

PLANNING COMMITTEE

Monday 10 October 2022

Present:-

Councillor Morse (Chair)

Councillors Sutton, Asvachin, Bennett, Bialyk, Hannaford, Jobson, Lights, Mitchell, M, Moore, D, Newby and Snow

Apologies

Councillor Branston

Also Present

Director of City Development, Principal Project Manager (Development) (MD), Planning Solicitor and Democratic Services Officer (HB)

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MINUTES

The minutes of the meeting held on 5 September 2022 were taken as read, approved and signed by the Chair as correct.

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DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

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PLANNING APPLICATION NO. 21/1564/OUT - FORMER POLICE STATION AND MAGISTRATES COURT, HEAVITREE ROAD, EXETER

The Director of City Development reported that on 5 September 2022 Members resolved that the above application be deferred and that he had been asked to report back to this Planning Committee with full technical reasons for refusal for the areas set out below:

- height, massing, design, siting and landscaping of the development having an adverse impact on the surrounding buildings and the street scene of the Heavitree Road approach into the City Centre;
- insufficient usable external amenity space for both the Co-living and Purpose Built Student Accommodation (PBSA) accommodation blocks, allied to a failure to adequately acknowledge the wider impact on amenity space in the surrounding residential areas and also the substandard quality and amenity space offered as part of the living accommodation within the Co-Living block itself; and
- loss of trees and biodiversity.

Accordingly, the following technical reasons for refusal were recommended:-

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 height 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 pavement and not in keeping with the sub-urban street scene. 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).

2. The proposed development would harm the amenity, privacy and outlook of the adjacent residential properties, particularly in Higher Summerlands, due to the height, scale and massing of the proposed buildings and their siting in close proximity to the properties taking into account their designs. The proposed development is therefore contrary to saved Policies H5(a) and DG4(b) of the Exeter Local Plan First Review 1995-2011, and paragraph 130f) of the NPPF (2021).
3. The proposed development would have a limited amount of external amenity space for use by the high number of residents of the two buildings and the external amenity space proposed in the form of the internal courtyards would be poor quality due to the overbearing design of the proposed buildings. In addition, the small size of the studios within the Co-Living block combined with the amount of internal, shared communal space within the building would provide a poor living environment for residents that would have a negative impact on their health and well-being. The proposed development is therefore contrary to saved Policy DG4(b) of the Exeter Local Plan First Review 1995-2011 and paragraph 130e) and f) of the NPPF (2021).
4. Notwithstanding the applicant's agreement to pay £472,995 for the maintenance and upgrade of off-site public open spaces serving the development (to be spent on upgrades to Exeter City Council parks) and £121,095 for the maintenance and upgrade of off-site play areas serving the development (to be spent on the installation of outdoor adult fitness equipment) in accordance with the consultation response from the Public and Green Spaces team of Exeter City Council to mitigate the impact of additional demand on off-site Exeter City Council public spaces, the proposed development would have a negative impact on public spaces in the locality of the site, in particular Belmont Park approximately 400 metres north of the site, due to the additional use and demand of these spaces by residents of the proposed development and limited amount of on-site external amenity space provision. The proposed development is therefore contrary to Policy CP10 of the Core Strategy, which protects facilities that meet Exeter's community, social, health, leisure and recreational needs, and saved Policy DG4(a) of the Exeter Local Plan First Review 1995-2011 stating that residential development should be at the maximum feasible density taking into account site constraints and impact on the local area.
5. The proposed development would result in the loss of all trees on the site including several category A and B trees which contribute to the amenity of the locality and biodiversity of the site. Without a detailed landscaping scheme as part of the application, there is a lack of certainty that the loss of these trees will be adequately and appropriately compensated for to maintain or enhance the amenity and biodiversity value of the site. The indicative information submitted

with the application in this regard does not demonstrate that this can be satisfactorily achieved. Therefore the proposed development is contrary to Policy CP17 of the Core Strategy, saved Policies H5(a), LS4 and DG1(c)(h) of the Exeter Local Plan First Review 1995-2011, and paragraphs 130 and 131 of the NPPF (2021).

The Director City Development advised that the following reason for refusal should be added:

6. In the absence of a Section 106 legal agreement to secure the following:

- 20% of the Co-Living units (i.e. 72) will be affordable private rented (5% of which will be wheelchair accessible) and priority will be given to essential local workers.
- Habitats Mitigation = £370,612.34 (in relation to the co-living development only)
- NHS Devon ICB contribution = £264,960.00 (£173,312 for PBSA and £91,648 for co-living)
- Public open space contribution = £472,995.00 (£309,389 for PBSA and £163,606 for co-living)
- Play (outdoor adult fitness equipment) contribution = £121,095.00 (£79,209 for PBSA and £41,886 for co-living)
- Student Management Plan for PBSA block
- Co-living Management Plan/Monitoring for Co-living block

the proposal is contrary to Exeter Local Development Framework Core Strategy 2012 Objectives 1, 3, 5, 6, 8 and 10, and policies CP7, CP10, CP16 and CP18, Exeter Local Plan First Review 1995-2011 saved policies L4, LS2, LS3 and DG4, Exeter City Council Affordable Housing Supplementary Planning Document 2014 and Exeter City Council Public Open Space Supplementary Planning Document 2005.

The Director City Development also reported that the applicants had contacted officers requesting a further deferral of the application in order to revise the proposals accounting for the issues raised by this Committee on 5 September 2022. Subject to an appropriate extension of time being agreed, the Director of City Development recommended that this time be granted so that Members could consider a revised set of proposals that better reflect Members' aspirations for the site and to ensure that any proposals considered at any appeal are the most appropriate for the area.

The Director City Development stated that the consideration of revised proposals would not preclude the above reasons for refusal. The proposed revisions would be put to a Design Review Panel. He advised that it was considered that changes could be made that would address the matters of concern raised at the 5 September 2002 meeting including those of scale, massing, design and setting.

Responding to Members' queries regarding the opportunity to either refuse or defer, the Director City Development advised that the recommendation to defer was predicated on providing the applicant a suitable time period to consider the reasons for refusal, the applicant having already provided an undertaking to agree an extension of time and not seek a non-determination decision. He also advised that like earlier iterations of a scheme for this site, further revised plans would be subject to public consultation. A decision to defer did not preclude the Committee from subsequently refusing the application for the detailed reasons set out in the

report.

A copy of the original 5 September Planning Committee report was attached to the report.

Councillor Vizard, having given notice under Standing Order No. 44, spoke on the item. He was concerned that the decision reached at the previous meeting and any subsequent decision to now defer may result in public confusion. He stated that any revised application would need to fully address all the suggested technical reasons for refusal set out in the report and if this could not be achieved there may be a fundamental reason why these could not be fully addressed. There was also a need to balance the final outcome of the application if Members remained minded to refuse in relation to any considerations at appeal. A proper further public consultation should also be carried out.

Mr Howells, speaking in support of the application, raised the following points:-

- My name is Neil Howells, Head of Development at Student Roost, the joint applicants with Devon and Cornwall Police and Nixon Property on this application;
- Student Roost, is an international operator of PBSA, providing a premium offer to key university towns and cities across the UK. The company is not yet represented in Exeter and is keen to invest the £90 million in developing this site to create one of the highest quality residential schemes in the city. The proposals will meet an identified need for key worker accommodation, graduates as well as students. The proposals are also consistent with the emerging Exeter Local Plan, which seeks to build 12,000 new homes on brownfield sites in the city over the next 20 years;
- the principle of development was not questioned on 5 September, it was the details associated with the proposals which raised concerns. Height, massing, design, siting, landscaping, amenity impacts on surrounding properties, internal and external amenity concerns for future users, and tree loss, were all cited;
- these are all matters which can be addressed and the company is committed to making significant changes to the proposals;
- because of time constraints it is imperative that these changes are made to the current application not through a new submission;
- the company is committed to taking the proposals to a Design Review Panel later this month and to engage with the Council to make amendments;
- the company was confident that, in consultation with officers, amendments could be made to develop a scheme which meets the identified needs in a form which addresses the concerns raised by Members to redevelop this key gateway site.

He responded as follows to Members' queries:-

- it was anticipated that the revisions to the application would be put to a Design Review panel by the end of October for the revisions to be completed within two months and for a report to the December meeting of this Committee; and
- in the event of a refusal of the revisions to the application the applicant would consider their position

Members expressed the following views:-

- there had been a number of occasions when the Committee had deferred applications for revisions to be made to planning applications;

- because of the complexity of planning law, it was understandable that there had been public confusion over the decision to defer at the 5 September 2022 meeting. The reasons for refusal given at the time had been made without the knowledge that the applicant would be asking for a deferral;
- it was a brown field site, close to the city centre and it was inevitable that it would eventually be developed. It was preferable to build on a brown field site rather than on green fields;
- there is a desire to consider the best possible alternative and the undertaking to go back to the Design Review Panel is welcome;
- the application will provide sustainable homes and offer an acceptable housing opportunity for those unable to afford alternative, more costly homes enabling them to get on to the housing ladder and also avoid commuting into the city for work;
- welcome the intention for a full community consultation and it is hoped that the concerns will be properly addressed, including the need for sufficient amenity space;
- the earlier application was unsuitable but it is correct to defer and for the public to have their say in the revisions to be brought forward;
- it is a balanced decision but it is difficult to see how necessary improvements can be provided on a limited space without a significant reduction in the number of units and a substantially different design; and
- it is hoped that the applicant will now have taken on Members' concerns. If the changes are not acceptable the application can still be refused.

The recommendation to **DEFER** the 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. (Revised plans were received) was moved and seconded, voted upon and carried.

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PLANNING APPLICATION NO. 22/0236/FUL AND 22/0237/LBC - THE ROYAL CLARENCE HOTEL, CATHEDRAL YARD, EXETER

The Assistant Service Lead Development Management (Major Projects), presented the planning application and listed building consent for the reconstruction and extension of building (including partial demolition and repair of remaining building fabric) following extensive fire damage to create commercial food and beverage units at ground floor and residential units from first to fifth floor.

The Assistant Service Lead Development Management (Major Projects), described the location of the site through photos of the site showing the proposed new development and perspective views from the surroundings including other parts of Cathedral Yard. He set out the timeline since the fire and explained the relationship of the site to its immediate neighbouring properties and to their listed designation, and also to the wider area being located within Central Conservation Area and the Area of Archaeological Importance. In regard to the listed buildings, he explained through photos of the fire damage that the works proposed were justified as having special regard to the desirability of preserving remaining building fabric on the site including that of Martin's Lane and the substantial public benefits of the proposed development.

The report also setting out the following key elements:-

- the principle of development;
- design and density;

- impact on heritage assets;
- access and parking;
- residential amenity of proposed apartments and impact on amenity of surroundings;
- affordable housing/viability;
- planning technical issues; and
- development plan, material considerations and presumption in favour of sustainable development.

The Assistant Service Lead Development Management (Major Projects), explained that the site comprised Cathedral Yard (formerly The Well House Tavern) to the north of Cathedral Green. The complex of buildings that formed the hotel and adjoining public house had suffered a significant fire in 2016 resulting in the loss of the majority of the building fabric on site. The remaining building structures on site had been made safe and salvage/recording operations associated with the necessary partial demolition of unsafe remains carried out under listed building consent. His report set out the planning history following the fire and the various planning applications received to date.

The Assistant Service Lead Development Management (Major Projects), advised that the proposal was to reconstruct and extend the building, including the partial demolition and repair of the remaining building fabric, to provide commercial food and beverage units (Class E(b)) on the ground floor/basement level and residential units (Class C3) on the floors above. 23 apartments (including 3 duplex apartments) will be provided in total, comprising: 15 no. 2-beds and 8 no. 3-beds. The residential units were proposed as 100% market housing. The residential units would be provided over five floors, three of which plus a first floor mezzanine would sit behind the reconstructed Cathedral Yard and Martin's Lane elevations of the former building, and with a modern, aluminium-clad mansard above, which would be setback from the front elevation. The mansard would contain the fourth and fifth floors, the fifth being much smaller, only containing the living accommodation of a duplex apartment and setback into the northwest corner of the site. In addition, a shared roof terrace would be provided in the northeast corner overlooking Martin's Lane. The majority of the apartments would not have private, external amenity space, except for the three apartments on the fourth floor at the front of the building, which would have private terraces overlooking Cathedral Green, and the duplex apartment on the fourth/fifth floor, which would also have a private terrace at fifth floor level, albeit significantly setback from the front elevation.

The Assistant Service Lead Development Management (Major Projects), provided the following concluding points in support of the recommendation which was for approval, subject to a Section 106 Agreement and the conditions as set out in the report.

- the proposal was considered to be a sustainable development when balancing the development plan policies, National Planning Policy Framework 2021 (NPPF) policies, including the presumption in favour of sustainable development in paragraph 11, National Planning Practice Guidance (NPPG), and the constraints and opportunities of the site;
- a Section 106 legal agreement and conditions were necessary to secure affordable housing, infrastructure contributions and other aspects of the development to make it acceptable in planning terms;
- the presumption in Favour of Sustainable Development applies;
- the uses are acceptable and would enhance the vitality of the City Centre and the Cathedral Precinct; and

- substantial public benefits outweigh the harm of the partial demolition works and 5th floor roof extension on the historic setting.

The following responses were given to Members' queries:-

- both Historic England and the Society for the Protection of Ancient Buildings had been consulted and were supportive of the proposal and supported the submission of pre-commencement details. As such, condition 4 required that no work would take place until full details of the structural work had been submitted; and
- waste removal would be covered by the waste audit condition to Devon County Council standard covering both the construction and operational phases.

Mr Gigg speaking against the application, raised the following points:-

- am representing the owner of 18 Cathedral Yard and am not objecting to the principle of the development of this site but to three specific elements of the design that have an impact on the adjacent property that has been rebuilt following the Royal Clarence fire;
- issue of overlooking and leap of flame between the two properties is of concern to the owners who have rebuilt their building;
- of the three proposed windows, two were adjacent to an existing window in 18 Cathedral Yard creating overlooking and one in close proximity. The proposed drawings indicate the windows to be within 2 metres of the existing window and, in one location, within 300mm (this being a concern for leap of flame). The greatest concern is the loss of privacy from the existing bedroom to that of the proposed apartments;
- the drawings appear to allow access on to Lamb Alley that divides the two properties at ground level though, as this alley is in the ownership of 18 Cathedral Yard, no right of way exists on to this alley, and therefore this would not be able to be implemented for the operation of the building;
- the top floor proposed balcony has no privacy screen provided to the side elevation and will be elevated creating overlooking. A simple fixed screen at 1.8m height for the length of the balcony side would be sufficient to overcome this issue; and
- the proposals as designed will negatively impact the amenity of the existing apartments, and due to the proximity of one of the bedroom windows create an unacceptable fire risk. The bedroom window proposed under building regulations will need to be fixed shut with fire retardant glass making this window impossible to open, and the room reliant on mechanical ventilation only. Access to Lamb Alley is not permitted and therefore this would need to be taken in to account in the design for escape from the proposed building. The top floor balcony needs a simple privacy screen to remove overlooking.

The following responses were given to the issues raised:-

- a condition would be included to ensure that the two windows referred to were obscure glazed;
- a condition would require a privacy screen on the terrace of the 5th floor;
- fire legislation requirements were determined at building regulation stage; and
- Lamb Alley was not in the red line of the planning application, indicating that it would not be used for access purposes or for fire egress.

Mr Brent, speaking in support of the application made the following points:-

- it is an important scheme for the city as The Royal Clarence building has an emotional resonance with residents and visitors alike;
- on the purchase of the site, viability tests were run on the consented hotel scheme approved in 2017 which proved that the scheme was completely unviable, which was prior to the effects of Covid and the new Indigo 5* Hotel;
- a host of other options were considered with different uses, scale and composition, with the balance of scale and retention of historic fabric being critical considerations. The mix proposed brings the ground floor back into commercial use and provides much-needed housing in the city centre following other residential developments in Cathedral Yard, building on the Council's strategy of increasing city centre living;
- the Royal Clarence is a very challenging building to regenerate. The fire damaged much of the fabric and structure and, having been exposed to the elements for several years prior to purchase, the building has suffered further irreparable decay, meaning that certain areas cannot feasibly be retained;
- the scheme is respectful of the building's setting and it remains subservient to the Cathedral and surrounding listed buildings, whilst also being commercially deliverable;
- there has been close work with Historic England and Exeter City Council to optimise the scheme;
- the proposed restaurant and bar units on the ground floor will allow public access to a much-loved asset and showcase previously unseen historic fabric, whilst the homes above will increase the vibrancy of the city centre;
- the scheme will regenerate a key city centre site and will revamp the Cathedral Yard setting; and
- the neighbours raising objections are the same folk from whose building the fire that devastated Cathedral Yard originated.

He responded as follows to Members' queries:-

- the fire exit shown on the drawings was via 43 and 44 High Street; and
- it was the intention to progress the scheme as quickly as possible. Detailed design work would take approximately four months and then a viability assessment undertaken following which contracts would be let. The total time anticipated was 70 months.

The Director City Development provided the following concluding points:-

- the principle of a mixed use development was supported to provide much need housing and an active use providing vitality to the city centre after a long period when the site had been derelict following the fire;
- the impact on an important heritage asset was a key consideration but the structure was now dangerous and unstable with a very damaged group of historical listed buildings being an eyesore in a beautiful part of the city;
- there was professional consensus that substantial harm had been caused to the buildings and, whilst the loss of historical features was regrettable, the need to demolish buildings, including 6 Martins Lane, outweighed the loss of the historical features; and
- the design was largely sympathetic to the surrounding area and would give an iconic building a new lease of life.

Responding to a Member's query, the proposal for a deferred contribution mechanism was included as construction costs and property values could not be calculated with regard to current market conditions and, as they were likely to

increase over time, the precise figures would be assessed closer to the completion stage. The Council would receive up to the total contribution in the report or potentially none depending on the reappraisal of the viability when the scheme is being constructed.

Members expressed the following views:-

- welcome the significant affordable housing contribution for other areas of the city as the development would not be providing Purpose Build Student Accommodation or Co-Living units;
- restaurant provision at ground floor level will provide a very attractive façade and the view entering Cathedral Yard from South Street will be improved;
- it is unfortunate that the site could not be restored to its original use as an hotel, given that the Royal Clarence had been one of the oldest hotels in the UK and has been missed by many as an iconic building in the city centre;
- the regeneration of an area which is currently a blot on the landscape is to be welcomed and will provide additional residential accommodation for the centre, complementing existing residential apartments in Cathedral Yard. The properties will be luxury, high end apartments and will retain their value;
- the 4th and 5th floor levels and mansard apartments will sit well within the differing heights in Cathedral Yard. The overall appearance was therefore comparable to the view of the differing heights of the Princesshay development;
- in respect of a petition suggesting a heritage centre, the Devon and Exeter Institute at 7 Cathedral Yard already provides this function;
- welcome the affordable housing element and the applicant having taken on board earlier comments of Members and hope that the development can be brought forward quickly; and
- the proposal has been long awaited following the fire six years ago almost to the day.

The recommendation was for approval of both the full and Listed Building applications, subject to a Section 106 Legal Agreement and the conditions as set out in the report.

The recommendation was moved and seconded and carried unanimously.

RESOLVED that, subject to a Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) to secure the following:-

Subject to a Deferred Contributions Mechanism:

- £85,152 towards new secondary school provision at South West Exeter;
- £13,425 towards patient space at local GP surgeries;
- £22,661 to provide additional healthcare services at Royal Devon University Healthcare NHS Foundation Trust; and
- £2,173,238.07 affordable housing financial contribution.

All Section 106 contributions to be index-linked from the date of resolution

the Director City Development be authorised to **GRANT** planning permission for the reconstruction and extension of building (including partial demolition and repair of remaining building fabric) following extensive fire damage to create commercial food and beverage units at ground floor and residential units from first to fifth floor,

subject also to the other conditions:-.

1. Standard Time Limit – Full Planning Permission

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

Reason: To comply with Section 91(1)(a) of the Town and Country Planning Act 1990 (as amended).

2. Approved Plans

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

Received 16.02.2022

- Location Plan (RC-KT-XX-XX-DR-A-2063-L01.01-P3)
- Proposed Site Plan (RC-KT-XX-XX-DR-A-2063-L01.03-P4)
- Proposed First Floor Mezzanine Plan (RC-KT-XX-01-DR-A-2063-L02.40-P10)
- Proposed Front Elevation (Cathedral Green) (RC-KT-XX-ZZ-DR-A-2063-L04.01-P6)
- Proposed Side Elevation (Lamb Alley) (RC-KT-XX-ZZ-DR-A-2063-L04.02-P4)
- Proposed Rear Elevation (High Street) (RC-KT-XX-ZZ-DR-A-2063-L04.03-P4)
- Section, Elevation, Plan-Details 2 (RC-KT-XX-XX-DR-A-2063-L04.101-P3)
- Section, Elevation, Plan-Details 3 (RC-KT-XX-XX-DR-A-2063-L04.102-P3)
- Section, Elevation, Plan-Details 4 (RC-KT-XX-XX-DR-A-2063-L04.103-P3)
- Section, Elevation, Plan-Details 5 (RC-KT-XX-XX-DR-A-2063-L04.104-P3)
- Demolition Basement Plan (RC-KT-XX-B1-DR-A-2063-L06.10-P6)
- Demolition Ground Floor Plan (RC-KT-XX-GF-DR-A-2063-L06.20-P6)
- Demolition First Floor Mezzanine Plan (RC-KT-XX-01-DR-A-2063-L06.40-P6)
- Demolition Third Floor Plan (RC-KT-XX-03-DR-A-2063-L06.60-P6)
- Demolition Roof Plan (RC-KT-XX-R-DR-A-2063-L06.70-P4)
- Demolition Sections 2 of 4 (RC-KT-XX-ZZ-DR-A-2063-L06.81-P5)
- Demolition Sections 4 of 4 (RC-KT-XX-ZZ-DR-A-2063-L06.83-P3)
- Demo Front Elevation (Cathedral Green) (RC-KT-XX-ZZ-DR-A-2063-L06.90-P5)
- Demo Rear Elevation (High Street) (RC-KT-XX-ZZ-DR-A-2063-L06.92-P3)
- Demo Side Elevation (Martins Lane) (RC-KT-XX-ZZ-DR-A-2063-L06.93-P4)
- Proposed Drainage Strategy (20.458/050 A)

Received 15.06.2022

- Proposed Basement Plan (RC-KT-XX-B1-DR-A-2063-L02.10-P10)
- Proposed Ground Floor Plan (RC-KT-XX-GF-DR-A-2063-L02.20-P13)
- Proposed First Floor Plan (RC-KT-XX-01-DR-A-2063-L02.30-P11)
- Proposed Second Floor Plan (RC-KT-XX-02-DR-A-2063-L02.50-P12)
- Proposed Third Floor Plan (RC-KT-XX-03-DR-A-2063-L02.60-P11)

- Proposed Fourth Floor Plan (RC-KT-XX-04-DR-A-2063-L02.70-P11)
- Proposed Fifth Floor Plan (RC-KT-XX-05-DR-A-2063-L02.80-P10)
- Proposed Roof Plan (RC-KT-XX-R-DR-A-2063-L02.90-P7)
- Proposed Sections 1 of 4 (RC-KT-XX-ZZ-DR-A-2063-L03.01-P7)
- Proposed Sections 2 of 4 (RC-KT-XX-ZZ-DR-A-2063-L03.02-P7)
- Proposed Sections 3 of 4 (RC-KT-XX-ZZ-DR-A-2063-L03.03-P5)
- Proposed Sections 4 of 4 (RC-KT-XX-ZZ-DR-A-2063-L03.04-P5)
- Proposed Side Elevation (Martins Lane) (RC-KT-XX-ZZ-DR-A-2063-L04.04-P7)
- Section, Elevation, Plan-Details 1 (RC-KT-XX-XX-DR-A-2063-L04.100-P4)
- Demolition First Floor Plan (RC-KT-XX-01-DR-A-2063-L06.30-P7)
- Demolition Second Floor Plan (RC-KT-XX-02-DR-A-2063-L06.50-P7)
- Demolition Sections 1 of 4 (RC-KT-XX-ZZ-DR-A-2063-L06.80-P6)
- Demolition Sections 3 of 4 (RC-KT-XX-ZZ-DR-A-2063-L06.82-P4)
- Demo Side Elevation (Lamb Alley) (RC-KT-XX-ZZ-DR-A-2063-L06.91-P5)

Reason: To ensure the development is constructed in accordance with the approved plans, unless modified by the other conditions of this permission.

Pre-commencement Details

3. Demolition Method Statement

No development related works shall take place within the site until a Demolition Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall include detailed drawings and information on the measures that will be taken to ensure the protection of the heritage assets to be retained on the site and the protection of heritage assets around the site during the demolition works, and in the case of the former any temporary works to ensure their stability and protection while the construction works are carried out. The approved Statement shall be implemented in full.

Reason: To protect and preserve the listed building fabric to be retained on the site and the listed buildings around the site. These details are required pre-commencement as specified to ensure that due consideration has been given to the protection of heritage assets on and around the site before demolition works begin and that an appropriate plan/strategy is in place to carry out these works.

4. Structural Works

No development related works shall take place within the site until full details of the structural works (including foundations) for the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include detailed drawings of the location and design of any new supporting structure (including sections of not less than 1:50 scale), the method(s) of fixing to the existing building fabric (at 1:20 scale) and installation methodology. The structural works shall be carried out strictly in accordance with the approved details unless modifications are agreed in writing with the Local Planning Authority prior to being carried out.

Reason: To protect and preserve the listed building fabric to be retained on the site. These details are required pre-commencement as specified to ensure that the structural works are designed and carried out to minimise the impact on the significance of the listed building fabric to be retained on the site.

5. Programme of Archaeological Work

No development related works shall take place within the site until a written scheme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include on site work, and off site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development. This information is required before development commences to ensure that historic remains are not damaged during the construction process.

6. Programme of Historic Building Recording

No development related works shall take place until an appropriate programme of historic building recording and analysis has been secured and implemented in accordance with a written scheme of investigation previously submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

Reason: To ensure that an appropriate record is made of the historic building fabric that may be affected by the development. This information is required before development commences to ensure that an appropriate programme of recording and analysis is secured and implemented before the historic fabric is affected by the development.

7. Construction Method Statement

No development works shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:

- a) Construction vehicle numbers, type, routing;
- b) Access arrangements to the site (for construction workers and deliveries/waste collection);
- c) Traffic management requirements;
- d) A plan showing the construction site layout, including: security hoarding, alternative routes for pedestrians/vehicles where the site includes part of the highway, temporary cabins/toilets, areas for loading/unloading and storage of materials and equipment;
- e) Details of wheel washing facilities;
- f) Cleaning of site entrances, site tracks and the adjacent public highway;
- g) Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- h) Measures to control the emission of dust and dirt during construction;
- i) Measures to minimise noise nuisance from plant and machinery;
- j) Construction working hours and deliveries from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays;
- k) No burning on site during construction or site preparation works.

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

Reason: To ensure that the construction works are carried out in an appropriate

manner to minimise the impact on the amenity of neighbouring uses and in the interests of the safety and convenience of highway users. These details are required pre-commencement as specified to ensure that building operations are carried out in an appropriate manner.

8. Waste Audit Statement

Prior to the commencement of the development hereby permitted, a Waste Audit Statement shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include all information outlined in the waste audit template provided in Devon County Council's Waste Management and Infrastructure Supplementary Planning Document. The development shall be carried out in accordance with the approved statement.

Reason: To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document. These details are required pre-commencement as specified to ensure that waste generated during demolition and construction is managed sustainably.

9. Updated Noise Assessment

Prior to the commencement of the development hereby permitted, an Updated Noise Assessment shall be submitted to and approved in writing by the Local Planning Authority, including an assessment of noise impact on the apartments from the Ship Inn and commercial uses under construction within the former House of Fraser building to the northeast of the site. The sound insulation and other measures recommended in the approved report shall be implemented, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity of the apartments. These details are required pre-commencement as specified to ensure that the building is constructed with suitable sound insulation.

Pre-Specific Works

10. Energy Performance (Policies CP14 and CP15)

Before commencement of construction of the superstructure of the building hereby permitted, a SAP calculation for the building shall be submitted to and approved in writing by the Local Planning Authority which demonstrates that a 19% reduction in CO2 emissions over that necessary to meet the requirements of the 2013 Building Regulations can be achieved, or if the building is constructed to the 2022 Building Regulations that a 10% reduction in CO2 emissions above the levels set out in Part L of the 2022 Building Regulations can be achieved. The measures necessary to achieve this CO2 saving shall thereafter be implemented and within 3 months of practical completion of the building the developer shall submit a report to the Local Planning Authority from a suitably qualified consultant to demonstrate compliance with this condition.

Reason: In the interests of sustainable development and to ensure that the development accords with Policies CP14 and CP15 of the Core Strategy. These details are required pre-commencement as specified to ensure that the requirements of Policies CP14 and CP15 are met and the measures are included in the construction of the building.

11. Air Source Heat Pumps

Air Source Heat Pumps shall not be installed on the site unless the number,

location and technical details have previously been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that they do not harm the significance of heritage assets either on or around the site.

12. PV Panels

Photovoltaic panels shall not be installed on the site unless the number, location and technical details have previously been submitted to and approved in writing by the Local Planning Authority together with an accompanying heritage statement.

Reason: To ensure that they do not harm the significance of heritage assets either on or around the site.

13. Materials

Prior to the construction of the building (except for the structural works approved under condition 4), product specification sheets and samples, including confirmation of colour, of the external facing materials and roof materials (including rainwater goods) of the building shall be submitted to and approved in writing by the Local Planning Authority. The building shall be constructed in accordance with the approved materials.

Reason: In the interests of good design and the preservation of heritage assets (on and around the site), including their settings, in accordance with Policy CP17 of the Core Strategy, saved Policies C1, C2, C4 and DG1 of the Exeter Local Plan First Review, and paragraphs 130 and 197 of the NPPF (2021).

14. Biodiversity Enhancement Plan

Prior to the construction of the building (except for the structural works approved under condition 4), a Biodiversity Enhancement Plan, including details of the provision for nesting birds in the built fabric of the building, shall be submitted to and approved in writing by the Local Planning Authority. The approved enhancement measures shall be implemented in full as part of the development and retained thereafter.

Reason: To enhance biodiversity on the site in accordance with paragraph 9.28 and Appendix 2 of the Residential Design Guide SPD, and paragraph 180 of the NPPF (2021).

15. Fenestration Details

Prior to the installation of any new fenestration (windows/doors) large scale details, including sections to a scale of not less than 1:20, of the proposed windows/doors, along with confirmation of materials and finishes, shall be submitted to and be approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved details.

Reason: In the interests of good design and the preservation of heritage assets (on and around the site), including their settings, in accordance with Policy CP17 of the Core Strategy, saved Policies C1, C2, C4 and DG1 of the Exeter Local Plan First Review, and paragraphs 130 and 197 of the NPPF (2021).

16. Obscured Glazing

The two upper floor windows shown on drawing number RC-KT-XX-ZZ-DR-A-2063-L04.02-P4 ('Proposed Side Elevation (Lamb Alley)') shall be obscured glazed. Prior to the installation of the windows details of the obscured glazing, including level of obscurity, shall be submitted to and approved in writing by the

Local Planning Authority. The glazing shall be maintained as approved thereafter.
Reason: To protect the privacy of the occupiers of the apartment and neighbouring residents in accordance with saved Policy DG4 of the Exeter Local Plan First Review.

17. Privacy Screen

The glazed balustrade shown on drawing number RC-KT-XX-ZZ-DR-A-2063-L04.02-P4 ('Proposed Side Elevation (Lamb Alley)') shall be obscured glazed. Prior to the installation of the balustrade details of the obscured glazing, including level of obscurity, shall be submitted to and approved in writing by the Local Planning Authority. The glazing shall be maintained as approved thereafter.

Reason: To protect the privacy of the occupiers of the apartment and neighbouring residents in accordance with saved Policy DG4 of the Exeter Local Plan First Review.

18. External Lighting

No external lighting shall be installed on the site unless details of the lighting have previously been submitted to and approved in writing by the Local Planning Authority (including location, type and specification). The details shall demonstrate how the lighting has been designed to minimise impacts on local amenity and wildlife (including isoline drawings of lighting levels and mitigation if necessary), and how it will either preserve or enhance the significance of heritage assets on or around the site. The lighting shall be installed and maintained in accordance with the approved details.

Reason: In the interests of local amenity, wildlife and the significance of heritage assets.

Advice: <https://historicengland.org.uk/advice/technical-advice/building-services-engineering/external-lighting-of-historic-buildings/>

Pre-occupation

19. Security

Prior to the first occupation or use of the development hereby approved, a statement shall be submitted to and approved in writing by the Local Planning Authority setting out how the development will achieve the physical protection measures recommended by the Designing Out Crime Officer in their consultation response dated 16.03.2022. The approved measures shall be implemented before the first occupation or use of the development and maintained thereafter.

Reason: In the interests of crime prevention and safety in accordance with saved Policy CP7 of the Exeter Local Plan First Review.

20. Highways 2 – Cycle Parking

Prior to the first occupation of any of the apartments in the development hereby approved, the bike store shown on drawing number RC-KT-XX-GF-DR-A-2063-L02.20-P13 ('Proposed Ground Floor Plan') shall be made available for use with cycle parking provision in accordance with details (type and number) previously submitted to and approved in writing by the Local Planning Authority. The store and cycle parking within it shall be maintained at all times thereafter.

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

21. Updated Ventilation and Extraction Statement

Prior to the first use of the commercial units hereby approved, an Updated Ventilation and Extraction Statement shall be submitted to and approved in writing by the Local Planning Authority, including details of the equipment that will be installed to control smoke, odour and grease. The ventilation and extraction system within the approved Statement shall be implemented before the commercial units are brought into use and maintained thereafter.

Reason: In the interests of the amenity of the area.

Post Occupancy

22. Highways 1

All external doors and gates on the site adjoining public footways shall be inward opening or hung to not overhang the public footway when opening.

Reason: In the interests of the safety of pedestrians using adjoining public footways in accordance with paragraph 112 of the NPPF (2021).

23. Waste and Recycling Bins

No waste or recycling bins or containers shall be stored outside the integral bin stores of the building hereby approved except upon the day(s) of collection.

Reason: In the interests of the amenity of the neighbourhood and convenience of highway users.

24. Noise

The total noise from the development shall not exceed a rating noise level (measured in accordance with BS4142:2014) of 34 dB (07:00 to 23:00) and 24 dB (23:00 to 07:00) at any noise sensitive receptor, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of the amenity of the locality.

and further **RESOLVED** that:-

The Director City Development be authorised to refuse planning permission for the reasons set out below if the Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) is not completed by 10 April 2023 or such extended times as agreed in writing by the City Development Manager.

In the absence of a Section 106 legal agreement in terms that are satisfactory to the Local Planning Authority being completed within an appropriate timescale, and which makes provision for the following matters:-

Subject to a Deferred Contributions Mechanism:

- £85,152 towards new secondary school provision at South West Exeter;
- £13,425 towards patient space at local GP surgeries;
- £22,661 to provide additional healthcare services at Royal Devon University Healthcare NHS Foundation Trust; and

- £2,173,238.07 affordable housing financial contribution.

All Section 106 contributions should be index linked from the date of resolution

22/0237/LBC

RESOLVED that the Director City Development be authorised to **GRANT** listed building consent for the reconstruction and extension of building (including partial demolition and repair of remaining building fabric) following extensive fire damage to create commercial food and beverage units at ground floor and residential units from first to fifth floor, subject also to the following conditions:-

1. Standard Time Limit – Listed Building

The works to which this listed building consent relate must be begun not later than the expiration of three years beginning with the date on which this consent is granted.

Reason: To comply with Section 18 of the Planning Listed Building and Conservation Areas Act 1990 as amended.

2. Approved Plans

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

Received 16.02.2022

- Location Plan (RC-KT-XX-XX-DR-A-2063-L01.01-P3)
- Proposed Site Plan (RC-KT-XX-XX-DR-A-2063-L01.03-P4)
- Proposed First Floor Mezzanine Plan (RC-KT-XX-01-DR-A-2063-L02.40-P10)
- Proposed Front Elevation (Cathedral Green) (RC-KT-XX-ZZ-DR-A-2063-L04.01-P6)
- Proposed Side Elevation (Lamb Alley) (RC-KT-XX-ZZ-DR-A-2063-L04.02-P4)
- Proposed Rear Elevation (High Street) (RC-KT-XX-ZZ-DR-A-2063-L04.03-P4)
- Section, Elevation, Plan-Details 2 (RC-KT-XX-XX-DR-A-2063-L04.101-P3)
- Section, Elevation, Plan-Details 3 (RC-KT-XX-XX-DR-A-2063-L04.102-P3)
- Section, Elevation, Plan-Details 4 (RC-KT-XX-XX-DR-A-2063-L04.103-P3)
- Section, Elevation, Plan-Details 5 (RC-KT-XX-XX-DR-A-2063-L04.104-P3)
- Demolition Basement Plan (RC-KT-XX-B1-DR-A-2063-L06.10-P6)
- Demolition Ground Floor Plan (RC-KT-XX-GF-DR-A-2063-L06.20-P6)
- Demolition First Floor Mezzanine Plan (RC-KT-XX-01-DR-A-2063-L06.40-P6)
- Demolition Third Floor Plan (RC-KT-XX-03-DR-A-2063-L06.60-P6)
- Demolition Roof Plan (RC-KT-XX-R-DR-A-2063-L06.70-P4)
- Demolition Sections 2 of 4 (RC-KT-XX-ZZ-DR-A-2063-L06.81-P5)
- Demolition Sections 4 of 4 (RC-KT-XX-ZZ-DR-A-2063-L06.83-P3)
- Demo Front Elevation (Cathedral Green) (RC-KT-XX-ZZ-DR-A-2063-L06.90-P5)
- Demo Rear Elevation (High Street) (RC-KT-XX-ZZ-DR-A-2063-L06.92-P3)

- Demo Side Elevation (Martins Lane) (RC-KT-XX-ZZ-DR-A-2063-L06.93-P4)

Received 15.06.2022

- Proposed Basement Plan (RC-KT-XX-B1-DR-A-2063-L02.10-P10)
- Proposed Ground Floor Plan (RC-KT-XX-GF-DR-A-2063-L02.20-P13)
- Proposed First Floor Plan (RC-KT-XX-01-DR-A-2063-L02.30-P11)
- Proposed Second Floor Plan (RC-KT-XX-02-DR-A-2063-L02.50-P12)
- Proposed Third Floor Plan (RC-KT-XX-03-DR-A-2063-L02.60-P11)
- Proposed Fourth Floor Plan (RC-KT-XX-04-DR-A-2063-L02.70-P11)
- Proposed Fifth Floor Plan (RC-KT-XX-05-DR-A-2063-L02.80-P10)
- Proposed Roof Plan (RC-KT-XX-R-DR-A-2063-L02.90-P7)
- Proposed Sections 1 of 4 (RC-KT-XX-ZZ-DR-A-2063-L03.01-P7)
- Proposed Sections 2 of 4 (RC-KT-XX-ZZ-DR-A-2063-L03.02-P7)
- Proposed Sections 3 of 4 (RC-KT-XX-ZZ-DR-A-2063-L03.03-P5)
- Proposed Sections 4 of 4 (RC-KT-XX-ZZ-DR-A-2063-L03.04-P5)
- Proposed Side Elevation (Martins Lane) (RC-KT-XX-ZZ-DR-A-2063-L04.04-P7)
- Section, Elevation, Plan-Details 1 (RC-KT-XX-XX-DR-A-2063-L04.100-P4)
- Demolition First Floor Plan (RC-KT-XX-01-DR-A-2063-L06.30-P7)
- Demolition Second Floor Plan (RC-KT-XX-02-DR-A-2063-L06.50-P7)
- Demolition Sections 1 of 4 (RC-KT-XX-ZZ-DR-A-2063-L06.80-P6)
- Demolition Sections 3 of 4 (RC-KT-XX-ZZ-DR-A-2063-L06.82-P4)
- Demo Side Elevation (Lamb Alley) (RC-KT-XX-ZZ-DR-A-2063-L06.91-P5)

Reason: To ensure the works are carried out in accordance with the approved plans, unless modified by the other conditions of this consent.

3. Contract for Redevelopment Works

Unless otherwise agreed in writing by the Local Planning Authority, the works of demolition hereby authorised shall not be carried out before a contract for the carrying out of the works of redevelopment of the site has been made and planning permission has been granted for the redevelopment for which the contract provides.

Reason: To comply with Section 17(3) of the Planning Listed Building and Conservation Areas Act 1990 as amended in the interests of the significance of heritage assets on and around the site.

4. Demolition Method Statement

No listed building works shall take place within the site until a Demolition Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall include detailed drawings and information on the measures that will be taken to ensure the protection of the listed building fabric to be retained on the site during the demolition works, and any temporary works to ensure their stability and protection while the construction and repair works are carried out. The approved Statement shall be implemented in full.

Reason: To protect and preserve the listed building fabric to be retained on the site.

5. Structural Works

No listed building works shall take place within the site until full details of the

structural works (including foundations) for the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include detailed drawings of the location and design of any new supporting structure (including sections of not less than 1:50 scale), the method(s) of fixing to the existing building fabric (at 1:20 scale) and installation methodology. The structural works shall be carried out strictly in accordance with the approved details unless modifications are agreed in writing with the Local Planning Authority prior to being carried out.

Reason: To protect and preserve the listed building fabric to be retained on the site.

6. Programme of Historic Building Recording

No listed building works shall take place until an appropriate programme of historic building recording and analysis has been secured and implemented in accordance with a written scheme of investigation previously submitted to and approved in writing by the Local Planning Authority. The works shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

Reason: To ensure that an appropriate record is made of the historic building fabric that may be affected by the works.

7. Materials

Prior to the commencement of the works (except for the structural works approved under condition 5), product specification sheets and/or samples, including confirmation of colour, of the internal and external materials of the building shall be submitted to and approved in writing by the Local Planning Authority. The building shall be constructed in accordance with the approved materials.

Reason: To preserve the historic character of the listed buildings on the site.

8. Fenestration Details

Prior to the installation of any new fenestration (windows/doors) large scale details, including sections to a scale of not less than 1:20, of the proposed windows/doors, along with confirmation of materials and finishes, shall be submitted to and be approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved details.

Reason: To preserve the historic character of the listed buildings on the site.

9. External Lighting

No external lighting shall be installed on the site unless details of the lighting have previously been submitted to and approved in writing by the Local Planning Authority (including location, type and specification). The details shall demonstrate how the lighting has been designed to either preserve or enhance the significance of the listed buildings. The lighting shall be installed and maintained in accordance with the approved details.

Reason: To preserve or enhance the significance of the listed buildings on the site. Advice: <https://historicengland.org.uk/advice/technical-advice/building-services-engineering/external-lighting-of-historic-buildings/>

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The report of the Director City Development was submitted.

RESOLVED that the report be noted.

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APPEALS REPORT

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

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SITE INSPECTION PARTY

RESOLVED that the next Site Inspection Party will be held on Tuesday 1 November 2022 at 9.30 a.m. The Councillors attending will be Councillors Morse and Snow and one other.

(The meeting commenced at 5.30 pm and closed at 6.57 pm)

Chair