allows that significance to be appreciated. The view may be part of a

landscape, townscape or other design intended to allow a particular attribute of the asset to be enjoyed, such as its reflection in a body of water. Heritage assets (sometimes of different periods) may have been deliberately linked by the creation of views which were designed to have a particular effect, adding meanings through visual cross-references. Composite or fortuitous views which are the cumulative result of a long history of development, particularly in towns and cities, may become cherished and may be celebrated in artistic representations. The ability to experience

Assessment Step 2 Checklist

The starting point for this stage of the assessment is to consider the significance of the heritage asset itself and then establish the contribution made by its setting. The following is a (non-exhaustive) check-list of potential attributes of a setting that may help to elucidate its contribution to significance. It may be the case that only a limited selection of the attributes listed is likely to be particularly important in terms of any single asset.

The asset’s physical surroundings

- Topography
- Aspect
- Other heritage assets (including buildings, structures, landscapes, areas or archaeological remains)
- Definition, scale and ‘grain’ of surrounding streetscape, landscape and spaces
- Formal design eg hierarchy, layout
- Orientation and aspect
- Historic materials and surfaces
- Green space, trees and vegetation
- Openness, enclosure and boundaries
- Functional relationships and communications
- History and degree of change over time

Experience of the asset

- Surrounding landscape or townscape character
- Views from, towards, through, across and including the asset
- Intentional intervisibility with other historic and natural features
- Visual dominance, prominence or role as focal point
- Noise, vibration and other nuisances
- Tranquillity, remoteness, ‘wildness’
- Busyness, bustle, movement and activity
- Scents and smells
- Diurnal changes
- Sense of enclosure, seclusion, intimacy or privacy
- Land use
- Accessibility, permeability and patterns of movement
- Degree of interpretation or promotion to the public
- Rarity of comparable survivals of setting
- Cultural associations
- Celebrated artistic representations
- Traditions

Assessment Step 3 Checklist

The following is a (non-exhaustive) check-list of the potential attributes of a development affecting setting that may help to elucidate its implications for the significance of the heritage asset. It may be that only a limited selection of these is likely to be particularly important in terms of any particular development.

Location and siting of development

- Proximity to asset
- Position in relation to relevant topography and watercourses
- Position in relation to key views to, from and across
- Orientation
- Degree to which location will physically or visually isolate asset

Form and appearance of development

- Prominence, dominance, or conspicuousness
- Competition with or distraction from the asset
- Dimensions, scale and massing
- Proportions
- Visual permeability (extent to which it can be seen through), reflectivity
- Materials (texture, colour, reflectiveness, etc)
- Architectural and landscape style and/or design
- Introduction of movement or activity
- Diurnal or seasonal change

Wider effects of the development

- Change to built surroundings and spaces
- Change to skyline, silhouette
- Noise, odour, vibration, dust, etc
- Lighting effects and ‘light spill’
- Change to general character (eg urbanising or industrialising)
- Changes to public access, use or amenity
- Changes to land use, land cover, tree cover
- Changes to communications/accessibility/permeability, including traffic, road junctions and car-parking, etc
- Changes to ownership arrangements (fragmentation/permitted development/etc)
- Economic viability

Permanence of the development

- Anticipated lifetime/temporariness
- Recurrence
- Reversibility

APPENDIX 4: HISTORIC MAP PROGRESSION

FORMER POLICE STATION AND MAGISTRATES COURT, HEAVITREE ROAD, CITY OF EXETER

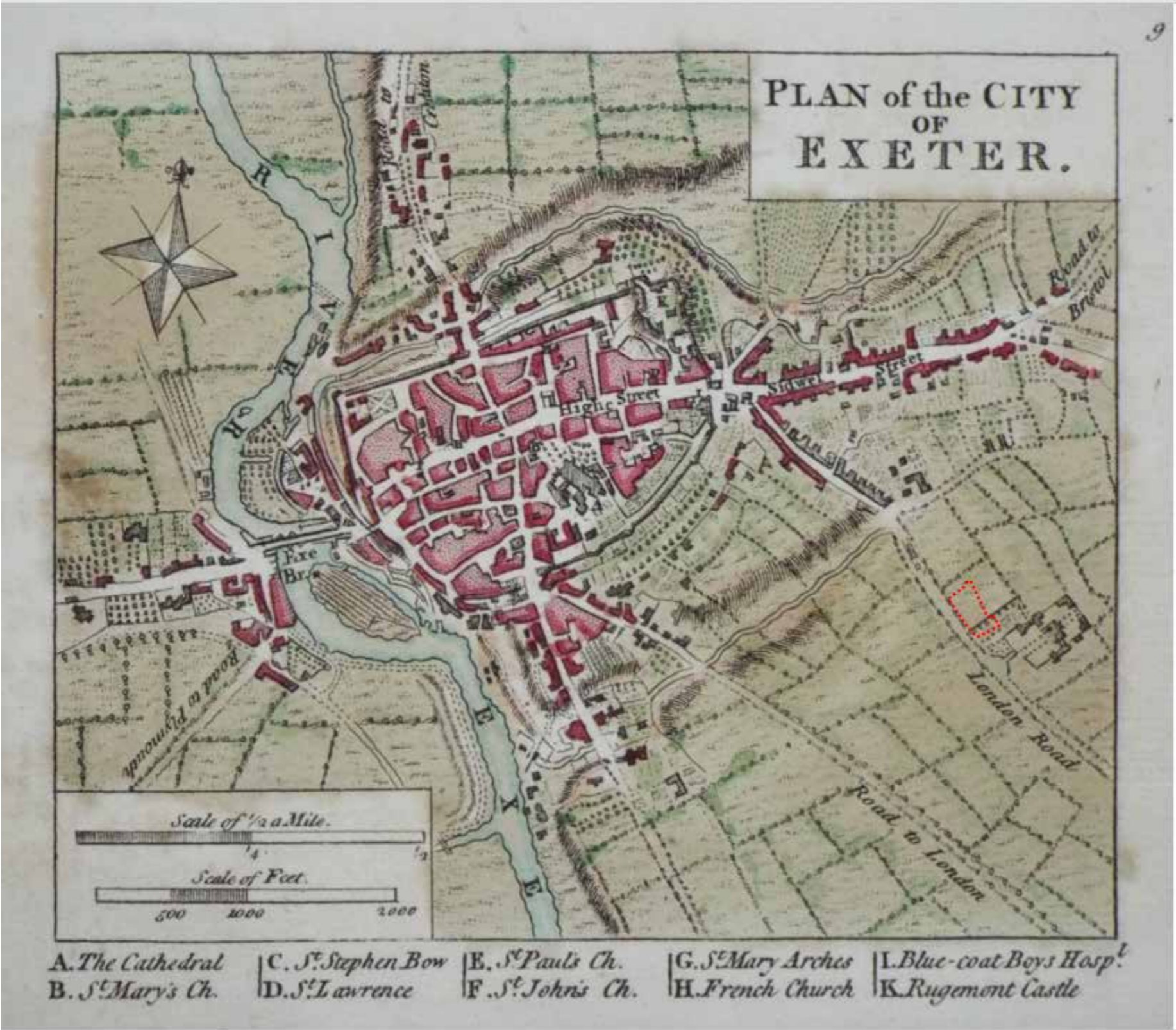


Figure A4.1 Rocque's Plan of Exeter, 1744 with approximate location of Appeal Site boundary marked in red



Figure A4.2 Budgen's Map of Exeter, 1801 with approximate location of Appeal Site boundary marked in red

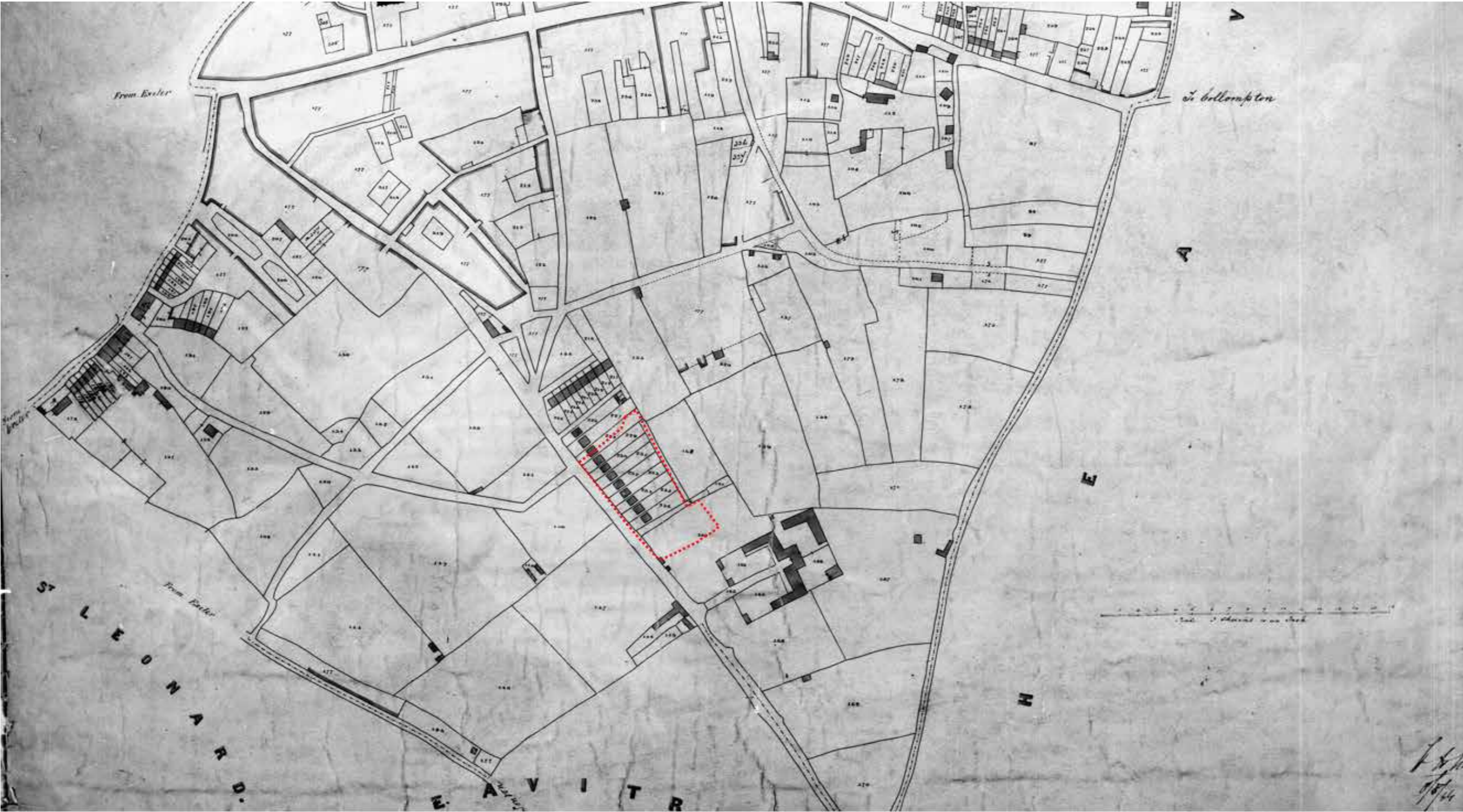


Figure A4.3 1842 Tithe Map with approximate location of Appeal Site boundary marked in red

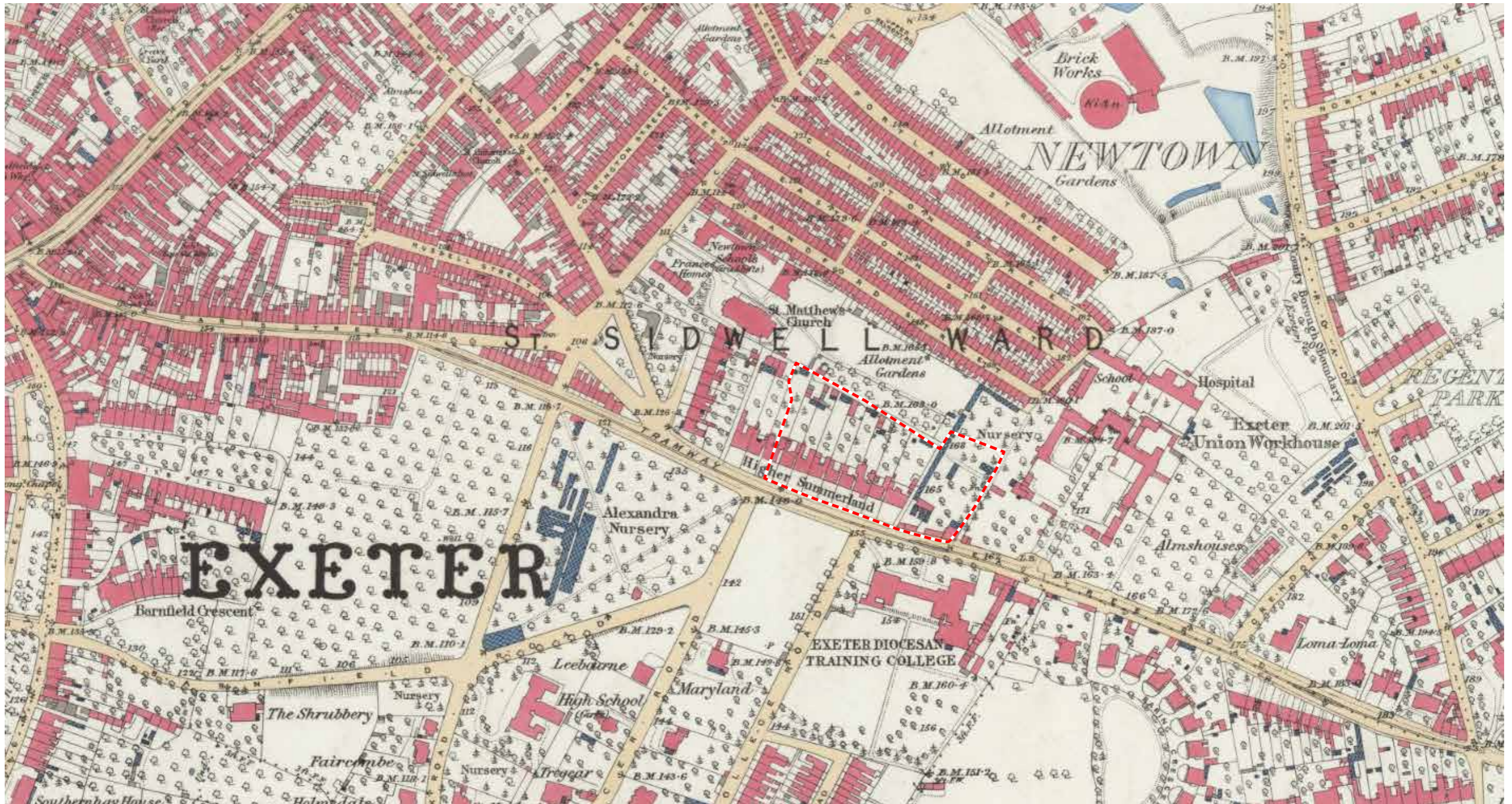
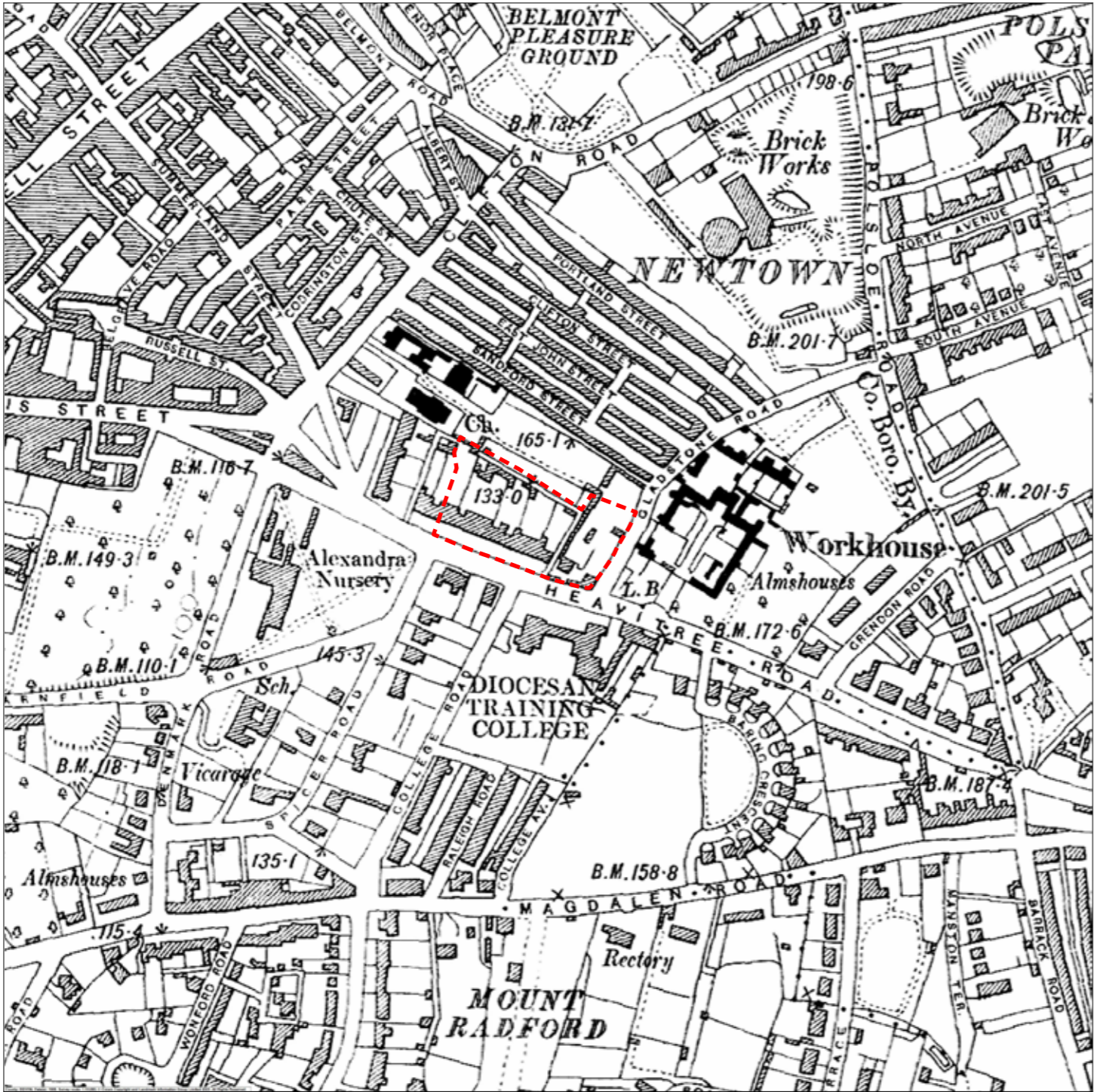


Figure A4.4 1888 OS Map with Appeal Site boundary marked in red



Landmark

INFORMATION GROUP

Landmark Historical Map

County: DEVON

Published Date(s): 1906

Originally plotted at: 1:10,560

Figure A4.5 1906 OS Map with Appeal Site boundary marked in red

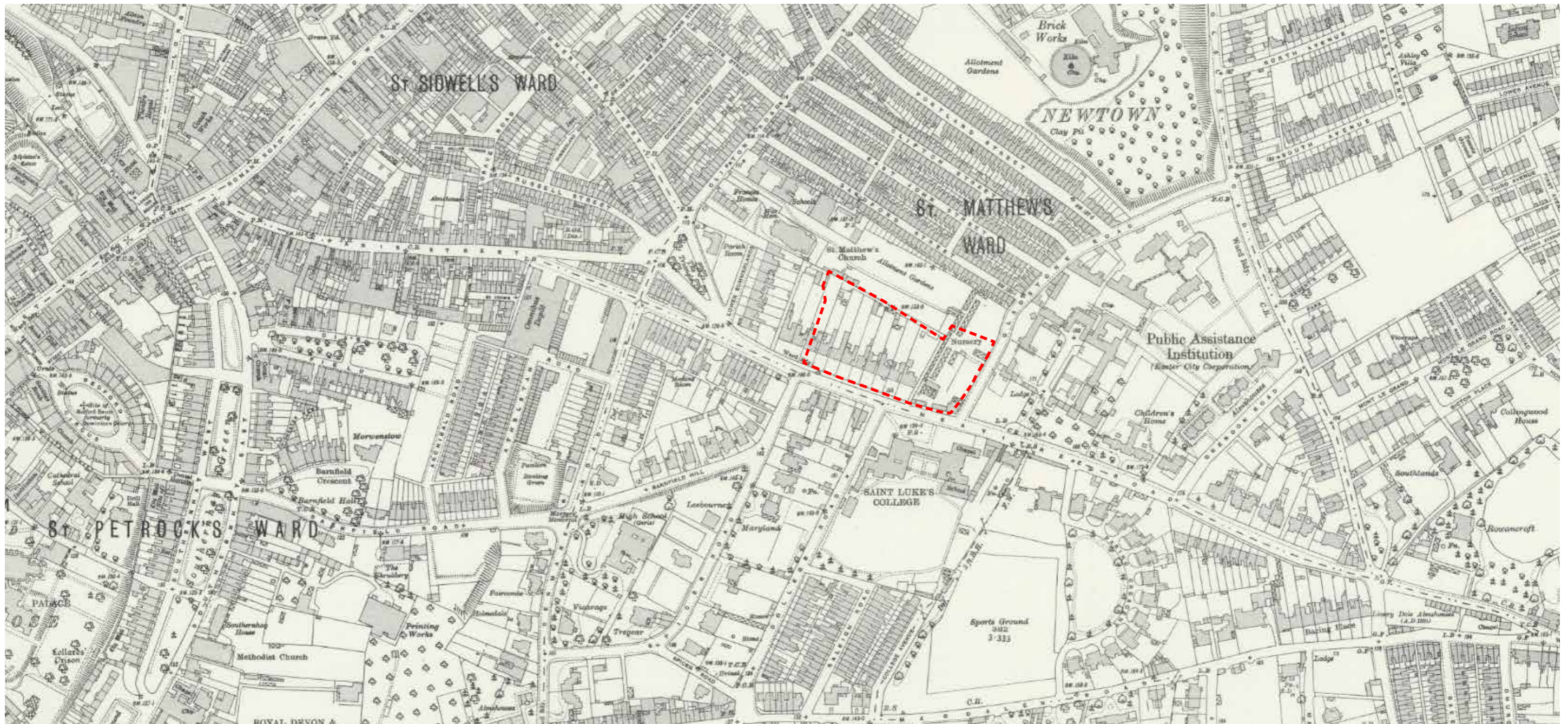
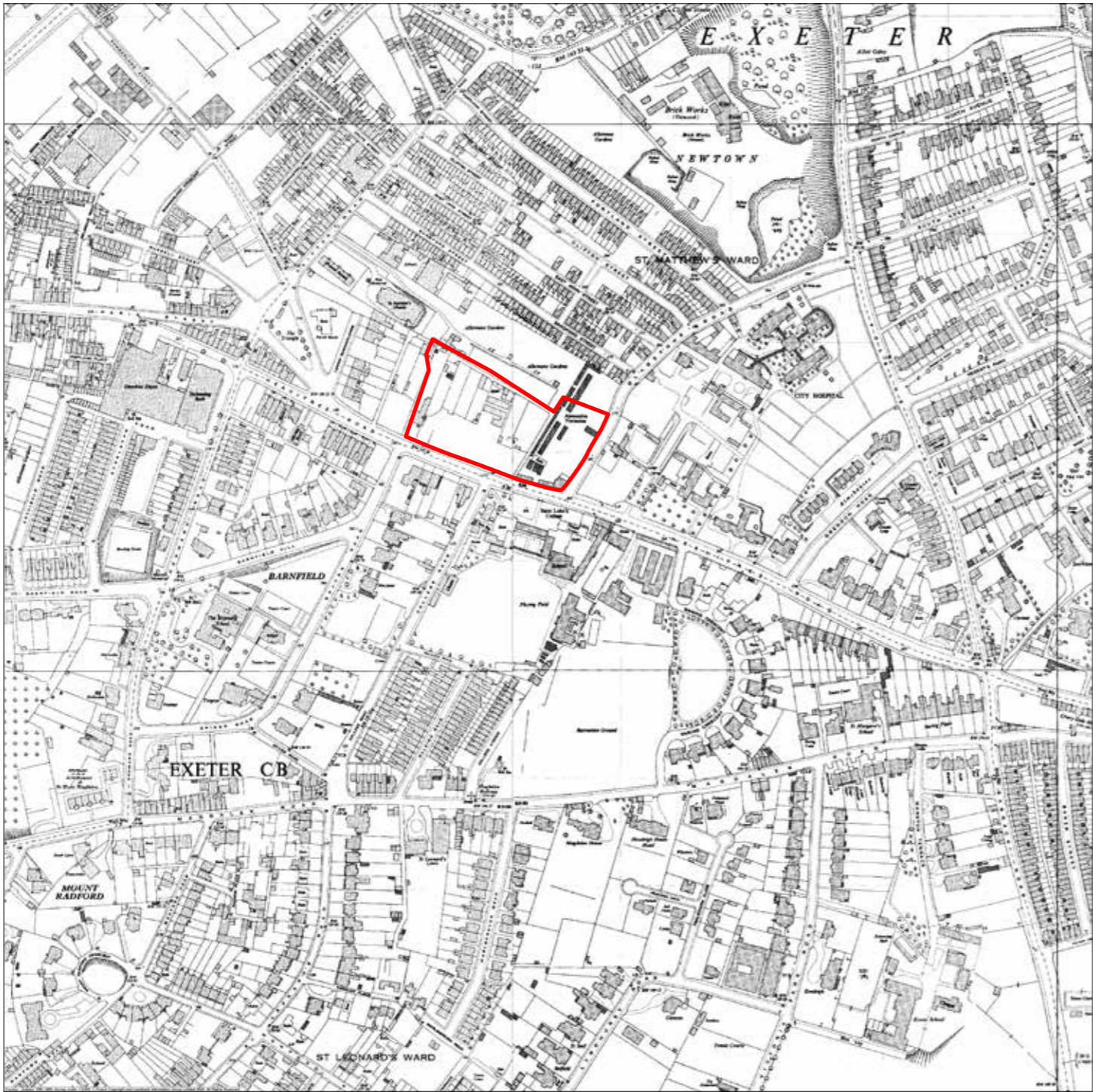


Figure A4.6 1938 OS Map with Appeal Site boundary marked in red



Landmark

INFORMATION GROUP

Landmark Historical Map

County:

Published Date(s): 1951-1953

Originally plotted at: 1:2,500

Figure A4.7 1951-3 OS Map with Appeal Site boundary marked in red

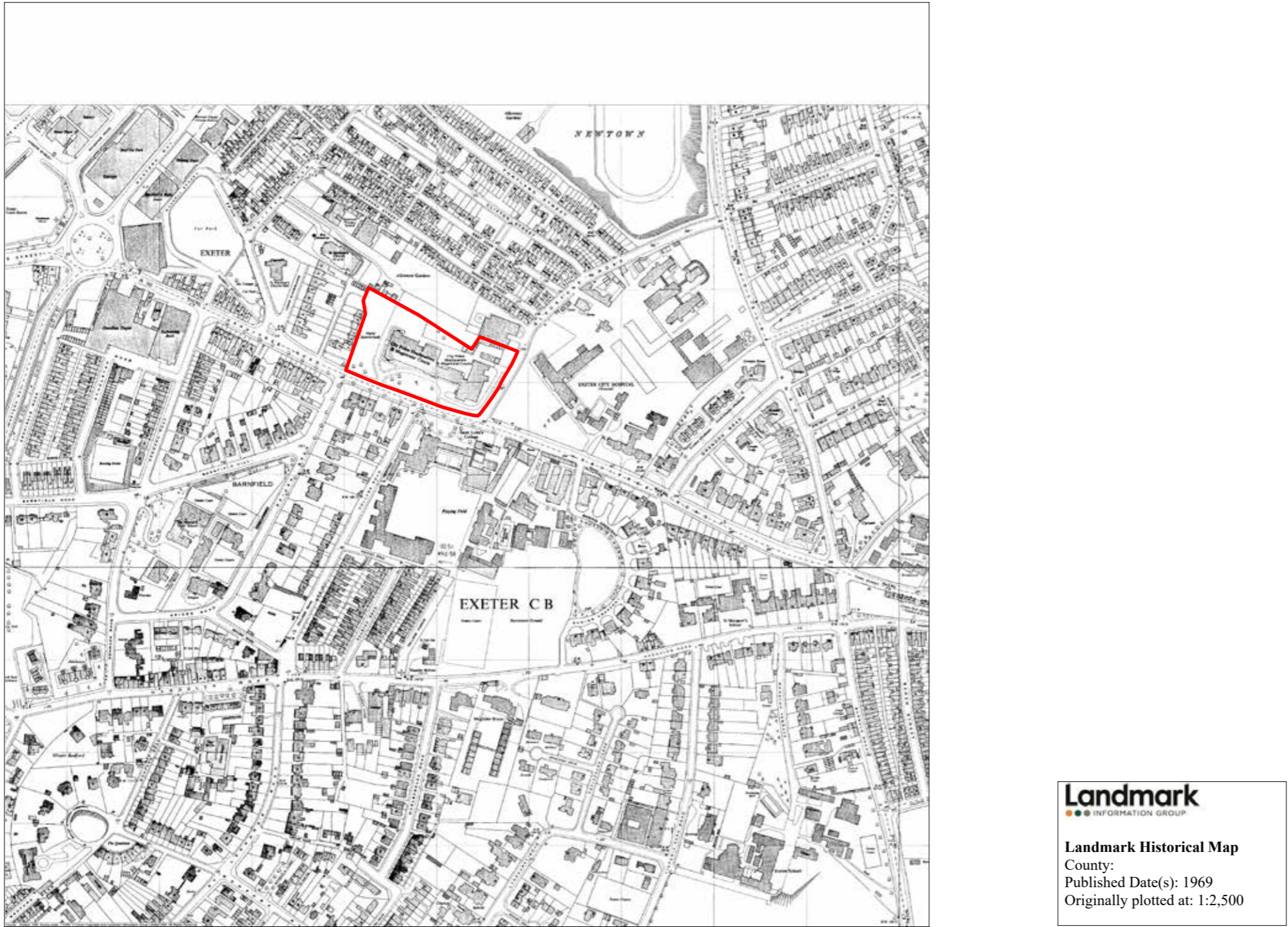
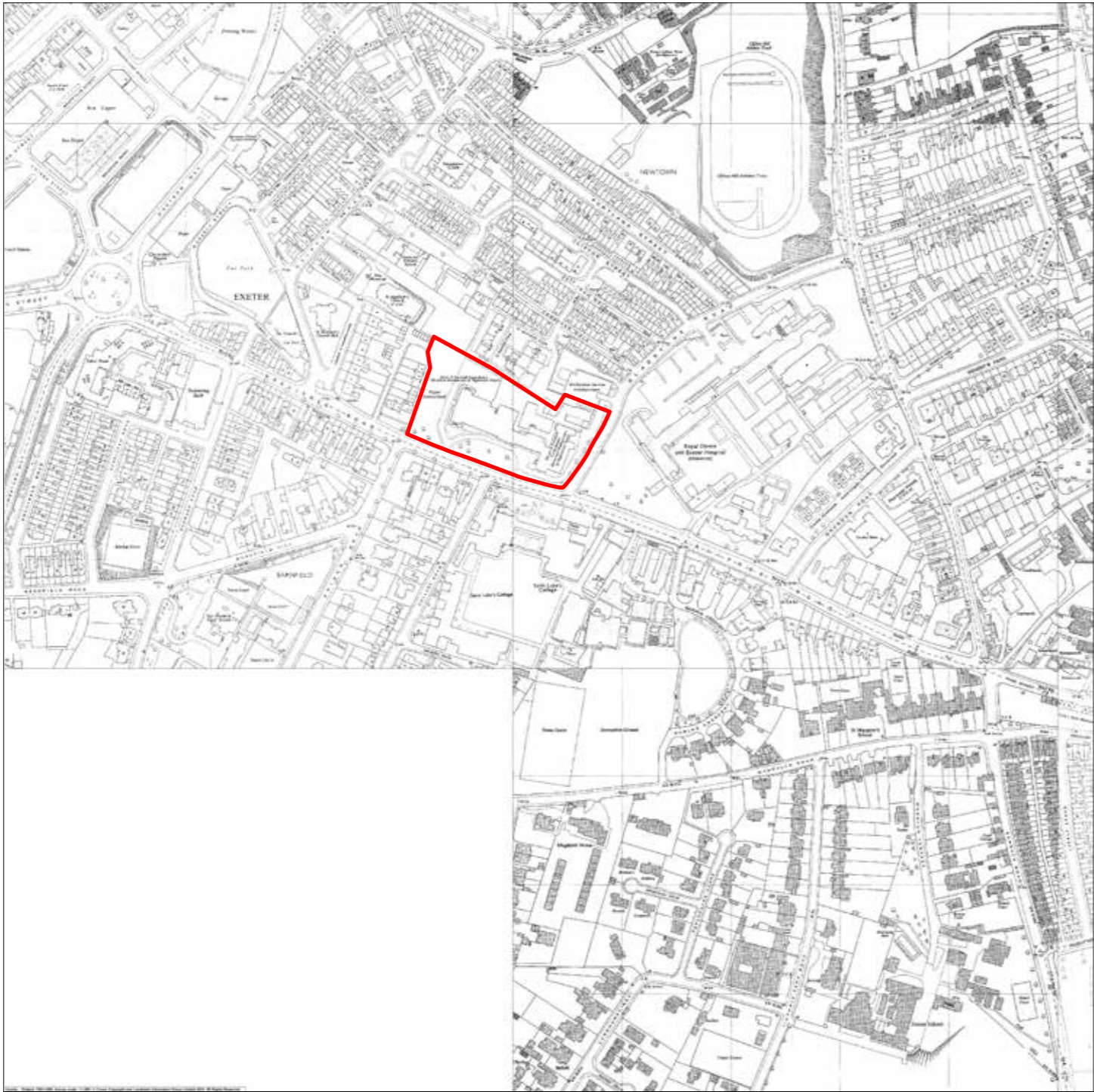


Figure A4.8 1969 OS Map with Appeal Site boundary marked in red



Landmark
INFORMATION GROUP

Landmark Historical Map
County:
Published Date(s): 1964-1988
Originally plotted at: 1:1,250

Figure A4.9 1964–88 OS Map with Appeal Site boundary marked in red



Figure A4.10 2002 Aerial Photo (Source: Google Earth) with Appeal Site boundary marked in red



Figure A4.11 2007 Aerial Photo (Source: Google Earth) with Appeal Site boundary marked in red



Figure A4.12 2013 Aerial Photo (Source: Google Earth) with Appeal Site boundary marked in red

HISTORIC MAP PROGRESSION



Figure A4.13 2022 Aerial Photo (Source: Google Earth) with Appeal Site boundary marked in red

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