

Planning Committee Report 25/0895/FUL and 25/0896/LBC

1.0 Application information

Number: [25/0895/FUL](#) and [25/0896/LBC](#)

Applicant Name: Mr M. Sayers, Nooko Developments Ltd

Proposal: Redevelopment of the Royal Clarence, to include 25 new residential dwellings on the upper floors with part residential on the ground and part basement floor. Commercial on the remaining ground and basement floor as a public house and restaurant.

Site Address: Site Of Royal Clarence Hotel
Cathedral Yard

Registration Date: 9 July 2025

Link to Documentation: [25/0895/FUL - Related Documents](#)
[25/0896/LBC - Related Documents](#)

Case Officer: Mr Christopher Cummings

Ward Member(s): Cllr James Banyard, Cllr Diana Moore, Cllr Tess Read

REASON APPLICATIONS ARE GOING TO COMMITTEE

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

2.0 Summary of recommendation

25/0895/FUL

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

25/0896/LBC

DELEGATE to GRANT listed building consent subject to conditions as set out in report.

3.0 Reason for the recommendation:

The proposed development provides acceptable land use through the provision of residential and commercial units and creates substantial public benefits by redeveloping a derelict site in the heart of the City Centre. The proposal will retain

and restore as much of the listed historic fabric as possible and will enhance the setting of the site, surrounding listed buildings, conservation area and Scheduled Monument. In addition, it will revitalise this corner of Cathedral Green, within the Tourism Action Area and support the vitality of the City Centre.

Whilst demolition will occur on the upper floors of the Well House, this has been demonstrated as necessary and that these are more modern additions. Significant revisions and additional detailing have been provided to support this, and it is concluded that, when assessed alongside the overall benefits, there will be less than substantial harm to the heritage asset.

Due to the unique nature of the development and significant costings necessary to deliver this scheme a deferred contributions mechanism has been agreed for the planning obligations based on the final gross development value.

4.0 Table of key planning issues

Issue	Conclusion
The Principle of the Proposed Development	A precedent of acceptability has been established through approvals 22/0236/FUL and 22/0237/LBC. The proposed ground floor use is compatible with the location and the Tourism Action Area with active frontage facing onto Cathedral Green. The residential use supports development plan aims to increase density and residential use within the city centre. The development will support bringing back the shell of the Royal Clarence into use and making aspects publicly visible.
Design and Density	The Cathedral Yard and Martin's Lane facades will be similar to the original building with some minor variations and as much of the historic fabric will be retained as possible. The restoration is welcomed and will sit well within the historic setting and surrounding area. An additional storey will be added on top of the original building, however this is not considered out of character and formed part of the previous approval. Materials for windows, doors and rainwater goods will be secured by condition. The density is similar to that previously approved and meets policy aims to increase residential density in the City Centre, within the constraints of the location.
Impact on Heritage Assets	The Grade II listed buildings on the site were destroyed in a 2016 fire and significant work is required to bring the site back into use. The Well House is the most intact aspect; however, it has been subject to significant deterioration. It is proposed to

Issue	Conclusion
	<p>demolish the upper, more modern floors and retain the remaining levels. This approach has been supported by specialist assessment and is, on balance, acceptable due to the additional benefits of bringing the site back into use and retention of the remaining areas. A steel frame is proposed for the newer additions and will prevent load bearing on the central spine wall. Further detailing is required on room-by-room finishes of retained historic fabric, which can be conditioned.</p> <p>The proposals for the Royal Clarence include a repositioned central core, with details provided to support this based on increasing light for flats. Whilst this will impact historic wall positions, it will allow better views of the retained walls. The building frame for this area is proposed to change from steel to a concrete reinforced frame. This will not change the foundation sizes required and will prevent the need to place load onto the retained historic fabric. Further detailing on this will be secured by condition.</p> <p>Temporary works are required to secure the historic fabric, preventing further deterioration. A methodology has been submitted for this and will be conditioned. Details relating to rainwater goods, windows, and heat pump locations will also be conditioned.</p> <p>The application has been through significant revisions during this assessment to reduce the level of harm to the remaining historic fabric. Whilst there will be some harm, through the demolition of upper floors of the Well House and the works to create the new areas, it is considered overall to be less than substantial when weighed against the mitigation measures, removal of a derelict site and resulting enhancement to the setting of surrounding listed buildings, Scheduled Monument and conservation area in a key city centre location.</p>
Access and Parking	<p>The proposal is car-free development, which is acceptable in this sustainable location, and cycle stores will be provided. Deliveries/collections will be via Cathedral Yard, as they were previously. A condition for all ground floor doors and windows to be</p>

Issue	Conclusion
	inward opening only to prevent conflict with people on the public highway has been added.
Occupant Amenity	The proposed apartments meet the Nationally Described Space Standards and will provide suitable privacy for occupants. Some apartments will be served by lightwells, with some rooms failing to meet recommended Daylight Distribution levels in relevant guidance. However, the light levels are similar to that previously approved and the overall benefits of the scheme are considered to outweigh the level of harm. Specific glazing is suitable to deal with potential noise impacts, and this is recommended to be secured by condition.
Impact on Surrounding Area	The potential for overlooking/amenity impacts on neighbouring dwellings has been addressed through inward opening windows, obscure glazing, and privacy screens. Commercial noise has been assessed through a Noise Impact Assessment and Ventilation Extraction Statement. Environmental Health have raised no objections and consider there will be no significant impacts.
Biodiversity	The site does not impact a priority habitat and is below the mandatory BNG threshold levels and therefore the statutory 10% net gain is not required. Biodiversity enhancement will still be achieved through limited planting and ecological measures as set out in the Preliminary Ecological Appraisal. The site is within the Zone of Influence of the Exe Estuary SPA, and the dwellings will generate recreational impacts. This will be mitigated through a financial contribution secured in the s106 Agreement.
Contamination	There are no identified risks and therefore a contamination assessment was not required.
Air Quality	The site is near to the Air Quality Management Area along the High Street. The proposal is car-free development and will include suitable cycle storage and a Travel Plan for residents/staff. There will therefore be no air quality impacts.
Drainage	The proposed drainage strategy will repair and reuse the existing system with no change to the impermeable catchment areas. Devon County Council as Lead Local Flood Authority has raised no objections.
Sustainability	An Energy Statement was submitted that shows

Issue	Conclusion
	suitable CO2 emission targets will be met. This will be secured via condition with a verification report required following completion of the development. The submitted Waste Audit Statement should also be conditioned to ensure waste is managed sustainably.
Affordable Housing, s106 Obligations and Viability	<p>It has been agreed that an off-site contribution towards affordable housing will be secured instead of provision on-site, due to the site constraints and mix of uses; this was also the position for the previous scheme. In addition, £16,083 was requested for GP surgery expansions and a habitats mitigation contribution of £1,284.72 per dwelling will be secured in the s106, due to the absence of CIL from the scheme.</p> <p>The submitted Viability Assessment demonstrates there are significant viability issues with the scheme and that the s106 obligations may not be affordable. There are matters that are unclear at this stage and a deferred payment mechanism has therefore been agreed to prevent further delays. A further Viability Assessment will be required once the units have been sold, taking into account the final construction costs and sale prices to confirm the level of obligations. The habitats mitigation contribution is not suitable for the deferred mechanism.</p>
Planning Balance	It is considered that whilst there will be less than substantial harm to the listed buildings, this will be outweighed by the overall benefits of the scheme, including enhancing the setting of the surrounding heritage assets by renewing a derelict site. The Council does not have a 5-year housing land supply and the tilted balance in favour of sustainable development therefore applies. There are no adverse impacts of granting permission that would significantly and demonstrably outweigh the benefits of the scheme, therefore planning permission should be granted. Equally listed building consent should also be granted.

5.0 Description of site

The site consists of the remains of the Royal Clarence Hotel and nos. 16 and 17 Cathedral Yard (formerly The Well House Tavern). It is positioned at the end of

Cathedral Yard, overlooking the Cathedral Green and on the corner of Cathedral Yard, Cathedral Green, and Martin's Lane.

The buildings that formed the hotel and adjoining public house 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 were made safe, and salvage/recording operations associated with the necessary partial demolition of unsafe remains carried out under listed building consent ref. 17/0783/LBC. There is currently security hoarding around the front of the site, which covers the end of Cathedral Yard.

The remains of the hotel and nos. 16 and 17 Cathedral Green are each Grade II listed, and it is surrounded by a number of other protected historic assets. The site is bounded by nos. 39-45 High Street and 11-13 Martin's Lane to the north, which are all Grade II listed with the exception of 40, 41 and 42 High Street, which are Grade II* listed. To the east is Martin's Lane with the Grade II listed Ship Inn and 1 and 2 Catherine Street, also Grade II listed, facing the site. To the southeast is the Church of St Martin (Grade I listed), 1 Cathedral Close (Grade I listed) and nos. 2-4 Cathedral Close (each Grade II* listed). To the south is Cathedral Green, a scheduled monument, including the Grade II listed Statue of Richard Hooker immediately in front of the site, and with the Grade I listed Cathedral Church of St Peter beyond. The site is bounded by 18 Cathedral Yard to the west, which is Grade II listed. The site and wider area are located within Central Conservation Area and the Area of Archaeological Importance. The site is within Flood Zone 1.

6.0 Description of development

The proposal is for reconstruction and extension of the building, including partial demolition and repair of the remaining building fabric to provide ground floor/basement food and beverage units (Class E(b)) and 25 apartments on the floors above. This is two more than the previous scheme. It is envisaged the basement/ground floors will be occupied by a public house and restaurant.

A breakdown of the floors is provided below:

Basement Level – Public house cellars, storage and plant rooms, residential plant room, and restaurant function room and toilets.

Ground Floor – Public house and restaurant, residential entrance, commercial and residential bin stores, and residential bike store.

First Floor – Eight apartments and courtyard garden. The apartments consist of five two-bed apartments, two duplexes linked to first floor mezzanine (one 1-bed and one 2-bed) and one two-bed duplex linked to the second floor.

First Floor Mezzanine –Two duplex apartments linked to first floor, one one-bed, one two-bed.

Second Floor – Six apartments and part of first floor duplex. The apartments are two-bed, and the duplex is linked to the first-floor level.

Third Floor – Six apartments and one duplex. The apartments are two-bed, and the duplex is two-bed and linked to the fourth-floor level.

Fourth Floor – Four apartments, two duplexes and part of third-floor duplex. The apartments are two-bed, the duplexes are two-bed and linked to the fifth floor and there is the upper floor duplex is linked to the third floor. Three of the apartments have balconies/terraces overlooking Cathedral Green.

Fifth Floor – Terrace linked to fourth-floor duplex, upper floor and terrace linked to fourth floor duplex and solar panel area.

7.0 Supporting information provided by applicant

- Planning Statement - 24193 P05.02 Rev A – 26 June 2025
- Design, Access & Heritage Statement - 24193 P05.01 Rev A – Dated 18 June 2025
- Crime Prevention for Residential Proposals - 24193 P05.03 Rev A – Dated 18 June 2025
- Waste Management Statement for New Residential Proposals - 24193 P05.04 Rev A – Dated 18 June 2025
- Daylight Study Assessment for New Residential Proposals - 24193 P05.05 Rev A – Dated 16 July 2025.
- Ventilation & Extraction Statement for New Residential Proposals - 24193 P05.06 Rev A – Dated 16 July 2025
- Demolition Method Statement for the Historical Building Fabric - 24193 P05.07 Rev A – Dated 26 July 2025
- Project Design for a Programme of Archaeological Work - ACA0254/1/0 – Dated February 2025
- Heritage Statement - ACA0254/2/0 – Dated February 2025
- Construction Method Statement – Dated March 2025
- Preliminary Ecological Appraisal – 250613 Rev 01 – Dated August 2025
- Noise Impact Assessment of Commercial Sound Sources – 43140028 V1 – Dated 05 August 2025.
- Financial Viability Appraisal – Dated 01 July 2025

Additional Information Submitted During Application

Submitted 18th September 2025:

- Preliminary Ecological Appraisal and Bat Emergence Survey - 250613 rev02 – Dated September 2025

Submitted 03 October 2025:

- Heritage Justification Statement (Calculation Supplementary Report) – ES24.100 – Dated August 2025

Submitted 21 October 2025:

- Email summary of revisions – Dated 16 October 2025
- Design, Access and Heritage Statement – 24193 P05.01 revision B – Dated 16 June 2025
- Demolition Method Statement for the Historical Building Fabric – 24193 P.05.07 revision B – Dated 26 July 2025

Received 25 November 2025:

- Temporary Works Proposal Statement for the Well House – 24193 P05.08 revision A – Dated 21 November 2025
- Well House, Royal Clarence Hotel Visual Inspection Report - RCH-MMD-XX-XX-RP-X-000001 P01 – Dated October 2025

Received 03 December 2025:

- Energy and Sustainable Statement Title Rev 1 (28 November 2025)

Received 12 December 2025:

- Supplementary Planning Information Urban Design Comments (24193 P05.09 Rev A – dated 05 December 2025)

Received 16 December 2025:

- Supplementary Planning Information Waste Audit Statement (24193 P0590 rev A – dated 15 December 2025)

Received 17 December 2025:

- Heritage Assessment (dated December 2025)

Received 18 December 2025:

- Preliminary Ecological Appraisal & Bat Emergence Survey (250613 rev03A)

8.0 Relevant planning history

Reference	Proposal	Decision	Decision Date
17/0783/LBC	Retrospective application for post fire partial demolition works and stabilisation of remaining historic	PER	18.07.2017

	building fabric.		
17/1360/FUL	Reconstruction and extension of building (including partial demolition and repair of remaining building fabric) following extensive fire damage to create 74 bedroom hotel	PER	05.12.2017
17/1361/LBC	Reconstruction and extension of building (including partial demolition and repair of remaining building fabric) following extensive fire damage to create 74 bedroom hotel	PER	05.12.2017
18/1167/LBC	Three elements proposed for demolition or alteration; i) Areas of the brick Vaulted Ceilings in Lamb Alley (Zone 2) to be removed; ii) Portion of the existing brickwork wall in Exeter Bank (Zone 5) to be removed; iii) New atrium elevations surrounding the existing fabric within front (Zone 3) and The Clarence Room (Zone 4).	PER	14.01.2019
22/0236/FUL	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.	PER	25.08.2023
22/0237/LBC	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.	PER	25.08.2023

9.0 List of constraints

- Building remains onsite are Grade II listed.
- The site is in close proximity to the following listed buildings/structures:
 - 18 Cathedral Yard (Grade II)
 - 11-13 Martin's Lane (Grade II)

- 39 High Street (Grade II)
- 40 High Street (Grade II*)
- 41 and 42 High Street (Grade II*)
- 43, 44 and 45 High Street (each Grade II)
- 46 High Street (Grade II*)
- 47 High Street (Grade II)
- The Ship Inn (Grade II)
- 1 and 2 Catherine Street (Grade II*)
- St Martin's Church (Grade I)
- 1 Cathedral Close ('Mol's Coffee House') (Grade I)
- 2-4 Cathedral Close (each Grade II*)
- 5 Cathedral Close (Grade I)
- 6 Cathedral Close (Grade II*)
- 7 Cathedral Close ('Devon and Exeter Institution') (Grade II*)
- 8, 9 and 9A Cathedral Close (Grade I)
- 10 Cathedral Close (Grade I)
- 11 Cathedral Close (Grade II)
- 12 and 13 Cathedral Close (Grade II)
- Entrance Gate to Southernhay (Grade II)
- 15 and 15A Cathedral Close (Grade II*)
- Wall of No. 15 (Grade II)
- Statue of Richard Hooker (Grade II)
- Cathedral Church of St Peter (Grade I)
- Devon County War Memorial and Processional Way (Grade II*)
- Adjacent to Scheduled Monument ('Part of the Roman town of Exeter, beneath Cathedral Green')
- Adjacent to Cathedral Close Park and Garden of Special or Local Historic Interest (locally designated)
- Within Central Conservation Area
- Within Area of Archaeological Importance

10.0 Consultations

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

Historic England: Originally objected. Supportive of bringing this important site back into beneficial use, however further information was required to justify design choices, the demolition of the Well House and understanding of impacts to historic fabric. The objection was withdrawn following submission of revised and additional information. The revised approach has reduced the level of demolition, and a robust justification of the works has been submitted. Further detailing is required on building

protection measures, impact of steel placement on historic fabric, internal fabric, and repair methodology.

Society for the Protection of Ancient Buildings: Initially raised objections to the proposal due to demolition of interior and parts of the exterior of the buildings, leaving very little remaining. Raised the need to protect the remaining historic fabric, lack of justification for the changes from the approved scheme and insufficient detail. Further comments continued the objection. Whilst additional information raised the need for conservation, the Temporary Works Programme and drawings do not provide enough detail or clarity on the proposal and further information is required.

Heritage Officer (ECC): Initially raised objections to the proposal relating to scale of demolition and lack of technical detailing. Following submission of additional information this objection was withdrawn. It was noted that the site has had a multi-phased evolution and that the fire of 2016 resulted in extensive damage, long-term vacancy and loss of historic fabric that is causing ongoing harm to the site and the significance and setting of surrounding heritage assets. The principle of redevelopment is therefore supported.

Whilst the loss of the upper floors of the Well House is regrettable, it contains significant amounts of modern fabric and has suffered from water ingress and structural failure and would in any event be substantially altered under the extant consent. The demolition is therefore justified to address structural instability and secure the long-term future of the building. The proposed steel frame will provide structural stability and avoid stress on the vulnerable historic spine wall and is acceptable.

Detailing is required on some aspects including internal finishes, steel placement, protection of wall paintings and archaeological remains.

Overall, the proposal is considered to cause less than substantial harm and the overall public benefits outweigh the harm to the heritage asset.

Natural England: No objection subject to an Appropriate Assessment of the impacts on protected European Sites and Impact Risk Zones for Sites of Special Scientific Interest.

RSPB: Recommended that 18 universal brick boxes should be installed, 12 on the Cathedral Yard elevation and 6 on Martins Lane frontage.

Devon and Somerset Fire and Rescue Service: No objection. Advised that application appears to meet the Building Regulation requirements for access.

Police Designing Out Crime: No objection to proposal subject to condition. The site is within a Beat that experiences the highest levels of crime and incidents in the Exeter Local Policing Area, and it is necessary to secure the submitted Crime Prevention measures via condition.

NHS Devon Integrated Care Board: No objection subject to mitigation for the increase in residents in the area on oversubscribed facilities. Requested a planning contribution of £16,083 towards GP expansion at Barnfield Hill Surgery, Southernhay House Surgery, St Leonards Practice and St Thomas Health Centre.

South West Water: Provided standing advice on water hierarchy and noted there are no SWW assets within the site.

Wales and West Utilities: Advised that there are pipes in the surrounding area.

Local Highway Authority (DCC): No objection to the proposal. The servicing is via Cathedral Yard which is the same as the previous use and would not create unacceptable highway safety impacts. Cycle parking is broadly in line with SPD levels, and the site is in a sustainable location in the city centre and suitable for car free development.

Lead Local Flood Authority (DCC): No objection to proposal. Level of impermeable area remains as previously approved and connection to a combined sewer is acceptable.

Local Education Authority (DCC): Advised that the proposal would create an additional 6.25 primary pupils and 3.75 secondary pupils. When factoring in approved but unimplemented development and outstanding allocations it is forecast that there is enough spare primary and secondary capacity to accommodate the number of pupils expected. No contribution is sought.

Waste Planning Authority (DCC): Originally raised no objection subject to a condition for a Waste Audit Statement. Following submission of a Waste Audit Statement there was still no objection, with a request for the Statement to be secured via condition.

Environmental Health (ECC): No objection subject to conditions relating to contamination, noise, odour, and a construction management plan.

Building Control (ECC): Advised that a detailed fire strategy will be required at Building Regulations stage for escape, fire resistance and spread of fire.

Ecologist (Dorset Council Natural Environment Team): Raised initial objections due to insufficient information on potential bat roosts and surveys. Further detailing has since been submitted.

Urban Design and Landscape Officer (ECC): Raised initial objections relating to the level of detail provided on interface between historic and modern aspects, privacy impacts around the central courtyard and visual prominence of the roof terrace. Further information was submitted in response to these matters.

Waste and Recycling Team (ECC): No objection. Noted that the size of the bin stores was limited and requested a condition to ensure the bins for collection are presented at the front on collection day.

Devon Archaeological Society: **Object** to proposal. Objections relate to the extensive demolition of the Well House and failure to acknowledge the importance of buried archaeology on the site.

Devon Buildings Group: **Object** to proposal due to insensitive approach to the historic fabric due to significant demolition.

Exeter Civic Society: Advised that further information is needed in relation to the relationship between the concrete frame and the historic fabric, an updated Heritage Statement is required and details of roof removal. Comments made on entrance routes, light well expansion and inclusion of air source heat pumps.

11.0 Representations

One comment has been received supporting the principle of development, but raising concerns over construction work impacts on neighbouring listed buildings.

12.0 Relevant policies

National Planning Policy and Guidance

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

2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
7. Ensuring the vitality of town centres
8. Promoting healthy and safe communities
9. Promoting sustainable transport
10. Supporting high quality communications
11. Making effective use of land

12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding, and coastal change
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

Planning Practice Guidance (PPG):

Air Quality
Appropriate assessment
Build to rent
Climate change
Community Infrastructure Levy
Design: process and tools
Effective use of land
Environmental Impact Assessment
Fire safety and high-rise residential buildings
First Homes
Flood risk and coastal change
Hazardous substances
Healthy and safe communities
Historic environment
Housing and economic needs assessment
Housing needs of different groups
Housing for older and disabled people
Housing: optional technical standards
Housing supply and delivery
Land affected by contamination
Land stability
Light pollution
Natural environment
Neighbourhood Planning
Noise
Open space, sports and recreation facilities, public rights of way and local green space
Permission in principle
Planning obligations
Renewable and low carbon energy
Rural housing
Self-build and custom housebuilding
Town centres and retail
Travel Plans, Transport Assessment and Statements
Use of planning conditions
Viability
Waste
Water supply, wastewater, and water quality

National Design Guide (MHCLG, 2021)
National Model Design Code (MHCLG, 2021)
“Building for a Healthy Life” (Homes England’s updated Building for Life 12)
GPA3 – The Setting of Heritage Assets (Historic England, December 2017)
HEAN 2 – Making Changes to Heritage Assets (Historic England, February 2016)
Manual for Streets (CLG/TfT, 2007)
Cycle Infrastructure Design Local Transport Note 1/20 (DfT, July 2020)
Protected species and development: advice for local planning authorities (Natural England and DEFRA, 7 January 2021)
Protected sites and areas: how to review planning applications (DEFRA and Natural England, 5 August 2016)
Biodiversity duty: public authority duty to have regard to conserving biodiversity (Natural England and DEFRA, 13 October 2014)
Guidance for Outdoor Sport and Play Beyond the Six Acre Standard England (Fields in Trust, 2020)

Development Plan

Core Strategy (Adopted 21 February 2012)

Core Strategy Objectives

CP1 – Spatial Strategy
CP2 – Employment
CP3 – Housing
CP4 – Density
CP5 – Mixed Housing
CP7 – Affordable Housing
CP8 – Retail
CP9 – Transport
CP10 – Meeting Community Needs
CP11 – Pollution
CP12 – Flood Risk
CP13 – Decentralised Energy Networks
CP14 – Renewable and Low Carbon Energy
CP15 – Sustainable Construction
CP16 – Green Infrastructure, Landscape and Biodiversity
CP17 – Design and Local Distinctiveness
CP18 – Infrastructure

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

AP1 – Design and Location of Development
AP2 – Sequential Approach
E1 – Employment Sites
E3 – Retention of Employment Land or Premises

H1 – Search Sequence
H2 – Location Priorities
H3 – Housing Sites
H4 – Loss of Dwellings
H5 – Diversity of Housing
H7 – Housing for Disabled People
S1 – Retail Proposals/Sequential Approach
S3 – Shopping Frontages
S5 – Food and Drink
TM3 – Tourism Action Areas
L3 – Protection of Open Space
L4 – Provision of Playing Pitches
L7 – Local Sporting Facilities
T1 – Hierarchy of Modes
T2 – Accessibility Criteria
T3 – Encouraging Use of Sustainable Modes
T5 – Cycle Route Network
T9 – Access to Buildings by People with Disabilities
T10 – Car Parking Standards
T11 – City Centre Car Parking Spaces
C1 – Conservation Areas
C2 – Listed Buildings
C3 – Buildings of Local Importance
C4 – Historic Parks and Gardens
C5 – Archaeology
LS2 – Ramsar/Special Protection Area
LS3 – Sites of Special Scientific Interest
LS4 – Nature Conservation
EN2 – Contaminated Land
EN3 – Air and Water Quality
EN4 – Flood Risk
EN5 – Noise
EN6 – Renewable Energy
DG1 – Objectives of Urban Design
DG2 – Energy Conservation
DG3 – Commercial Development
DG4 – Residential Layout and Amenity
DG5 – Provision of Open Space and Children’s Play Areas
DG6 – Vehicle Circulation and Car Parking in Residential Development
DG7 – Crime Prevention and Safety

Devon Waste Plan 2011 – 2031 (Adopted 11 December 2014) (Devon County Council)

W4 – Waste Prevention
W21 – Making Provision for Waste Management

Other Material Considerations

The Exeter Plan – Publication Plan – Regulation 19 (December 2024) (Not Adopted)

S1 – Spatial Strategy
S2 – Liveable Exeter Principles
CC1 – Net zero Exeter
CC2 – Renewable and low carbon energy
CC3 – Local Energy Networks
CC5 – Future development standards
CC6 – Embodied carbon
CC7 – Development that is adaptive and resilient to climate change
CC8 – Flood risk
CC9 – Water quantity and quality
H1 – Housing requirement
H2 – Housing allocations and windfalls
H3 – Regeneration opportunity areas
H4 – Affordable housing
H14 – Accessible homes
H15 – Housing density and size mix
H16 – Residential amenity and healthy homes
EJ1 – Economic growth
EJ4 – Access to jobs and skills
RFC1 – The future of our centres
RFC2 – Development, and affecting, our centres
STC1 – Sustainable movement
STC2 – The transport hierarchy
STC3 – Supporting active travel
STC4 – Supporting public transport
STC5 – Supporting more sustainable forms of car use
STC6 – Travel Plans
STC7 – Safeguarding transport infrastructure
NE1 – Landscape setting areas
NE2 – Valley Parks
NE3 – Biodiversity
NE4 – Green Infrastructure
NE6 – Urban greening factor
NE7 – Urban canopy cover
HH1 – Conserving and enhancing heritage assets
HH2 – Conservation Areas
HH3 – Archaeology
HH4 – Heritage assets and climate change
C1 – Protecting and enhancing cultural and tourism facilities
C2 – Development and cultural provision
D1 – Design Principles
D2 – Designing-out crime

HW1 – Health and Wellbeing
HW2 – Environmental quality, pollution, and contaminated land
IF1 – Delivery of Infrastructure
IF2 – Viability
IF3 - Community Facilities
IF4 – Open space, play areas, allotments, and sport

Exeter City Council Supplementary Planning Documents:

Affordable Housing SPD (April 2014)
Sustainable Transport SPD (March 2013)
Planning Obligations SPD (April 2014)
Public Open Space SPD (Sept 2005)
Residential Design SPD (Sept 2010)
Trees and Development SPD (Sept 2009)

Devon County Council Supplementary Planning Documents:

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

Liveable Exeter Principles – A city-wide initiative of transformational change (2022)
Exeter Density Study (July 2021)
Net Zero Exeter 2030 Plan (Exeter City Futures, April 2020)
First Homes Planning Policy Statement (June 2021)
Archaeology and Development SPG (November 2004)
Central Conservation Area Appraisal (August 2002)

13.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property

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

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

14.0 Public sector equalities duty

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

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

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

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

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

15.0 Financial issues

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

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

The information or financial benefits must include a list of local financial considerations or benefits of a development which officers consider are likely to be obtained by the authority if the development is carried out including their value if

known and should include whether the officer considers these to be material or not material.

Material considerations

- Affordable Housing off-site mitigation contribution of £2,187,200.88
- Contribution to increase GP surgery capacity at Barnfield Hill, Southernhay House, St Leonards Practice and St Thomas Health Centre of £16,083.
- Jobs during construction
- Jobs during operation of commercial units.

Non material considerations

CIL contributions

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

The rate at which CIL is charged for flatted residential development is £0.00 per sq. metre plus new index linking. Confirmation of the final CIL charge will be provided to the applicant in a CIL liability notice issued prior to the commencement of the development. All liability notices will be adjusted in accordance with the national All-in-Tender Price Index of construction costs published by the Building Cost Information Service (BCIS) of the Royal Institute of Chartered Surveyors for the year when planning permission is granted for the development. Full details of current charges are on the Council's website.

The proposal will generate Council Tax and Business rates

16.0 Planning assessment

The key issues are:

1. The Principle of the Proposed Development
2. Design and Density
3. Impact on Heritage Assets
4. Access and Parking
5. Occupant Amenity
6. Impact on Surrounding Area
7. Biodiversity
8. Contamination
9. Air Quality
10. Drainage
11. Sustainability

- 12. Affordable Housing, s106 Obligations and Viability
- 13. Planning Balance

1. The Principle of the Proposed Development

Core Strategy (CS) policy CP1 proposes the City Centre as the sustainable heart of the city with an increase of 200 dwellings.

CS policy CP17 requires that, amongst other items, development in the City Centre area enhances the townscape quality, contributes positively to the Central Conservation Area, includes residential development in a mix of uses and creates a City Centre that is vital and viable.

Local Plan (LP) saved policy H2 prioritises previously developed land for housing and identifies the City Centre as a suitable location.

LP saved policy TM3 states that development within the Tourism Action Areas must maintain or enhance the tourism role of the area.

The proposal meets the requirements of CS policies CP1 and CP17 by providing residential use within this City Centre site. The development also supports LP saved policy H2, by utilising previously developed land.

The proposed commercial uses are for a restaurant/café and public house. The previous use of the site included Class E(b) food and drink uses on part of the ground floor, prior to the fire in 2016. The current proposal will see this across the entire ground floor, with the exception of the communal entrance to the dwellings above. This is supported as it is highly desirable to retain an active and accessible frontage along Cathedral Yard and onto Cathedral Green, an area identified as 'The Cathedral precinct' in the Tourism Action Area under LP saved policy TM3. This use will also allow for public access to view the surviving historic fabric of the building.

Overall, the proposed development is acceptable in principle, subject to the more detailed planning considerations of this report.

2. Design and Density

LP saved policy DG1 states that development should:

- a. Be compatible with the urban structure of the city, connecting with existing routes and spaces and putting people before traffic.
- b. Ensure the building grain promotes the urban character of Exeter.
- c. Fully integrate landscape designs into the proposal.

- d. Be at a suitable density.
- e. Contribute to a compatible mix of uses.
- f. Be of an appropriate height to the surrounding townscape and that the constituent parts of buildings relate well to adjoining buildings, spaces, and human scale.
- g. Ensure the massing relates well to the character and appearance of the townscape and surrounding buildings.
- h. Ensure local distinctiveness and contribute positively to the visual richness and amenity of the townscape.
- i. Use materials that relate to the palette of materials in the locality and reinforce local distinctiveness.

LP saved policy DG2 states that development should maximise conservation of energy, including best use of land, maximising solar gain and suitable landscaping schemes.

LP saved policy DG4 relates to residential development and requires the maximum feasible density, quality of amenity and contribution to the townscape.

LP saved policy DG7 requires a safe and secure environment including overlooking of public spaces, integrated crime prevention measures and deterring and reducing fear of crime.

LP saved policy T9 requires development for non-domestic buildings to ensure safe and convenient access by people with disabilities.

CS policy CP4 requires residential development to be at the highest appropriate density compatible with the protection of heritage assets, local amenities, the character and quality of the local environment and the safety and convenience of the local and trunk road network.

CS policy CP17 states that development must exhibit a high standard of sustainable design that is resilient to climate change and complements or enhances Exeter's character, local identity, and cultural diversity.

LP saved policy C1 requires development in Conservation Areas to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

LP saved policy C2 requires development affecting a Listed Building to 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.

LP saved policy C5 states that development that would harm a Scheduled Ancient Monument or structure of National Archaeological Importance or harm the setting

would not be permitted. Development should seek to preserve features or, where assessed against the need for development, recording works must be undertaken.

The proposed façade seeks to restore the Cathedral Yard and Martin's Lane facades to be similar to that of the original building, with some minor variations such as changing windows to doors for access. As much of the exterior and interior historic fabric will be retained as possible, with this assessed in detail in sub-section 3 (Impact on Heritage Assets).

Restoration of the original public facing facades is welcomed, with precedent set by the previous approval. The proposal includes an additional storey to the roof. Whilst this will protrude, particular when viewed from Queen Street, this has been found to be acceptable in the previous schemes and will generate limited harm when viewed as part of the wider roofscape. It was noted that the roof terrace would be visible from Queen Street and the introduction of visible domestic paraphernalia in views would detract from the surrounding built form. In response, the applicant has proposed to raise the parapet to help screen the terrace from view. A more obscured material in this area is considered necessary; however, it has been commented by Historic England that a perforated metal may be more suitable. The principle of a roof terrace has been established through the previous approval, and it is therefore acceptable for this matter to be addressed via a pre-installation condition.

The exact materials for windows, doors and rainwater goods are not known at this stage, and a condition has been added to ensure they are of an appropriate standard for this historic site. In addition, elements relating to safety have been provided in response to comments raised by the Police Designing Out Crime Officer, which will be secured by condition.

In relation to density, the site proposes 25 dwellings with the previous scheme approved for 23 dwellings. The site area is 0.1ha therefore the residential density of the proposal is 250 dwellings per hectare. Development plan policies seek the maximum optimum density and best use of land, with a clear desire to increase density of development within the city centre. This site has significant constraints relating to the listed building, the neighbouring built form, surrounding listed buildings and the abutting Scheduled Ancient Monument. It is therefore considered that the density of proposed development is suitable for this location.

3. Impact on Heritage Assets

Policy Context

LP saved policy C1 requires development in Conservation Areas to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

LP saved policy C2 requires development affecting a Listed Building to 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.

LP saved policy C5 states that development that would harm a Scheduled Ancient Monument or structure of National Archaeological Importance or harm the setting would not be permitted. Development should seek to preserve features or, where assessed against the need for development, recording works must be undertaken.

The NPPF was published after the development plan policies above were adopted and includes additional policies relating to the conservation and enhancement of the historic environment. The development plan policies are therefore not fully up-to-date. NPPF paragraph 207 requires developers to describe the significance of any heritage assets affected by their proposal, which the developer has done in the submitted heritage reports (see Section 7.0 of this report). Significance is defined in the NPPF Annex 2: Glossary as: *'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.'* It should be noted that where there is evidence of damage to a heritage asset, the deteriorated state of the asset should not be taken into account in any decision (NPPF, 209).

When considering the impact of development proposals on the significance of designated heritage assets the NPPF states that great weight should be given to conservation irrespective of the level of harm, with the more important the asset, the greater the weight should be (NPPF, 212). Paragraph 213 states that any harm to, or loss of, the significance of a designated asset (which includes conservation areas, listed buildings and scheduled monuments) should require clear and convincing justification. Substantial harm to or loss of Grade II listed buildings should be exceptional, whereas for assets of the highest significance, including Grade I and II* listed buildings and scheduled monuments, it should be wholly exceptional. Paragraph 214 states that where a proposed development will lead to substantial harm to a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the

public benefits of the proposal including, where appropriate, securing its optimum viable use (NPPF 215).

The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset (NPPF, 216).

Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred (NPPF, 217).

In regard to the heritage balancing exercises of the NPPF, public benefits could be anything that delivers economic, social or environmental objectives as described in the NPPF. Considerable importance should be placed on the statutory duties within the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) described above when carrying out these balancing exercises.

The NPPF also states that local planning authorities should look for opportunities for new development within conservation areas, 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 better reveal its significance) should be treated favourably (paragraph 206).

Site Context

The site consists of two separate Grade II Listed designations, the first being the Royal Clarence, Exeter Bank and no.6 Martin's Lane, and the second being no.16 and 17 Cathedral Yard (known as the Well House). The site is also on the corner of Cathedral Green, within the setting of Exeter Cathedral (Grade I Listed), is adjacent to the Cathedral Green Scheduled Ancient Monument and sits within the Central Conservation Area.

The site was significantly destroyed by fire in 2016, and significant work is necessary to preserve the remaining historic fabric and create a suitable development within the site that is appropriate for the location.

The site is subject to an extant permission for redevelopment of a similar scheme, with this proposal seeking to amend and refine this, in particular the structural repairs to the Well House and the wider structural strategy of the site.

The application has been through detailed discussions and technical assessments, and robust revised information has been submitted in response to concerns from Historic England and the Council's Heritage Officer.

The Well House

The Well House contains the most remaining historic fabric. During the application process it was discovered that there were potential structural issues and the applicant has worked with the Council's recommendations to appoint a conservation accredited engineer and heritage specialists to assess the risks and develop a revised scheme of works that seeks to retain and protect the historic fabric where possible.

It is proposed to remove the roof and ceiling structure of the upper floors down to third floor level. The roof and upper floors are largely modern, having been extensively repaired during the fire and has since been subject to water ingress resulting in the collapse of the primary beam. Following further investigation, it was found that there were greater levels of instability on the upper floors, signs of inappropriate repairs/interventions and deterioration of timber joists. This has led to a conclusion that a greater level of removal and replacement is required. On the extant approval the scale demolition was considered to be significant harm and this position is retained in this assessment. However, this is just part of the wider site and the level of heritage harm and benefits must therefore be considered overall, rather than as an individual aspect.

With regards to the basement, this will see a steel frame installed which will retain much of the historic fabric in place and provide a robust structure to support the new floors, as well as avoiding putting pressure on the existing spine wall, which was noted as an area of particular concern by the applicant's conservation engineer. Whilst works within the existing frame would have been preferred it is recognised that this is a pragmatic response that retains a significant portion of the historic fabric. The steel sections will be positioned to avoid the retained historic fabric and allow for no dismantling below the third-floor level, where the more significant timber frame remains.

There was concern over the potential need for demolition of a free-standing chimney to the rear of the Well House. Following further investigation by specialists it has been confirmed that this can be retained through careful support during the building process and secured to the new building frame.

As the lower floors of the Well House will be retained, it has been possible to retain the existing elevations, which is welcomed by Historic England and the Council's Heritage Officer.

Limited information has been provided regarding internal finishes of the building, following the structural works. This level of detail for a listed building is often dealt with at a later stage and a room-by-room schedule will be required, including information on fire and acoustic separation as well as avoidance and impact minimisation to the historic fabric. There are historic wall paintings that remain on the spine wall. These will need to be carefully preserved in situ and ideally presented and

visible within the final room design. This matter would need to be included in the room-by-room schedule.

Royal Clarence Building

The acceptability of the overall form and shape of the development has been set by the previous approval 22/0236/FUL / 22/0237/LBC, which included the replacement of no.6 Martin's Lane and an upwards extension around a central core.

The key changes from the previous approval are the repositioning of the main circulation core and the change of internal structure from steel to reinforced concrete frame.

With regards to the central core, further detailing was provided to understand why alternative configurations could not be achieved. The changes were carried out to increase the level of natural daylight into the flats, in combination with increased lightwell sizes. Whilst this will impact on the former wall positionings, the changes and use of a glazed stairwell will allow better views of the remaining walls, with aspects of fire damaged walls retained to present the 'story' of the building.

The previously consented scheme included a steel frame, and it is proposed to change this to a concrete reinforced frame. This has no significant change to the foundations/sub-structure of the building, and this has been confirmed through the submitted piles drawings. The frame is proposed to be freestanding to avoid additional load bearing on the existing historic structure. This has been found to be an acceptable justification for the change in material and continues to protect the historic features. Further detailing is required on how the revised frame will interact with the historic fabric and a condition is therefore recommended for finer detail to be provided prior to works in this area.

Entire Site

Due to the deterioration of the remaining structures on the site, there is a need for temporary works to protect retained structures from lateral pressures during the construction. A phased approach has been proposed, including measures to secure the Well House before any piling works, and this methodology will be secured by condition.

A level of demolition will need to occur, similar to that secured in the extant approval, and this is considered to be reasonable and justified to bring the site back into use.

At this stage it is unclear on the exact materials of rainwater goods, doors, and windows. It is therefore recommended for a condition to require details of these things to be agreed prior to installation.

Air source heat pumps are proposed for the building, however details of their location and design have not been submitted. This is similar to the previous approval, and it is therefore considered that a condition requiring details of the location and design of the pumps prior to installation is placed on any approval notice.

The site is within an Area of Archaeological Importance. It is considered that appropriate supervision of all below-ground excavation should be provided and this will be secured via condition.

Heritage Conclusions

The revisions to the scheme during the assessment of the application have reduced the harm to the historic fabric through a reduction in demolition to the Well House and adopting a more sensitive approach to structural repair of in situ aspects. This has been supported by a proportionate and robust justification, with demolition primarily occurring on more modern additions. Whilst there is overall harm, it is considered to be less than substantial. Historic England advised that, following submission of a reduced scale of demolition and robust justification the scale of loss of significant fabric has been reduced. The Council's Heritage Officer considered that, on balance, there are less than substantial harm to the designated heritage assets and that the overall public benefits outweigh the level of harm caused.

There are significant public benefits to the scheme through the removal of a long-standing derelict site, enhancement of the Central Conservation Area, the setting of Exeter Cathedral and the Cathedral Green Scheduled Monument. The proposal will secure long-term conservation and a viable use for the site, providing economic, cultural, and environmental regeneration of a key city-centre location.

It is therefore concluded that the harm to the historic fabric is outweighed by the overall benefits of the scheme, subject to the conditions outlined in this report, and that there is less than substantial harm in line with NPPF and development plan requirements.

4. Access and Parking

LP saved policy AP1 requires development should be located where safe and convenient access by public transport, walking and cycling is available or can be provided.

LP saved policy T1 states a hierarchy for transport modes, with sustainable measures such as walking and cycling above public transport, with cars being at the lowest level. This is read alongside saved policy T2 which requires development to be within walking distance of a food shop and other facilities.

LP saved policy T3 requires development to safeguard existing walking and cycling routes.

LP saved policy T11 requires that City Centre development does not create a significant change in the number of off-street parking spaces. There are none impacted by this scheme.

LP saved policy H2 states development should not impact on the safety of local roads and be accessible to a range of facilities.

The site is within the city centre, and no on-site vehicle parking is proposed. The location is close to Central Railway Station, as well as the Bus Station and is served by a variety of local buses passing along the High Street and South Street. The city centre location also allows for access to a wide range of facilities, and the proposal is therefore acceptable as car-free development.

Cycle storage for residents is proposed at ground floor level, with a total of 35 spaces proposed, accessed via Martins Lane. This is broadly in line with SPD requirements and is considered acceptable.

As previously discussed, there is the potential for conflict between doors opening and pedestrian movements on Cathedral Yard/Martin's Lane and a condition is proposed requiring all doors to open inwardly only.

Deliveries/collections for the commercial units will be via Cathedral Yard, which will require vehicles to reverse along Cathedral Yard to access the building. Whilst this is not ideal it is the same process as previous uses of the site and no alternatives are readily available. It is noted that a number of café/restaurant units are currently utilising Cathedral Yard for outdoor seating. The pavement is public highway, with the road itself being private, under ECC ownership. The planning history for the surrounding area confirms that permission has been granted for outdoor seating for 3 units (approvals 07/0029/FUL, 07/1122/FUL and 23/0588/FUL) however these are solely for the pavement area. There is therefore no conflict between extant planning approvals and vehicle movements for this scheme. The Local Highway Authority raised no objection to this matter on highway safety grounds, and it is therefore considered acceptable.

5. Occupant Amenity

LP saved policy DG4 requires residential development to ensure a quality of amenity which allows residents to feel at ease in their homes and gardens, with this supported by the Residential Design Guide SPD.

LP saved policy EN5 requires that noise sensitive development will not be permitted if its users would be affected by noise from existing or proposed noise-generating uses unless adequate mitigation can be implemented. This is in accordance with NPPF paragraph 200 which places the applicant, or 'agent of change' as responsible to provide suitable mitigation.

All the proposed dwellings meet the Nationally Described Space Standards. It was noted that there was the potential for privacy impacts for flats immediately adjoining the internal courtyard, however the windows are set back within new thick walls, limiting the level of areas to look in, with an additional glazed layer abutting the courtyard wall. Whilst it is acknowledged that there will be a level of privacy impact, the level of movements will be limited to occupants of the building only and it is not considered to be significant enough to warrant refusal on those grounds.

Some of the apartments gain light from lightwells running vertically through the building and from windows opening onto the external courtyard. This is the same approach as the previous approved scheme, however the level of light entering the flats must be considered. A Daylight and Sunlight Report was submitted with the application that demonstrated that 20 of the 75 habitable rooms analysed do not meet recommended daylight amenity levels and 34 fail to meet the recommended Daylight Distribution levels. The report concludes that a flexible approach must be given to BRE standards, which are guidelines and not policy requirements. In relation to adopted standards, the Residential Design Guide SPD requires dwellings to have sufficient daylight to allow comfortable use, but this is flexible depending on site analysis. It should also be noted that the Historic England Advice Note 'Making Changes to Heritage Assets' states that compromise on issues such as daylight will assist in retaining the significance of heritage assets. In this instance it is considered that whilst there is a shortfall it is not significant enough to warrant refusal on these grounds when balanced against the site constraints of a significantly damaged listed building.

The location also raises risk of noise impacts from external noise sources and the ground floor commercial use. A Noise Impact Assessment was submitted which demonstrated that the majority of bedrooms achieve acceptable sound levels, however there are some that will be impacted by nearby public houses. It was concluded that this could be mitigated through modest acoustic glazing measures. The Council's Environmental Health team agreed with this assessment and recommended a condition to ensure the mitigation measures are installed for all impacted dwellings.

Overall, the residential amenity of the proposed apartments is considered acceptable and to accord with saved Policies DG4 and EN5, accounting for the site's location within the City Centre and the site constraints of rebuilding a significantly damaged listed building while retaining as much of the historic building fabric as possible.

6. Impact on Surrounding Amenity

LP saved policy EN5 states that noise-generating development will not be permitted if it cannot be appropriately mitigated.

LP saved policy DG4 requires residential development ensures a quality of amenity which allows residents to feel at ease within their homes and gardens.

The site is in a densely developed area with a mix of commercial and residential uses. The previous approval noted the potential for overlooking of apartments at 18 Cathedral Yard and that mitigation through inward opening windows, obscure glazing and privacy screens was acceptable. The same approach has been applied to this scheme and will be secured via condition.

The proposed commercial uses and building plant has been considered through the Noise Impact Assessment and a Ventilation and Extraction Statement. Environmental Health raised no objections to these measures, subject to a condition to secure their installation and operation.

It is therefore concluded that there will be no significant amenity impacts generated from the proposal on the surrounding area and, subject to conditions, accords with policy.

7. Biodiversity

LP saved policy LS2 states that development that harms the integrity of a RAMSAR site, Special Protection Area or Special Area of Conservation will not be permitted.

LP saved policy LS4 states that development that would harm a site of nature conservation importance or landscape features that are of importance for wild fauna or flora, or wildlife corridors will only be permitted with a balanced assessment and suitable mitigation.

CP policy CP16 requires protection and enhancement of environmental assets, including the Exe Estuary, East Devon Pebblebed Heaths/East Devon Heaths, and the Dawlish Warren European sites.

The site has been assessed against the national Biodiversity Net Gain requirements, and it was concluded that as the development does not impact a priority habitat and impacts less than 25 square metres of on-site habitat it is exempt from this requirement. This was assessed by the Council's Ecologist who agreed with this conclusion.

A submitted Preliminary Ecology Appraisal was submitted, and additional bat emergence surveys were conducted. This proposed bat roosts and bird bricks, as well as temporary measures for bats during the construction phase. Further detailing was required in relation to temporary bat roosts, and this was submitted by the applicant. At the time of this report no response has been received from the Council's ecologist on this matter and a condition relating to temporary bat roosts is recommended.

The site is within the Zone Influence of protected European Sites, specifically the Exe Estuary zone. An Appropriate Assessment was undertaken and this found that there would be recreational impacts generated from the residential dwellings. In accordance with the Joint South East Devon European Site Mitigation Strategy this will be mitigated via a financial contribution. Whilst this is normally top-sliced from CIL payments, this scheme has a CIL liability of £0. Therefore, the mitigation funds will be secured through the s106 Agreement. The rate will be £1,284.71 per dwelling.

Subject to conditions, it is considered there are no significant ecological or biodiversity impacts.

8. Contamination

Contamination Risk Assessments should normally only be sought when contamination is either known to be present or suspected. There are no identified risks associated with the site and a contamination assessment was not required for the previous approvals for a hotel or the rebuild into apartments. It is therefore considered that a Contamination Risk Assessment is not needed for this application.

9. Air Quality

LP saved policy EN3 states that development that would harm air quality will not be permitted.

CS policy CP11 requires development to minimise and if necessary, mitigate against environmental impacts. Within Air Quality Management Areas (AQMA) measures to reduce pollution and meet air quality objectives will be brought forward.

The site is not within an AQMA; however, it is close to areas covered by one, including the High Street and South Street.

The proposal is for car-free development and is considered to have a minimal impact on the AQMA. A Travel Plan will be required via condition which will help to promote sustainable transport measures. There is not considered to be any significant conflict with the policy requirements.

10. Drainage

LP saved policy EN3 states that development that would harm water quality will not be permitted.

LP saved policy EN4 states that development must not increase flooding risks or be at risk from flooding.

CS policy CP12 requires all development to mitigate against flood risk by using sustainable urban drainage where feasible and practical.

The site is within Flood Zone 1 and is at low risk of flooding.

The submitted drainage strategy proposes repair and reuse of the existing system, noting that there is no change to the impermeable catchment areas or impermeable areas. This would connect into the existing combine sewer.

The Lead Local Flood Authority raised no objection to this method of surface water disposal. Recommendations were made on reuse of rainfall, however considering the constraints of the listed building it was not possible to incorporate this.

11. Sustainability

CS policy CP13 requires new development to connect to existing or proposed Decentralised Energy Networks unless it can be demonstrated that it would not be viable or feasible to do so. In those instances, alternative solutions should be explored and implemented. There is not currently a district heating system in this area, however there are long term plans for one. In this instance, due to the historic nature of the remaining building and the viability issues discussed in the following section, it is not considered appropriate to require one.

CS policy CP15 states proposals for development are expected to demonstrate how sustainable design and construction methods will be incorporated. This is through minimisation of heat loss and air leakage, solar panels and air source heat pumps. In addition, the retention of the Well House will limit embodied carbon impacts alongside the re-use, where possible, of any demolished materials.

A Waste Audit Statement was submitted, however the DCC Waste Team advised that further information was needed. A revised statement was submitted and found to be acceptable. A condition is recommended to secure the measures.

Policy CP14 requires development of ten or more dwellings to cut predicted CO₂ emissions by the equivalent of at least 10% over and above those required to meet the building regulations current at the time of building regulations approval unless it can be demonstrated that it would not be viable or feasible to do so. An Energy

Statement has been submitted with the application that demonstrates that this can be achieved. A condition will be placed on any approval notice requiring compliance with the measures set out in the statement and requiring a verification report at completion of the development.

12. Affordable Housing, s106 Obligations and Viability

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

Policy CP7 requires that development provide 35% of the total dwelling numbers as affordable housing. However, in accordance with the Affordable Housing SPD, a financial contribution towards off-site affordable dwellings is acceptable in circumstances where delivery of on-site affordable units is not possible.

In relation to this affordable housing, the significant constraints of the site mean it would not be possible to accommodate affordable dwellings that could be managed separately by a Registered Provider. Financial mitigation is therefore acceptable in this instance, calculated at £2,187,200.88.

The applicant has submitted a Viability Assessment which is being independently examined. The initial conclusions are that the development will likely have viability issues due to the unique nature and increased material costings. There are a number of queries that are not readily answerable at this stage, such as final dwelling sale prices (as surrounding example prices have been impacted by this derelict site) and the costings of phased temporary works to protect heritage assets. Following further discussion, examination of the previous approval and the unique nature of this development it was agreed that the quickest and simplest solution to unlock the site for development was through a deferred contributions mechanism that is based on the actual performance of the project. This would fix certain aspects of the Viability Assessment at this stage but allowed for certified final build costs and sales prices to be provided at a later date. Any surplus moneys will be secured towards the payment of planning contributions, with a priority given to infrastructure payments and then affordable housing. This will be secured in an appropriate s106 legal agreement.

In terms of the obligations that would need to be secured in s106 Agreement, the following are considered necessary, alongside the clawback mechanism:

- 35% Affordable Housing to be paid as a financial contribution of £2,187,200.88.
- £16,083 for expansion of oversubscribed GP surgeries at Barnfield Hill, Southernhay House, St Leonards Practice and St Thomas Health Centre.

The following aspect is not suitable for the clawback mechanism and will remain as a standard obligation:

- £1,284.72 per dwelling for recreational impacts on the Exe Estuary protected marine site.

13. Planning Balance

As stated through this report the scheme is considered to, on balance, accord with the adopted Development Plan to ensure the quality of the development and enhancement of the heritage assets on and around the site. There are therefore no material considerations that indicate planning permission should be refused.

The Council does not currently have a 5-year housing supply and therefore the presumption in favour of sustainable development is in effect, as required by paragraph 11(d) of the NPPF. Having assessed this scheme carefully it is considered that the level of harm is not demonstrable or significant.

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

The non-weighted assessment of the harm to heritage assets against the benefits of the scheme has been carried out under section 3 of this assessment 'Impact on Heritage Assets'. This concludes that the demolition of the upper floors of the Well House would generate substantial harm, with the other works creating less than substantial harm. With regards to the significant harm, these works have been demonstrated as being necessary to achieve the substantial public benefits that outweigh the harm. Therefore, the application does not need to be refused in terms of its impact on the significance of heritage assets.

It follows that an overall assessment of the proposed development can be carried out to see if any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, i.e. with a tilt towards approval. In this case, the adverse impacts do not significantly and demonstrably outweigh the benefits of providing new housing in a sustainable location, providing economic growth through the commercial uses, and improving the character and appearance of the area by redeveloping a derelict site and restoring the historic street frontages, which will

benefit the Cathedral precinct Tourism Action Area and the surrounding heritage assets.

17.0 Conclusion

The proposed development provides acceptable land use. through provision of residential and commercial units and creates substantial public benefits by redeveloping a derelict site in the heart of the City Centre. The scheme will retain and restore as much of the listed historic fabric as possible and will enhance the setting of the site, surrounding listed buildings, conservation area and Scheduled Monument. In addition, it will revitalise this corner of Cathedral Green, within the Tourism Action Area and support the vitality of the City Centre.

Whilst demolition will occur on the upper floors of the Well House, this has been demonstrated as necessary and that these were more modern additions to the building. Significant revisions and additional detailing have been provided to support this, and it is concluded that, when assessed alongside the overall benefits, there will be less than substantial harm to the heritage asset.

Due to the unique nature of the development and significant costings necessary to deliver this scheme a deferred contributions mechanism has been agreed for the planning obligations based on the final gross development value.

18.0 Recommendation

25/0895/FUL

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

- £1,284.72 per dwelling for recreational impacts on the Exe Estuary protected marine site.

Subject to a Deferred Contributions Mechanism:

- 35% Affordable Housing to be paid as a financial contribution of £2,187,200.88.
- £16,083 for expansion of oversubscribed GP surgeries at Barnfield Hill, Southernhay House, St Leonards Practice and St Thomas Health Centre.

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

And the following conditions:

1. Time Limit

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:

24046 P01.01 rev A – Site Location Plan

S-01-F001-P4-Pile Layout (below Basement Level)

S-01-F002-P3-Pile Layout (below Ground Level)

S-01-F003-P5-Foundation Layout (below Basement Level)

S-01-F004-P3-Foundation Layout (below Ground Level)

25.07-EDS-XX-B1-DR-A-(06)10-P03-Demolition Basement Plan

25.07-EDS-XX-00-DR-A-(06)11-P03-Demolition Ground Floor Plan

25.07-EDS-XX-01-DR-A-(06)12-P03-Demolition First Floor Plan

25.07-EDS-XX-M1-DR-A-(06)13-P03-Demolition First Floor Mezzanine Plan

25.07-EDS-XX-02-DR-A-(06)14-P03-Demolition Second Floor Plan

25.07-EDS-XX-03-DR-A-(06)15-P03-Demolition Third Floor Plan

25.07-EDS-XX-04-DR-A-(06)16-P03-Demolition Roof Plan

25.07-EDS-XX-01-DR-A-SK013-P01-Proposed Breakthrough of Existing Historic Wall

24193 P0200revH - Royal Clarence Proposed Basement Floor Layout Plan

24193 P0201revM - Royal Clarence Proposed Ground Floor Layout Plan

24193 P0202revP - Royal Clarence Proposed First Floor Layout Plan

24193 P0203revJ - Royal Clarence Proposed First Floor Mezzanine Well House Layout Plan

24193 P0204revL - Royal Clarence Proposed Second Floor Layout Plan

24193 P0206revH - Royal Clarence Proposed Fourth Floor Layout Plan

24193 P0207revH - Royal Clarence Proposed Fifth Floor Layout Plan

24193 P0208revA - Royal Clarence Proposed Roof Plan

ES24.100-S-02-0200-Ground Floor Layout - Well House-P3

ES24.100-S-02-0201-First Floor Layout - Well House-P3

ES24.100-S-02-0202-First Floor Mezz Layout - Well House-P3

ES24.100-S-02-0203-Second Floor Layout - Well House-P3

ES24.100-S-02-0204-Third Floor Layout - Well House-P3

ES24.100-S-02-0205-Roof Layout - Well House-P3

ES24.100-S-01-B001-Basement Layout Structural General Arrangement-P8

ES24.100-S-01-0001-Ground Floor Layout Structural General Arrangement-P9

ES24.100-S-01-0004-First Floor Layout Structural General Arrangement-P9

ES24.100-S-01-0007-First Floor Mezzanine Structural Layout General Arrangement-P3

ES24.100-S-01-0010-Second Floor Layout Structural General Arrangement-P8

ES24.100-S-01-0013-Third Floor Layout Structural General Arrangement-P8

ES24.100-S-01-0016-Fourth Floor Layout Structural General Arrangement-P9

ES24.100-S-01-0019-Fifth Floor Layout Structural General Arrangement-P6

24193 P0200 rev H - Royal Clarence Proposed Basement Floor Layout Plan

24193 P0201 rev M - Royal Clarence Proposed Ground Floor Layout Plan

24193 P0202 rev P - Royal Clarence Proposed First Floor Layout Plan

24193 P0203 rev J - Royal Clarence Proposed First Floor Mezzanine Floor Layout Plan

24193 P0204 rev L - Royal Clarence Proposed Second Floor Layout Plan

24193 P0205 rev L - Royal Clarence Proposed Third Floor Layout Plan

24193 P0206 rev H - Royal Clarence Proposed Fourth Floor Layout Plan

24193 P0207 rev H - Royal Clarence Proposed Fifth Floor Layout Plan

24193 P0208 rev A - Royal Clarence Proposed Roof Plan

24193 P0401 rev D - Royal Clarence Proposed Front Elevation

24193 P0402 rev D - Royal Clarence Proposed Side Elevation Lamb Alley

24193 P0403 rev D - Royal Clarence Proposed Rear Elevation

24193 P0404 rev D - Royal Clarence Proposed Side Elevation Martins Lane

25.07-EDS-XX-ZZ-DR-A-(08)20-P01-Proposed Sections 1 & 2

25.07-EDS-XX-ZZ-DR-A-(08)23-P01-Proposed Sections C & D

25.07-EDS-XX-ZZ-DR-A-(08)24-P01-Proposed Sections E & F

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

3. Work Methodology

The development shall be undertaken in accordance with the work methodology outlined in the following submitted documents at all times:

- Demolition Method Statement (24193 P05.07 rev B – 25 July 2025)
- Heritage Appraisal (Avalon – December 2025)
- Visual Inspection Report (Matt MacDonald, RCH-MMD-XX-XX-RP-X-000001 Rev P01 – October 2025)

Reason: To ensure suitable protection and conservation of the existing historic fabric.

4. Concrete Frame Integration

Pre-installation

Prior to installation of any part of the concrete frame details of how the structure will interface with the historic fabric shall be submitted to, and approved by, by the Local Planning Authority in writing. These details shall include locations of steels, sectional drawings and details and methodology of fixings.

The development shall be undertaken in accordance with the approved details at all times.

Reason: To ensure suitable integration with, and to prevent harm to, the historic fabric of the building.

5. Construction Method Statement

The development shall be undertaken in accordance with the submitted Construction Method Statement (dated March 2025, received 09 July 2025) at all times during the demolition and construction period.

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.

6. Noise Impacts

Pre-use

Prior to the commencement of the use hereby permitted, the noise mitigation measures set out in the “Noise Impact Assessment of Commercial Sound Sources” dated 5 August 2025 shall be implemented in full. The measures shall be maintained for the lifetime of the development.

Reason: In the interests of the amenity of the residents of proposed development.

7. SAP Calculations

Within 3 months of completion

The development shall be undertaken in accordance with the details set out in the submitted Energy and Sustainability Statement Title Rev 1 (28 November 2025). Within 3 months of practical completion of the building a report shall be submitted to, and be approved by, the Local Planning Authority from a suitably qualified consultation to demonstrate compliance and 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 has been achieved.

Reason: In the interests of sustainable development and to ensure that the development accords with Policies CP14 and CP15 of the Core Strategy.

8. Air Source Heat Pumps

Pre-installation

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.

9. Solar Panels

Pre-Installation

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.

10. Materials

Pre-superstructure

Prior to work on the super structure of the building product specification sheets and samples, including confirmation of colour, of the external facing materials and roof materials (including rainwater goods and the rear (northwest) balustrade/parapet) 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 131 and 207 of the NPPF.

11. Biodiversity Enhancement Plan

The development hereby approved shall be undertaken in full accordance with the mitigation measures outlined in the submitted Preliminary Ecological Appraisal and Bat Emergence Survey (250613 rev03A December 2025).

Reason: To enhance biodiversity on the site in accordance with paragraph 9.28 and Appendix 2 of the Residential Design Guide SPD, and paragraph 187 of the NPPF.

12. Window/Door Details

Pre-Installation

Prior to the installation of any new fenestration (windows/doors) large scale internal and external 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 131 and 207 of the NPPF.

13. Obscure Glazing Lamb Alley

Pre-Installation

The two upper floor windows shown on drawing number (24193 P0402 rev D - Royal Clarence 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.

14. Lamb Alley Balustrade

Pre-Installation

The glazed balustrade shown on drawing number 24193 P0402 rev D (Royal Clarence 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.

15. 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.

16. Crime Prevention

Pre-Use/Occupation

Prior to the first occupation or use of the development hereby approved, the measures set out in the submitted 'Supplementary Planning Information Crime Prevention for New Residential Proposals' (24193 P05.03 Rev A, dated 18th June 2025) shall be implemented in full. The approved measures shall be retained and maintained at all times thereafter.

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

17. Cycle Store

Pre-Occupation

Prior to first occupation of any of the apartments in the development hereby approved, details of bike store numbers, method of securing bikes and access controls shall be submitted to, and approved in writing by, the Local Planning Authority. The bike store shall be made available in accordance with the approved details prior to first occupation and retained solely for that use 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.

18. Noise And Odour

Pre-Use

Prior to first the use of the commercial units hereby permitted, the noise and odour mitigation measures set out in the submitted 'Ventilation and Extraction Statement' (24193 P05.06 Rev A, dated 16 July 2025) shall be implemented in full. The measures shall be maintained for the lifetime of the development.

Reason: In the interests of the amenity of the residents of proposed development and nearby residential dwellings.

19. Waste Audit Statement

The development shall be carried out in accordance with the submitted Waste Audit Statement (24193 P05.90 revision A, dated 15 December 2025)

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.

20. External Doors and Gates

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 117 of the NPPF.

21. Waste and Bin Stores

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.

22. Noise Control

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.

INFORMATIVES

1. Informative: S106

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

2. Informative: CIL liability

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

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

3. Informative: Appropriate Assessment

In accordance with Chapters 1 and 2 of the Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA). Given the nature of the development, it has been concluded that an AA is required in relation to potential impact on the relevant Special Protection Area (SPA), the Exe Estuary, which is a designated European site. This AA has been carried out

and concludes that the development is such that it could have an impact primarily associated with recreational activity of future occupants of the development. This impact will be mitigated in line with the South East Devon European Site Mitigation Strategy prepared by Footprint Ecology on behalf of East Devon and Teignbridge District Councils and Exeter City Council (with particular reference to Table 26), which is being funded through a proportion of the Community Infrastructure Levy (CIL) collected in respect of the development being allocated to fund the mitigation strategy. Or, if the development is not liable to pay CIL, to pay the appropriate habitats mitigation contribution through another mechanism (this is likely to be either an undertaking in accordance with s111 of the Local Government Act 1972 or a Unilateral Undertaking).

4. Informative: Positive and Pro-active working

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

5. Informative: Kitchen extraction systems

The developer should be aware that the effectiveness of kitchen extract systems depends on the nature and intensity of use and any approval in planning should not be taken to mean that no odour problems will occur in future. If complaints are received, these will be investigated by the Environmental Health Team and improvements to the system may be required.

b) REFUSE PERMISSION FOR THE REASON SET OUT BELOW IF THE LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) IS NOT COMPLETED BY 20 July 2026 OR SUCH EXTENDED TIME AS AGREED IN WRITING BY THE SERVICE LEAD (CITY DEVELOPMENT)

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 –

- £1,284.72 per dwelling for recreational impacts on the Exe Estuary protected marine site.

Subject to a Deferred Contributions Mechanism:

- 35% Affordable Housing to be paid as a financial contribution of £2,187,200.88.
- £16,083 for expansion of oversubscribed GP surgeries at Barnfield Hill, Southernhay House, St Leonards Practice and St Thomas Health Centre.

the proposal is contrary to Exeter Core Strategy 2012 Objectives 3, 6 and 10, and policies CP7, CP10 and CP18, and Exeter City Council Affordable Housing Supplementary Planning Document 2014.

22/0237/LBC

**DELEGATE TO HEAD OF CITY DEVELOPMENT TO GRANT LISTED
BUILDING CONSENT SUBJECT TO THE FOLLOWING CONDITIONS:**

1. Time Limit

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:

24046 P01.01 rev A – Site Location Plan

S-01-F001-P4-Pile Layout (below Basement Level)

S-01-F002-P3-Pile Layout (below Ground Level)

S-01-F003-P5-Foundation Layout (below Basement Level)

S-01-F004-P3-Foundation Layout (below Ground Level)

25.07-EDS-XX-B1-DR-A-(06)10-P03-Demolition Basement Plan

25.07-EDS-XX-00-DR-A-(06)11-P03-Demolition Ground Floor Plan

25.07-EDS-XX-01-DR-A-(06)12-P03-Demolition First Floor Plan

25.07-EDS-XX-M1-DR-A-(06)13-P03-Demolition First Floor Mezzanine Plan

25.07-EDS-XX-02-DR-A-(06)14-P03-Demolition Second Floor Plan

25.07-EDS-XX-03-DR-A-(06)15-P03-Demolition Third Floor Plan

25.07-EDS-XX-04-DR-A-(06)16-P03-Demolition Roof Plan

25.07-EDS-XX-01-DR-A-SK013-P01-Proposed Breakthrough of Existing Historic Wall

24193 P0200revH - Royal Clarence Proposed Basement Floor Layout Plan

24193 P0201revM - Royal Clarence Proposed Ground Floor Layout Plan

24193 P0202revP - Royal Clarence Proposed First Floor Layout Plan

24193 P0203revJ - Royal Clarence Proposed First Floor Mezzanine WellHouse Layout Plan
24193 P0204revL - Royal Clarence Proposed Second Floor Layout Plan
24193 P0206revH - Royal Clarence Proposed Fourth Floor Layout Plan
24193 P0207revH - Royal Clarence Proposed Fifth Floor Layout Plan
24193 P0208revA - Royal Clarence Proposed Roof Plan
ES24.100-S-02-0200-Ground Floor Layout - Well House-P3
ES24.100-S-02-0201-First Floor Layout - Well House-P3
ES24.100-S-02-0202-First Floor Mezz Layout - Well House-P3
ES24.100-S-02-0203-Second Floor Layout - Well House-P3
ES24.100-S-02-0204-Third Floor Layout - Well House-P3
ES24.100-S-02-0205-Roof Layout - Well House-P3
ES24.100-S-01-B001-Basement Layout Structural General Arrangement-P8
ES24.100-S-01-0001-Ground Floor Layout Structural General Arrangement-P9
ES24.100-S-01-0004-First Floor Layout Structural General Arrangement-P9
ES24.100-S-01-0007-First Floor Mezzanine Structural Layout General Arrangement-P3
ES24.100-S-01-0010-Second Floor Layout Structural General Arrangement-P8
ES24.100-S-01-0013-Third Floor Layout Structural General Arrangement-P8
ES24.100-S-01-0016-Fourth Floor Layout Structural General Arrangement-P9
ES24.100-S-01-0019-Fifth Floor Layout Structural General Arrangement-P6
24193 P0200 rev H - Royal Clarence Proposed Basement Floor Layout Plan
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24193 P0202 rev P - Royal Clarence Proposed First Floor Layout Plan
24193 P0203 rev J - Royal Clarence Proposed First Floor Mezzanine Floor Layout Plan
24193 P0204 rev L - Royal Clarence Proposed Second Floor Layout Plan
24193 P0205 rev L - Royal Clarence Proposed Third Floor Layout Plan
24193 P0206 rev H - Royal Clarence Proposed Fourth Floor Layout Plan
24193 P0207 rev H - Royal Clarence Proposed Fifth Floor Layout Plan
24193 P0208 rev A - Royal Clarence Proposed Roof Plan
24193 P0401 rev D - Royal Clarence Proposed Front Elevation
24193 P0402 rev D - Royal Clarence Proposed Side Elevation Lamb Alley
24193 P0403 rev D - Royal Clarence Proposed Rear Elevation
24193 P0404 rev D - Royal Clarence Proposed Side Elevation Martins Lane
25.07-EDS-XX-ZZ-DR-A-(08)20-P01-Proposed Sections 1 & 2
25.07-EDS-XX-ZZ-DR-A-(08)23-P01-Proposed Sections C & D
25.07-EDS-XX-ZZ-DR-A-(08)24-P01-Proposed Sections E & F

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

3. Archaeology

Prior to any ground excavation works a Written Scheme of Investigation shall be submitted in writing to, and be approved by, the Local Planning Authority. The scheme shall adopt the principle of preservation by records and ensure all intrusive groundworks associated with the construction and servicing of the site shall be under direct archaeological supervision.

The development shall be undertaken in accordance with the approved WSI at all times.

Reason: To ensure suitable recording and presenting of archaeological deposits within the site.

4. Well House Roof

Pre-roof removal

Prior to removal of the in situ Well House roof details of temporary measure to protect the existing fabric of the Well House shall be submitted in writing to, and be approved by, the Local Planning Authority. The measures shall include details of protection and methodology of protection works and removal.

The development shall be undertaken in accordance with the approved details at all times.

Reason: To ensure suitable protection of the historic fabric during construction.

5. Historic Recording

All demolition and interventions into the historic fabric shall be carried out under a RCHME level 3 building recording. The results shall be published and archived in accordance with a scheme submitted in writing to, and approved by, the Local Planning Authority.

Reason: To ensure suitable recording and presentation of the historic fabric.

6. Material Finishes

Prior to any works to the existing historic fabric full details of the internal finishes shall be submitted in writing to, and be approved by, the Local Planning Authority. These details shall include a room-by-room schedule, details of cable/pipe routing, fixing methods to the historic fabric, restoration measures to retained walls and treatment of the spine wall paintings.

The development shall be undertaken in accordance with the approved details at all times.

Reason: To minimise the level of harm to the historic fabric.

Informatives

1. Informative: Positive and Pro-active working

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