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Southwest Lifestyle Brands Ltd
4 Southernhay West
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Town and Country Planning Act 1990 and its orders

FULL PLANNING PERMISSION GRANTED

LOCATION: Royal Clarence Hotel, Cathedral Yard, Exeter, Devon EX1 1HD

PROPOSAL: 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.

APPLICATION NUMBER: 22/0236/FUL

The Local Planning Authority grants planning permission for the above development subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
Reason: To comply with Section 91(1)(a) of the Town and Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in complete accordance with the approved plans listed below, unless modified by the other conditions of this permission:

Received 16.02.2022

- Location Plan (RC-KT-XX-XX-DR-A-2063-L01.01-P3)
- Proposed Site Plan (RC-KT-XX-XX-DR-A-2063-L01.03-P4)
- Proposed First Floor Mezzanine Plan (RC-KT-XX-01-DR-A-2063-L02.40-P10)
- Proposed Front Elevation (Cathedral Green) (RC-KT-XX-ZZ-DR-A-2063-L04.01-P6)
- Proposed Side Elevation (Lamb Alley) (RC-KT-XX-ZZ-DR-A-2063-L04.02-P4)
- Proposed Rear Elevation (High Street) (RC-KT-XX-ZZ-DR-A-2063-L04.03-P4)
- Section, Elevation, Plan-Details 2 (RC-KT-XX-XX-DR-A-2063-L04.101-P3)
- Section, Elevation, Plan-Details 3 (RC-KT-XX-XX-DR-A-2063-L04.102-P3)
- Section, Elevation, Plan-Details 4 (RC-KT-XX-XX-DR-A-2063-L04.103-P3)
- Section, Elevation, Plan-Details 5 (RC-KT-XX-XX-DR-A-2063-L04.104-P3)

- Demolition Basement Plan (RC-KT-XX-B1-DR-A-2063-L06.10-P6)
- Demolition Ground Floor Plan (RC-KT-XX-GF-DR-A-2063-L06.20-P6)
- Demolition First Floor Mezzanine Plan (RC-KT-XX-01-DR-A-2063-L06.40-P6)
- Demolition Third Floor Plan (RC-KT-XX-03-DR-A-2063-L06.60-P6)
- Demolition Roof Plan (RC-KT-XX-R-DR-A-2063-L06.70-P4)
- Demolition Sections 2 of 4 (RC-KT-XX-ZZ-DR-A-2063-L06.81-P5)
- Demolition Sections 4 of 4 (RC-KT-XX-ZZ-DR-A-2063-L06.83-P3)
- Demo Front Elevation (Cathedral Green) (RC-KT-XX-ZZ-DR-A-2063-L06.90-P5)
- Demo Rear Elevation (High Street) (RC-KT-XX-ZZ-DR-A-2063-L06.92-P3)
- Demo Side Elevation (Martins Lane) (RC-KT-XX-ZZ-DR-A-2063-L06.93-P4)
- Proposed Drainage Strategy (20.458/050 A)

Received 15.06.2022

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

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

Pre-commencement Details

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

Reason: To protect and preserve the listed building fabric to be retained on the site and the listed buildings around the site. These details are required pre-commencement as specified to ensure that due consideration has been given to the protection of heritage assets on and

around the site before demolition works begin and that an appropriate plan/strategy is in place to carry out these works.

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

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

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

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

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

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

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

- a) Construction vehicle numbers, type, routing;
- b) Access arrangements to the site (for construction workers and deliveries/waste collection);
- c) Traffic management requirements;
- d) A plan showing the construction site layout, including: security hoarding, alternative routes for pedestrians/vehicles where the site includes part of the highway, temporary cabins/toilets, areas for loading/unloading and storage of materials and equipment;
- e) Details of wheel washing facilities;

- f) Cleaning of site entrances, site tracks and the adjacent public highway;
- g) Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- h) Measures to control the emission of dust and dirt during construction;
- i) Measures to minimise noise nuisance from plant and machinery;
- j) Construction working hours and deliveries from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays;
- k) No burning on site during construction or site preparation works.

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

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

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

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

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

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

Pre-Specific Works

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

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

11. Air Source Heat Pumps shall not be installed on the site unless the number, location and technical details have previously been submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason: In the interests of local amenity, wildlife and the significance of heritage assets.
Advice: <https://historicengland.org.uk/advice/technical-advice/building-services-engineering/external-lighting-of-historic-buildings/>

Pre-occupation

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

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

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

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

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

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

Post Occupancy

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

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

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

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

24. 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. A legal agreement under Section 106 of the Town and Country Planning Act 1990 relates to this planning permission.
2. 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 (ie 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. 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. In accordance with Paragraph 38 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.

Signed

A handwritten signature in black ink that reads "Roger Clotworthy". The signature is written in a cursive style and is positioned above a solid black horizontal line.

Roger Clotworthy

Exeter City Council
Service Lead- City Development

Date: 25th August 2023

**Notification where planning permission refused or granted subject to conditions
Town and Country Planning Act 1990**

**Article 35(3) of The Town and Country Planning (Development Management Procedure)
(England) Order 2015 (as amended)**

Appeal

If you are aggrieved by the decision of the Local Planning Authority to either refuse planning permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990. Only the person who made the application can appeal.

To submit an appeal, via the below link:

<https://www.gov.uk/appeal-planning-decision>

Appeals must be made using a form, which can either be completed and submitted online or can be sent to you in the post by the Planning Inspectorate. To request a form, please contact the Planning Inspectorate using their contact details below:

The Planning Inspectorate, Room 3/13, Temple Quay House,
2 The Square, Temple Quay, Bristol, BS1 6PN

Planning Inspectorate customer support team: 0303 444 5000
enquiries@planninginspectorate.gov.uk

A copy of the completed form and all supporting plans and documents must also be sent to the Local Planning Authority. The Planning Inspectorate will be able to advise you on the best way to do this. Please use the Council's contact details at the top of the decision notice.

If you want to make an appeal you must do so within **6 months** of the date of this notice, unless it is a **householder appeal** in which case you must do so within **12 weeks** of the date of this notice. The date is at the bottom of the decision notice. Please note that if you intend to submit an appeal which you would like examined by inquiry then you must notify us and the Planning Inspectorate at least 10 days before submitting the appeal (inquiryappeals@planninginspectorate.gov.uk). Further details are on GOV.UK: <https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries>

If an enforcement notice has been served relating to the same or substantially the same land and development as in your application, and you want to appeal against the Local Planning Authority's decision on your application, then you must do so within **28 days** of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application, and you want to appeal against the Local Planning Authority's decision on your application, then you must do so within whichever period expires earlier out of the following:

- 28 days of the date of service of the enforcement notice, or
- 6 months of the date of this notice, unless it is a householder appeal in which case 12 weeks of the date of this notice.

Most appeals are determined by Planning Inspectors on behalf of the Secretary of State. Guidance on planning appeals is available on the Planning Practice Guidance website: <http://planningguidance.communities.gov.uk/blog/guidance/appeals/>

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by the Secretary of State.

Purchase Notices

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter 1 of Part 6 of the Town and Country Planning Act 1990.