

# Planning Committee Report (22/1145/FUL)

## 1.0 Application information

**Number:** 22/1145/FUL  
**Applicant Name:** Welbeck CP (Haven Road) Ltd  
**Proposal:** Comprehensive redevelopment to deliver a new, mixed use neighbourhood, comprising demolition of existing buildings and construction of four residential-led mixed-use buildings of 2 to 6 storeys, including retail, café/restaurant and flexible commercial units (Class E), residential (Class C3) and co-living (Sui Generis) accommodation, pedestrian square and public realm, amenity areas, landscaping, access, parking, servicing and associated works (revised plans).  
**Site Address:** Haven Banks, Water Lane, Exeter, EX2 8BY.  
**Registration Date:** 1 August 2022  
**Link to Documentation:** <https://exeter.gov.uk/planning-services/permissions-and-applications/related-documents/?appref=22/1145/FUL>  
**Case Officer:** Howard Smith  
**Ward Member(s):** Cllr Diana Moore, Cllr Tess Read, Cllr Amy Sparling

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

## 2.0 Summary of recommendation

DELEGATE to officers to GRANT permission subject to completion of a S106 Agreement relating to the 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.

## 3.0 Reason for the recommendation:

It is considered that the benefits of the development by providing residential accommodation as part of a mixed-use regeneration of a previously developed but underused site in this highly sustainable location clearly and demonstrably outweigh the identified harms through flood risk and all other harms when assessed against the policies of the NPPF and the Development Plan taken as a whole. As such, this application is recommended for approval in line with NPPF 2023 paragraph 11 d).

## 4.0 Table of key planning issues

Issue	Conclusion
-------	------------

Issue	Conclusion
Principle of development – loss of existing retail/leisure uses.	There is no planning policy objection to the loss of out of centre retail provision. The majority of units in the existing building have been vacant for several years. Therefore, there will be minimal loss of jobs and new jobs will be created in the proposed development.
Principle of development – redevelopment of site for residential and commercial uses.	Redevelopment for residential led mixed use development in this highly sustainable location including 184 co-living beds and 239 flats conforms to the spatial principle of redeveloping brownfield sites in preference to greenfield sites around the edge of the city and is strongly supported in national and local planning policy.
Flood Risk & Surface Water Management	<p>The site is in Flood Zone 3a protected to a 1 in 100 year flood event level by recently upgraded flood defences. The site currently benefits from a dry escape route in a 1:100 year flood event. However, the future effects of climate change on flood risk means that this will not be the case through the 100 year design life of the buildings. A minimum resident finished floor level for flood resilience of 8.68m AOD for the residential elements of the development is proposed. Residential development is classified in Planning Practice Guidance as a more vulnerable use, and commercial (Class E) uses as less vulnerable.</p> <p>The application has submitted a sequential site search that has not identified any alternative sites with lower flood risk. The residential use is classified as 'more vulnerable' and the NPPF guides that such development is only acceptable in areas of flood risk if the Exception Test is also passed.</p> <p>The regeneration of an underused brownfield site for residential development in a highly sustainable location and constructed to BREEAM Excellent standard is considered to outweigh the harm through risk of flooding. The applicants Flood Risk Assessment has shown that the development does not increase the risk of flooding elsewhere and the Environment Agency is satisfied by that assessment.</p> <p>As such the development is considered to have passed the sequential and exception tests.</p> <p>The Environment Agency has withdrawn its objection subject to the recommendations of the Flood Risk Assessment being secured by condition and a contribution being secured to deliver the strategic flood escape route, or other agreed emergency planning solution that ECC considers acceptable, in a timely manner to ensure that the development is safe during the design lifetime of the development (100 years).</p>

Issue	Conclusion
	<p>The provision of a raised development platform, and the contribution towards a future strategic dry flood escape route are of benefit to the existing residential population in the Water Lane area as well as future residents in a flood event, which should be accorded significant weight in determining this application.</p> <p>Devon County Council as Lead Local Flood Authority has advised that the proposed surface water management strategy is acceptable in principle. The details of the proposed scheme of surface water management can be secured by pre-construction.</p> <p>On this basis the proposed development is considered to accord with the aims of saved Policy EN4 of the Exeter Local Plan First Review and Section 14 of the NPPF, which deals with flood risk.</p>
Scale, design, layout, character and appearance	<p>The application seeks to comprehensively redevelop the site, demolishing existing low rise commercial buildings and surface car parking to replace them with a residential-led mixed-use proposal with associated landscape, and public realm.</p> <p>The Layout, Density, Height, scale and massing, Amenity of residents, Landscape proposals are considered appropriate for the redevelopment of this brownfield site and good quality overall.</p> <p>Paragraph 134 of the NPPF guides that significant weight should be given to development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes; and/or ... designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings. . Extensive discussions have been carried out with officers to improve the design of the scheme since it was submitted and officers are now highly satisfied with the design and consider it conforms with Liveable Exeter principles.</p>
Impact on Heritage Assets	<p>Current development on the site makes a negative contribution to the setting of the Riverside Conservation Area and the setting of the Locally Listed Electricity Generating Building.</p> <p>The proposed development is considered to respect the character of the area and incorporate uses that support the</p>

Issue	Conclusion
	<p>existing high quality historic environment. It provides a permeable, attractive, and safe public realm that adds to the interest of the area and environment.</p> <p>The revisions have reduced the impact of the scheme on the historic environment to acceptable levels, and whilst there will be some change to the context of the heritage assets, that change does not equate to significant harm. This should be given weight in decision making.</p> <p>A Written Scheme of Investigation of the archaeology can be secured by condition.</p>
Impact on existing residential amenity	<p>The proposed development will result in a reduction in direct sunlight and reduction in diffuse light levels to some neighbouring properties. The proposals will result in a small number of windows at existing properties experiencing a reduction in light levels that will be noticeable. In the case of two windows at separate properties the affect is moderately adverse. At one property already low levels of sunlight in the garden reduced by half, and 4 would have the percentage of the garden receiving 2hrs of sunlight reduced to close to the 50% target level. Whilst it is considered that the overall levels of light in those dwellings are not considered to be reduced to a level as to render living conditions unacceptable, these are harms that will be experienced by occupiers. This should be given weight in decision making.</p> <p>The arrangement of buildings is not considered to give rise to a degree of overlooking, loss of in building privacy or overbearing impact that is not acceptable in an urban setting. In this respect the proposed development accords with the aims of saved policy DG4 of the Exeter Local Plan 1<sup>st</sup> Review and this should be given weight in decision making.</p> <p>Subject to the proposed conditions, the potential for noise from the development to affect neighbouring occupiers has been assessed to be acceptable and the conditions to give a basis for enforcement should nuisance arise.</p>
Affordable Housing	<p>The applicant has offered 20% of the Build-to-Rent flats and the Co-Living Units as Affordable Housing. This accords with national Planning Practice Guidance and is consistent with other Build to Rent developments granted permission in the city. Of the flats 10%, and for the affordable co-living 5% will be disabled accessible standard. The affordable housing can be secured in a s106 legal agreement.</p>

Issue	Conclusion
Economic impacts	The commercial units will provide employment opportunities and the development will provide economic benefits in construction phase. The development of these additional residential units, including affordable housing, will support the labour supply in the local economy.
Pollution	<p>The site is identified as likely to be subject of ground contamination however officers and the Environment Agency are satisfied that the development proposed can be permitted subject to conditions.</p> <p>Through reduced vehicular traffic movements in the peak hours, the development would therefore not reduce air quality.</p>
Community balance	The proposed development includes a mix of dwelling sizes and is not considered to result in an over concentration of a particular residential use type in the area.
Access and Parking	<p>The development will result in the loss of 220 car parking spaces associated with the current retail park and reprovision of 32 car parking spaces for the use of the proposed development.</p> <p>This privately owned car park is underutilised by the retail park, as the retail park is currently underoccupied. The area is accessible by walking and cycling and public transport including Park and Ride, and is supported by alternative car parks. It is not considered that the loss of the car park will materially affect the accessibility of the Canal Basin and Quay area or can be resisted for any planning reason.</p> <p>The development proposes to provide 32 parking spaces on site accessed form Water Lane, including five car club spaces and two disabled spaces. Low car development, supported by good sustainable transport provision, is considered appropriate on this accessible brownfield site. The on-street parking in this area is controlled and the development can be excluded from eligibility for residents parking.</p> <p>Good provision both in quantum and location is made for resident's cycle parking.</p> <p>The development includes improvements to permeability of the site by pedestrian and cycles both in routes and the attractiveness and public safety of those routes.</p>

Issue	Conclusion
	<p>The development is not considered to give rise to any unacceptable impact on highway safety and the residual cumulative impacts on the road network are not severe and hence it is not considered that there are any grounds for refusal of the application for Highways reasons.</p>
Impact on Ecology, Trees and Biodiversity	<p>The site contains trees that make an amenity contribution and are subject of a Tree Preservation Order. The position of the trees would significantly restrict the development of the site if they were all required to be retained. Management of the trees has not been to a high standard.</p> <p>The proposed development will result in the loss of 16 trees assessed to be of moderate quality and low quality. The layout has been amended to retain a prominent Norway Maple tree on the Haven Banks frontage. Nine trees on the boundary with the residential properties on Stream Court and Diamond Road are proposed to be retained but if damaged will be replaced.</p> <p>The proposed landscaping scheme for the site includes new tree planting including locations for up to 26 trees and includes trees positioned in locations with opportunity to grow to substantial height and spread. This will give a strong landscape structure to the site. Trees are introduced on the boundary with Chandlers Court. New tree planting is also proposed to the central public circulation spaces and in the Water Lane frontage.</p> <p>The proposed development includes a 24.73% biodiversity net gain.</p> <p>Contributions to mitigate the identified impacts of the proposed residential development on the Exe Estuary SPA can be secured.</p>
Housing supply	<p>The Council cannot currently demonstrate a five-year housing land supply, and the 'tilted balance' in favour of development as set out in the NPPF is therefore engaged when considering the application.</p> <p>The development would provide 184 units of co-living accommodation and 239 flats which would make a substantial contribution towards meeting the housing shortfall, and should be afforded substantial positive weight in the planning balance.</p>
Sustainable Construction and Energy	<p>The proposed development includes Air Source Heat Pumps and 56kW of solar photovoltaic panels. The development relies on electrical power. Through these measures and passive</p>

Issue	Conclusion
Conservation	<p>design and other energy efficiency measures the applicant has estimated the design will allow for a 53.95% carbon reduction from a base Part L 2021 compliance build. BREEAM Excellent standard is required by the Core Strategy for the non-residential elements of the development. The site can be secured to be able to connect to a future District Heat Network</p> <p>A sustainable construction waste strategy will be secured by a condition.</p>
CIL and S106 contributions	<p>A Section 106 legal agreement can secure:</p> <ul style="list-style-type: none"> <li>• Sustainable Transport measures contribution £100,000.00 towards pedestrian and cycle improvements in the vicinity of the site</li> <li>• On-site Affordable Housing of 20% of units for Build to Rent development</li> <li>• Contribution, in combination with other developments in the Water Lane Area, to the delivery of Strategic Flood Escape Route for Water Lane Area in a timely manner. Sum to be confirmed following options appraisal and technical design</li> <li>• £76,448.84 – towards provision of Equipped Children's Play Space, and Informal Youth Facilities,</li> <li>• Provision of five car club vehicles with parking spaces and charging infrastructure</li> <li>• Provision of 6 electric hire cycles, parking and charging infrastructure</li> <li>• Travel Plan for residents, including provision of initial period car club membership to residents.</li> <li>• £187,256.00 for local GP surgeries expansion</li> <li>• £533,006.25 to Devon County Council Education towards the provision of primary school infrastructure</li> <li>• £25,250.00 towards Early Years education to ensure delivery of provision for 2, 3 and 4-year olds</li> <li>• Access control Improvements and additional tree planting in Piazza Terracina, £52,000.00</li> <li>• Traffic Orders</li> <li>• Management Plan (co-living)</li> <li>• Pedestrian rights of way through development</li> <li>• Habitats Mitigation for residential where CIL is not payable.</li> </ul> <p>The development will also generate approximately £787,500 in CIL.</p>
Development Plan, five year housing land supply, and	<p>NPPF paragraph 11 states: Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking, this means: c) approving development proposals that</p>

Issue	Conclusion
presumption in favour of sustainable development	<p>accord with an up-to-date development plan without delay.</p> <p>The proposal subject to the imposition of conditions is considered to accord with the Development Plan as a whole.</p> <p>The Council cannot currently demonstrate a five-year housing land supply, though the shortfall is considered to be modest, the 'tilted balance' in favour of granting consent as set out in the NPPF has to be applied when determining the application.</p>

## 5.0 Description of site

The 1.7 hectare site is located outside and approximately 0.5 mile to the south of the city centre. It lies between Haven Road and Water Lane 'west' of the River Exe and close to the historic Canal Basin area.

The existing site is currently under-occupied with buildings currently or previously in use for leisure (10 Pin Bowling) and retail uses in a single storey portal frame buildings with surface car parking. Current vehicular access is from both Water Lane and Haven Road. With service vehicles accessing the site from Water Lane.

Historically southern parts of the site have been open ground associated with the Electricity Generating Building which used to occupy the northern part of the site in its former larger footprint.

To the northeast the site frontage faces Haven Road and adjoins the rear of the climbing centre (former Electricity Generating Building) which is Locally Listed. Residential developments on Haven Road are three and four storeys in height. To the northwest the site is adjoined by residential development which is two storey in Stream Court and Diamond Road, with adjacent flats fronting Water Lane being three storey. To the southeast the site is adjoined by two storey residential development in Chandlers Walk. Water Lane in the vicinity of the site is two and three storey residential with some commercial, storage and light industrial uses.

The site is adjacent the boundary of Riverside Conservation Area which includes all the land north of Haven Road but also the climbing centre in the former Electricity Generating Building.

There are 16 trees TPO trees [TPO 561] which are within or on the edge of the current car parking areas.

The land is identified as potentially contaminated and Alphington Road is designated as part of the Air Quality Management Area.

The Site is in Floodzone 3, protected by the River Exe Flood Defences.

The north end of the climbing centre building contains electricity distribution infrastructure, this the access to, the routing of electricity cables and the associated wayleaves, together with fire escape from the upper level of the Climbing Centre all constrain development in that area.



## 6.0 Description of development

Comprehensive redevelopment to deliver a new, mixed-use neighbourhood, comprising demolition of existing buildings and construction of four residential-led mixed-use buildings of 2 to 6 storeys, including retail, café/restaurant and flexible commercial units (Class E), residential (Class C3) and co-living (Sui Generis) accommodation, pedestrian square and public realm, amenity areas, landscaping, access, parking, servicing and associated works (revised plans).

The proposed development is arranged as four blocks that are set out to allow pedestrian and cycle circulation from Haven Road behind the climbing centre building into a new public space. This space is activated at ground floor level by commercial uses (with residential uses above). A pedestrian and cycle route through the centre of the southern part of the site to Water Lane is landscaped and flanked by two residential blocks, including residential uses at at ground floor level. Vehicular access from Water Lane is proposed to a service and parking space on the southeast boundary. A block (A) fronting Haven Road rises to five full storeys, at the rear of the climbing centre and block D backing on to the northwest boundary is proposed as five, with the uppermost being recessed. Centrally block C is proposed rising to six storeys centrally as a recessed part storey over a predominantly five storey block the reduces in height towards the rear boundaries.

### Block A

Block A provides 21 flats, 224 square metres of commercial floorspace, 21 cycle storage spaces and refuse storage. 86 square metres of external private amenity space and 382 square metres of communal external amenity space is provided. This block has been redesigned since first submitted to reduce the footprint, increase height to five storey and retain an existing street tree in landscape. The residential entrances are from Haven Road and ground floor commercial units face south into a public space. Commercial Servicing is from Haven Road.

The façade facing the rear of properties on Diamond Road steps down and arranges windows to reduce potential impacts of overlooking or overbearing.

### Block B

Building B is arranged over four storeys with residential over a partially commercial ground floor. It provides 20 flats, 222 square metres of commercial floorspace in a single unit, 20 cycle storage spaces and refuse storage. The residential access is via a front door located centrally to the building, and there is a rear service access serving both the commercial and residential uses.

### Block C

Building C is a linear arrangement cranked and articulated and arranged principally over five storeys stepping down to two storeys where it extends closest to dwellings on Chandlers Court, and with a partial sixth storey centrally. It provides 198 flats, 222 cycle storage spaces and refuse storage. External private amenity space is provided as ground level gardens either side of a communal lounge and workspace, and as a roof terrace. A Gym space is proposed at ground floor level to activate the circulation spaces.

## Block D

Building D provides 184 units of co-living accommodation arranged as four full storeys with an additional recessed fifth storey. The building is divided by a central single storey entrance space and the residential accommodation is supported by 878 square metres of communal internal amenity space, 868 square metres of external communal amenity space and 184 cycle parking spaces, 70 square metres of commercial floorspace and a site management office. Communal amenity spaces include a resident lounge and workspace, cinema, meeting room, launderette on the ground floor. The management suite is also situated on the ground floor. Kitchen and lounge spaces are provided for residents on each part of the upper floors. Communal outdoor space is provided at ground floor courtyard, first floor podium and upper floor terraces. The commercial floorspace as a single 'lock up' unit on the elevation closest to Haven Road activating the public spaces.

The application was submitted in August 2022, and revised in February 2023 and again in June 2023.

## 7.0 Supporting information provided by applicant

The application is supported by:

- Plans, sections and elevation drawings.
- Planning Statement
- Design and Access Statement and Addendum
- Air Quality Assessment
- Tree Survey
- Land Contamination Assessment
- Ecological Assessment
- Sustainability appraisal
- Overheating report
- Fire Statement
- Flood risk assessment
- Heritage statement
- Landscaping details
- Noise impact assessment
- Statement of community involvement
- Transport assessment
- Delivery Servicing Management Plan
- Framework Travel plan
- Site waste management plan
- Verified Views
- Sequential site search
- Flood Warning and Evacuation Plan

## 8.0 Relevant planning history

23/1114/FUL	Change of use of Units 1 and 2 from retail (Class E) to a place of worship and ancillary uses (Class F1) (temporary period of	Pending
-------------	---	---------

twelve months).

## **9.0 List of constraints**

Flood Zone 3  
Exe Estuary Habitat Buffer  
Smoke Control Area  
Potential Contaminated Land  
Aerodrome Safeguarding Area  
Tree Protection Order 561  
Locally Listed Building – Electricity Generating Building  
Riverside Conservation Area  
Air Quality Management Area

## **10.0 Consultations**

All consultee responses can be viewed in full on the Council's website.

### **Environment Agency**

Based on the information now submitted, and assuming your Authority is satisfied with the emergency planning implications associated with the application, we consider that the proposed development will be acceptable provided that: A financial contribution towards a safe access and egress route, and provision of a means to tie-in the development with it, (or other agreed emergency planning solution) are secured via a S106 Agreement; and planning conditions are included within any permission granted in respect of: Construction management, Final levels and flood flow route; Flood resistance and resilience measures; site investigation and remediation; piling; and unsuspected contamination.

### **Historic England**

Historic England's interest relates to the impact of the proposal on the grade II\* listed Colleton Crescent and the character and appearance of the Canal Basin, part of the Riverside Conservation Area. The scheme will form a notable addition into the locality, but steps have been taken to reduce the overall harmful impact that it could cause to the experience of the Canal Basin and the grade II\* listed Colleton Crescent (NPPF, Para 195). The council in their consideration of the application should therefore be satisfied that the proposed scheme meets the requirements of Para 8, NPPF, advocating a more considered balance of the overarching objectives and therefore delivering a sustainable development. This should include opportunities to enhance or better reveal significance of the affected heritage assets (NPPF, Para 130, 197(c) and 206). In Historic England's view, the council should determine the application in line with national and local policy and legislation.

### **Natural England**

This advice relates to proposed developments that falls within the 'zone of influence' (ZOI) for one or more European designated sites, such as Exe Estuary SAC. It is anticipated that new residential development within this zone is 'likely to have a significant effect', when considered either alone or in combination, upon the qualifying features of the European Site due to the risk of increased recreational pressure that could be caused by that development

and therefore such development will require an appropriate assessment. Your authority has measures in place to manage these potential impacts through a strategic solution which we have advised will in our view be reliable and effective in preventing adverse effects on the integrity of the relevant European Site(s) from such impacts associated with such development.

Providing that the appropriate assessment concludes that the measures are secured as planning conditions or obligations by your authority to ensure their strict implementation for the full duration of the development, and providing that there are no other likely significant effects identified (on this or other protected sites) as requiring to be considered by your authority's appropriate assessment, Natural England indicates that it is likely to be satisfied that your appropriate assessments will be able to ascertain that there will be no adverse effect on the integrity of the European Site (from recreational pressure in view of its conservation objectives). Natural England will likely have no further comment regarding the Appropriate Assessment, in relation to recreational disturbance.

### **Active Travel England**

No response received.

### **NHS – Devon Integrated Care Board**

This development is in the catchment of: Ide Lane Surgery, St Thomas Health Centre, Southernhay House Surgery, Barnfield Hill Surgery which have a total capacity for 32,050 patients. The current patient list size is 44,347 which is already over capacity by 12,297 patients (at 138% of capacity). Additional GP space required to support this development and a total contribution required has been calculated as £186,257.00

### **Royal Devon University Healthcare NHS Foundation Trust**

The Trust is currently operating at full capacity in the provision of acute and planned healthcare. The contribution is being sought to provide health infrastructure services and facilities needed by the occupants of the new homes. The development directly affects the ability to provide the health service required to those who live in the development and the community at large. Without contributions to maintain the capacity by delivery of health care services at the required quality standard and to secure adequate health care for the locality the proposed development will place increased pressure on the said health infrastructure, putting patients at increased risk. This development imposes an additional demand on existing over-burdened healthcare services, and failure to make the requested level of healthcare provision will detrimentally affect safety and care quality for both new and existing local population. This will mean that patients will receive substandard care, resulting in poorer health outcomes and pro-longed health problems. Such an outcome is not sustainable as it will have a detrimental socio-economic impact. The Trust acknowledges that housing developments are constructed and occupied in phases and therefore is willing to negotiate staged payments of the total sum claimed. The money will be spent to meet the marginal costs of increasing the capacity by direct delivery of healthcare for the additional population. As the calculation is directly linked to the patient address, it is also easily verified. This will include the cost of medical, nursing and other health professional staff, which may be incurred at a premium rate. The money will also meet increases in other direct costs associated with healthcare delivery, for example, diagnostic examinations, consumables, equipment and maintenance. In the circumstances, without the requested contributions to

support the increasing the capacity the planning permission should not be granted. The contribution requested for this proposed development of is £203,848.

### **Public Health Devon**

We note the improvements [through amendments] to cycle access, storage, general amenity, and increased communal spaces. In relation to air quality, of increasing concern in terms of public health, note the use of electrically powered air source heat pumps that should reduce potential impacts on local air quality. The overall air quality within the area is further managed by inclusion of a travel plan, that should sit within the wider air quality management measures of the City and County Council's.

### **Devon & Somerset Fire and Rescue**

The drawings on the planning portal would appear (without prejudice) to satisfy the criteria we would require for B5 access under Building Regulations. The Fire and Rescue Authority is a statutory consultee under the current Building Regulations and will make detailed comments at that time when consulted by building control (or approved inspector).

### **Police Architectural Liaison Officer**

Co-living arrangements is a relatively new concept in the city. I note within the DAS that '*Co-living offers a platform for younger professional generations in particular, but not exclusively*'. From a policing perspective, if the development is available to anyone over the age of 18, this could lead to people with a wide mix of lifestyles, health needs, dependencies, safeguarding issues being housed together sharing communal space which could cause conflict. Therefore, details on what vetting will be conducted and how the site will be managed, including clear management policies and procedures will be crucial to its running. The DAS also states that '*creating a professional, well connected, respectful community is key to successful communal living*'. Given the nature of Co-Living developments it seems likely that the resident population could be somewhat transient with potentially a high turnover of individuals. This can make creating a feeling of community somewhat challenging. Shared amenity space is a key element of the Co-Living model, so detailing ways in which a sense of community and ownership can be created needs to be considered and demonstrated. If such a sense is not created, it leaves the development vulnerable as residents don't identify with communal space and become disassociated from them leading to an increase in crime and anti-social behaviour.

Advice given and conditions requested regarding physical security, mail delivery, lighting, CCTV, management, access control, and landscape detail.

### **South West Water**

SWW have no objection subject to the foul and surface water being managed in accordance with the submitted drainage strategy. Advice regarding protection of SWW assets provided.

### **Wales and West Utilities**

No response received.

### **Western Power Distribution**

No response received.

## **DCC Highways & Transport**

The applicant has provided a detailed Transport Assessment as part of the application which is broadly acceptable. The existing site generates a significant level of movement in the AM and PM peak hours and it has been demonstrated that the site would represent a reduction of vehicle movements. It should be noted that there is an increase in the overall movements to and from the proposed development but this includes sustainable modes of transport such as pedestrians and cyclists. The reduction in vehicle movements would mean that there would be less vehicles on the surrounding network and less of an impact on surrounding junctions. The National Planning Policy Framework (NPPF) states that a planning application can only be refused on highway grounds if the impact is severe. It would be unreasonable to refuse the planning application on highways grounds when the development represents a decrease in vehicle movements.

### Design

Currently Haven Road runs to the north of the proposed development and serves other residential areas. The proposal would have a section to the north that would become pedestrianised to allow for the greater movement of Non-Motorised Users (NMU's) to access other networks such as the cycle network and Exeter City. The Highway Authority does not have an objection in principle to this, but the detailed design (post-planning should the members be minded to grant consent) would need to ensure that the appropriate Road Safety Audits and detailed drawings are submitted in order to facilitate this. The type of surface used would also need to be considered and during the detailed design as not all surfaces are adoptable by the Highway Authority but there may be a need for a demarcation between surfaces for the benefit of all users. There would appear to be sufficient permeability within the site that would allow for the movement of non-motorised users from Water Lane to use the wider network. Looking at other uses in the vicinity of the site this will help facilitate NMU's from surrounding areas. A waste management plan shows the proposed movements that a refuse lorry would take and it has also been demonstrated that the largest vehicle that would access the site has been tracked and can show that there would be no highway safety concerns over this movement and such would not be contrary to the NPPF. When looking at the internal aspects of the development, there are sections of proposed road with turning heads that could be offered up to the Highway Authority for adoption. They may not be fully in line with the adoptable standards for Devon County Council as the Highway Authority, but this would not be a reason for the Highway Authority to recommend refusal.

### Parking

The applicant has provided details of a reduced parking scheme for vehicles with limited parking. Although sustainability would be an area the LPA would comment on, it should be noted there are links to the city for NMU's as well as other travel methods. The parking for the development is reduced and there will be limited parking within the development. It is noted that there will be the removal of a public car park within the site that will reduce the numbers of parking spaces available. There are a number of car parks available within close proximity to this development and from my onsite observations it would be within walking distance.

### Traffic Regulation Orders

With the change of the priority of Haven Road and the pedestrian priority, The developer must solely provide the monies for all Traffic Regulation Orders (TRO's) within the proposed site and to resolve any impacts of the development on the highway network within the appropriate vicinity. It would not be for the Highway Authority to sponsor any TRO's as result.

### **DCC Flooding and Coastal Risk**

Following the submission of additional information in relation to the surface water drainage aspects we have no in-principle objections to the above planning application at this stage, assuming that a recommended pre-commencement planning condition is imposed on any permission.

### **DCC Waste Planning Authority**

Within the waste management plan submitted, the applicant has considered the approaches to minimise waste where possible as well as demonstrating the management of waste in accordance with the waste hierarchy. It is also noted that only 44% of the waste will be recycled, with the rest being sent to landfill. Policy W4 of the Devon Waste Plan requires that for any waste materials that are unsuitable for reuse, recycling or recovery, the applicant should provide confirmation of the location for their disposal. We therefore request that the Waste Management Plan is updated to provide details of the landfill site.

### **DCC Public Health**

This is a positive use of a brown field site that is going to provide a large amount of affordable housing and retail units. The development will provide an urban setting that encourages the use of sustainable travel using existing cycling and walking infrastructure together with opportunities for employment within a central city location. New developments should provide high-quality, human-scale buildings with healthy working and living, internal and external, environments that will promote the long-term health and comfort of their occupants. Recommendations regarding ventilation, affordable housing, sustainable travel, landscaping, and retail unit occupation.

**DCC Education** In order to make the development acceptable in planning terms, an education contribution to mitigate its impact will be requested. This development is adjacent to the wider Water Lane strategic allocation. The strategy to mitigate the education impact of Water Lane is for new primary provision which will serve both the allocation and the proposed Haven Banks development. Devon County Council will therefore seek contributions to support the additional primary education infrastructure required. The primary contribution sought is based on the DfE new build rate of £20,305 per pupil. This equates to a per family type dwelling rate of £5,076.25.

A contribution towards Early Years education would also be required to ensure delivery of provision for 2, 3 and 4-year olds. A contribution of £250 per dwelling would be requested towards Early Years. This would be used to provide additional early years provision for children generated by the proposed development which would be delivered at the proposed new primary school.

There is sufficient secondary capacity to accommodate the number of secondary pupils expected to be generated from this development. Therefore a contribution towards secondary education will not be sought against this development.

All contributions will be subject to indexation using BCIS, it should be noted that education infrastructure contributions are based on June 2020 prices and any indexation applied to contributions requested should be applied from this date.

### **ECC Heritage**

Given the proposed height and massing the submitted scheme has the capacity to affect numerous heritage assets. I have considered the supporting information and can confirm that the heritage assessment methodology is both appropriate and commensurate. The scheme has been reduced in scale and impact in response to previous concerns, most notably the effect upon the setting of the Grade II\* Listed Colleton Crescent, Canal Basin, and the historic quay. In my view the revisions have reduced the impact of the scheme to acceptable levels, whilst there will be some change to the context of the heritage assets, that change does not equate to significant harm.

The archaeological potential of the development envelope will require further investigation, the current brownfield uses of the area has precluded pre application evaluation; this must be addressed as the sites come forward for redevelopment and I suggest these investigations should be secured by condition. The findings of each stage should be used to inform a research strategy for the development as a whole and be collated into a single report and archive made available to the residents and the wider community. In this way any harm can be mitigated and the cumulative effect of the development would meet the provisions of (NPPF, Para 130, 197(c) and 206).

### **ECC Environmental Health**

Recommend approval with conditions: Contaminated Land, cumulative noise limits, sound insulation, ventilation details, use of external spaces, kitchen extraction to high level, commercial kitchen smoke, odour and grease emissions details, Construction Method Statement, light spill impact assessment.

### **ECC Trees Manager**

The re-design attempts to retain more of the existing trees on the site boundaries, however my arboricultural objection still stands for the following reasons: The amended site layout still fails to retain significant and important trees, on the Haven Road and Water Lane frontages. The spatial relationship between the proposed building layout and trees to be retained on the northern boundary is poor. There is a lack of consideration for root protection areas (RPAs), working space (during development), future growth potential and the inevitable ongoing conflicts between the trees and the buildings as a result. The building footprint dominates the site, with minimal space allocated and available for large tree planting, where they can reach their full potential. Much of the proposed planting appears to be within the development, where it will be obscured from wider view and tree growth is likely to be restricted, by the density of proposed planting, the surrounding buildings and hard landscape. Therefore, the proposed tree planting is expected to offer little in the way of visual amenity and replacement value for the removed trees.

### **ECC Waste and Recycling**

The plans show a mixed development and I recommend that commercial waste is stored separately to domestic waste. Domestic bins stores need to be easily accessible for the



collection crews, pull out distance is indicated in the attached document. Bin capacity is calculated on 60 litres per person per fortnight for refuse and 60 litres per person per fortnight for recycling. Provision for a separate food waste collection in 140 litre bins also need to be taken into account as this will be mandatory from 2025.

### **Exeter Civic Society**

The amendments have addressed some of our concerns. We are disappointed that despite offering 1-3 bedroom apartments, the proposals still do not provide any children's playground or teenager amenities. We do not see how the NPPF guidance for 'the desirability of maintaining an area's prevailing character and setting', 'the importance of securing well-designed, attractive healthy places', and 'that developments will function well and add to the overall quality of the area, are visually attractive, are sympathetic to local character and history, establish or maintain a strong sense of place', is remotely met by these proposals. We wonder whether light levels to adjacent occupiers would be below limits in winter. We still consider the height of the development to be significantly too high. We think the impact on existing neighbourhoods should become a priority for the new development, as old and new need to integrate. The density of almost 300 units per hectare (dph) is well above what LDA Design's 2021 'Exeter Density Study' recommends as a minimum for future development in this area at 120 dph. Because of this central issue and remaining inadequacies of the proposals highlighted in our response further down, the Civic Society still objects to this application.

The very low number of cars parking may act as a negative filter for those who can live here. The developer is proposing just 2 disabled parking spaces. We support the provision of co-cars for the residents of this development, a range of vehicles should support their needs. This will result in the loss of the 205 car parking spaces that supported the area. Use of alternative Car parks will create more traffic on Haven Road. Cycle Hub not evident and not enough visitors cycle parking. Cycle parking should exceed Local Standards given low car parking levels.

We welcome the choice of passive design, air source heat pumps and of photovoltaic modules on roofs. Considering building integrated photovoltaic solutions. Contamination investigation is essential and investigation should also reveal the course and condition of the stream beneath. The water management for the site does not include considerations of grey-water recycling. In respect of waste disposal and recycling, we question whether small apartments and studios have adequate space to separate waste.

With the removal of Mallinsons Bridge pedestrians and cyclists use a narrow path to Commercial Road which is already inadequate. The application should be expected to make a contribution towards the proposed replacement to mitigate the expected increase in 'traffic' on this route. Bridges over the flood relief channel are far too narrow to accommodate additional pedestrians and cyclists. The application should be expected to make a contribution towards widening these bridges to mitigate the expected increase in 'traffic' on this route. Work is needed to ensure safe crossing points for pedestrians from the point adjacent to block A, and the footpath adjacent to The Coolings.

### **Living Options Devon**

No response received.

### **Friends of Exeter Ship Canal**

We object to the planning application for the Haven Banks comprehensive redevelopment. We believe that the proposed redevelopment stands in direct contrast to aspirations for the revival and long-term future of the canal, its basin, and the surrounding waterside area. We believe that the proposed development poses a significant impact on public health and wellbeing and pays minimal attention to the impact that this massive infrastructural change will have on the public at large and on an area of conservation that supports significant biodiversity and the waterside and waterway, as entities, respectively. We believe the proposed over-development will impinge on access for boaters and other waterway users, businesses, local communities, and visitors and therefore on the development of a bustling heritage harbourside. It will therefore be to the detriment of the sharing of new and traditional skills, more and varied use of the waterway by passenger and other boats, and of Exeter as a showcase for heritage and increasing visitor activities on and off the water. Losses such as these are for generations.

### **RSPB**

To create a further enhancement for birds and in accordance with the South and South-West Exeter Residential Design Guide SPD (Exeter City Council, 2010) nesting opportunities for birds would be created through the provision of nest boxes incorporated into the new buildings, with such features positioned so as to provide easy access to linear features or grouped as some bird species prefer. This should include six swift boxes / bricks (Vivara Pro or similar) on the northern elevation, at least five metres from ground level and not over any windows. This development comprises of four separate blocks and whilst it would be difficult to justify one box per residential unit, we strongly recommend that a finite number are agreed and made a condition of the consent. The Standard describes a box that will be used by most if not all bird species that nest in cavities in older buildings or mature trees see attached. It is not necessary to locate integral boxes on North Facing elevations, we suggest a minimum of six clusters of four boxes in sheltered positions across all four elevations of each block making a total of ninety-six.

### **Exeter Cycling Campaign**

We welcome much of the thinking and aspiration that underpins this application. The desire to build a dense, low/no-car development within walking / cycling distance of services and amenities in the city centre. City centre, dense housing is important for building our city in a way that aligns with our aspiration to be a carbon net-zero city. We particularly welcome that this scheme has car-free routes, with limited vehicle access and the attempts to make the site permeable for people walking and cycling. We welcome commitments to implement a travel plan and future monitoring but would stress that driving infrastructure has the biggest impact on increasing walking and cycling rather than weak 'encouragement' to cycle. We do have some concerns and questions about this development which centre on permeability, cycle routes and the quality and quantity of cycle parking: Not connecting to Diamond Road is a missed opportunity, Access to the site from the northeast is still poor, status of routes through the site needs to be clarified, cycle parking meets current standards but should be higher, visitor cycle parking should be located near building entrances, more room including for maintenance should be provided within cycle stores.

### **Haven Banks Residents Group**

We believe the Retail Park site should be developed to provide much-needed housing stock and we are in favour of some form of residential development on this site. However, we do not believe the developer has properly considered the characteristics of this proposal and its impacts on the rest of Exeter. Our list of concerns: Heritage and Character of The Quay area, Fire Safety, Errors and Omissions in the Submission, reduced Daylight and Sunlight

neighbouring homes, increase in flood risk to existing buildings, means of escape in case of flood should be in place before development, local utilities and infrastructure need reinforcing, inadequate local Healthcare provision, loss of car park will cause harm to Quay businesses, will not be able to host events without parking, will lead to more on street parking pressure, loss of trees, potential damage to existing properties, development does not appear to be accessible, views of development provided are deficient, no space provided for community centre, development is not in keeping with the area, size of buildings will impact on skyline and residents health, right of way through the site should be secured, development will increase traffic and deliveries.

Our concerns with co-living developments are: the sub-standard space allocated to occupants, the high density of the developments, the unaffordable rents charged for these properties, the physical size of such developments in relation to their neighbours, the impact on local infrastructure, and the experimental nature of such developments.

### **Exeter Design Quality Partnership (Design Review Panel) May 2023**

As at the first review, the Design Review Panel (now the Exeter Design Quality Partnership) supports a comprehensive redevelopment of the Haven Banks Retail Park that appears to be coming to the end of its useful life and is at odds with the scale and character of its surroundings. We commend the ambition to form 'a key part of a vibrant urban village' and to 'integrate' the site with Water Lane and the piazza at the head of the canal basin. The DQP also appreciates the aim to accentuate pedestrian and cycle dominance in the area, and to establish a strong pedestrian route through the site. We consider the net loss of 220 parking spaces to be appropriate in this location. DQP welcomes most of the changes made in response to our comments in 2022, but some aspects have not evolved as we wished to see. Since April 2022, positive aspects include the retention of the central spine and loop as un-gated public space, addition of more balconies, relationship to spaces adjacent Maritime Court, the alleviation of some long and featureless internal corridors, the enlarged provision and better location of communal space in Block D, the retention of a tree on Haven Road that contributes to the street scene, measures towards biodiversity net gain, and an all-electric scheme with at least part of the eat/energy needs met by heat pumps and photovoltaics on site. DQP recommendations include more mixed tenure, adopt strong measurable environmental sustainability criteria, refinement of Block A, Block C should be broken up, consideration should be given to wind, play space will be shaded and can be more creative. EDQP does not see height as an issue though in our view the scheme is at the limit of what may be accepted. The scheme should not encroach on views of Dartmoor from Colleton Crescent. The EDQP supports the emerging roofscape. The relationship with Diamond Road has been improved. The palette as shown for block B is of concern at this stage. Balconies will help but need further refinement. Block D has benefitted from the redesign. The service road could be designed more creatively. The landscape design approach is sound, but trees should not be lost without justification. Primacy of walking and cycling is commendable, and we welcome the shared mobility provision. The raised table crossing in Haven Road is welcome.

## **11.0 Representations**

The application has been advertised by sites notices, press notice and neighbour letters. The application was advertised in September 2022 when received and in February 2023 when substantially revised plans and additional and revised supporting information was submitted.

A total of 358 public representations have been received.

353 objections were received raising the following concerns:

- Additional traffic and pollution
- Impact of deliveries
- Site should provide affordable housing for local people
- Loss of light to all neighbours
- Loss of privacy due to the proximity and height
- Loss of parking to support
- Loss of trees
- Local services: local GPs, post office, rubbish collection, schools cannot cope
- Goes against the Council planning for a Green City.
- Design is completely incongruous
- it is completely out of keeping with any buildings nearby
- Co-living accommodation of this type has no place anywhere in our city
- You cannot live in co-living permanently without it affecting your mental health.
- This will put people off from visiting the historic quay
- It will make the area more urban than rural.
- It will increase more anti-social behaviour.
- Loss of privacy
- Noise and pollution during construction
- We will lose our wildlife which is struggling as it is.
- We do not need another London city,
- Everyone comes to Exeter as it has a perfect balance between urban and rural
- Loss of privacy to surrounding houses
- The proposed height of the buildings is too high
- Noise and disturbance
- Should not be access through Diamond Road
- Loss of light to surrounding houses
- Not in keeping with the local area
- Inadequate parking for the development
- Public transport in the area is inadequate and unreliable, another reason why the residents would be relying on travel by car.
- Construction traffic
- These buildings are ugly high rise hutches
- Impact on traffic, only one road in and out of area
- Getting rid of one of the only carparks by the quayside will obviously affect tourism.
- Lack of amenities
- This development does not fit comfortably within the plot or with the character of the local area.
- Water Lane already is subject to flooding and is not a safe escape route
- It is unduly large
- Very out of proportion with existing buildings
- It would have a serious adverse effect of the appearance of the Quay area, and Exeter City generally.
- The massing, density, extreme height, lack of outside light and space for the residents, and lack of internal natural lights within accommodation and corridors, show a development of poor design and quality.
- The architectural design is visibly unsympathetic and unattractive.

- The area is regarded of much importance to Exeter, historical and attractive, and any proposed development must therefore be of high quality and in keeping with the existing buildings.
- There would be a significant loss of privacy to immediate neighbouring homes
- There would be an overbearing impact and loss of sunlight and daylight due to the density and height of the proposal.
- The shadowing would not only effect existing homes, buildings, roads but within the development itself
- Loss of the existing parking on the site will be an issue - visitors require parking.
- Parking will spill out into other roads causing significant issue.
- Resident car ownership bring a significant increase in traffic,
- Parcel and food deliveries will bring hundreds of vehicles and vans into the area on a weekly / monthly basis.
- The traffic impact study therefore appears flawed vs reality.
- Highway safety will also be compromised.
- Congestion already slows the emergency vehicles in the area
- Noise and general disturbance will increase due to a large increase in population on a small site, with outside communal terraces.
- Loss of trees is a concern, are there protection orders on the mature trees?
- A development of this size and nature, would also need the supporting infrastructure and
- There is a need for increased housing provision in Exeter, but for Exeter, this is completely the wrong site for such a proposal,
- This area needs development but this feels greedy and about profit not people.
- This development would be a long term disaster for the Quay which is the jewel of Exeter.
- Need better routes to supermarkets
- Haven Road already is very difficult to use, for bikes and cars, it's narrow and in places only suitable for one vehicle and there is an industrial estate that attracts lorries and vans that all have to negotiate the traffic by the quay.
- This development hopes to encourage people to walk by providing so few parking spaces but that is just a hope.
- So many more residents in the area could impact on the usability of the quay.
- The development is massive and there is no sufficient infrastructure to support it.
- The height of the proposed development will block the view and the privacy of neighbours
- The development is massive and too dense which is incompatible with the protection of heritage and character
- Parking and congestion are already lived realities for local residents and workers.
- Out of keeping with area of historic buildings and Victorian Housing
- Access by bus is poor
- Building will tower over neighbours causing loss of light
- This will spoil the character of the quayside
- It is not justifiable that no parking is required for the 400+ flats.
- Only one entrance and one exit to Haven Banks together with the busy Alphington Street/Alphington Road will further increase the congestion problem to the area.
- Noise and general disturbance will increase dramatically due to the number of people in a really confined space.
- Increased parking demand in Chandlers Walk.

- A fire safety survey has not been adequately completed.
- Loss of car park will mean people go elsewhere
- This will reduce peace and tranquillity in the area
- Should be small houses with gardens
- Additional pressure on the sewage system
- Noise from new bars will ruin quality of life
- Will lead to more crime and security risks
- Should be more visitor cycle parking and electric cycles
- Should have more parking underground

5 representations in support gave the following reasons;

- Supports sustainable transport,
- Addresses housing needs for the residents of Exeter
- Supports more housing
- Car club and hire cycles supported
- Dilapidated retail units and their parking spaces can be better utilised
- Bringing more people into city centre will support culture and business
- Better than building on edge of city
- Quay needs more apartment and more density

## **12.0 Relevant policies**

### National Planning Policies

National Planning Policy Framework (NPPF) (2023) – 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
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change
16. Conserving and enhancing the historic environment

National Design Guide (MHCLG, 2021)

Technical housing standards – nationally described space standard (DCLG March 2015) (NDSS)

Planning Practice Guidance (PPG):

- Consultation and pre-decision matters
- Design: process and tools
- Effective use of land
- Housing needs of different groups
- Planning obligations
- Use of planning conditions

## Development Plan

Exeter Local Development Framework Core Strategy (Adopted 21 February 2012)

- CP1 – Spatial strategy
- CP3 – Previously developed land
- CP4 – Density
- CP5 – Mixed Housing
- CP7 – Affordable Housing
- CP8 - Retail
- CP9 – Transport
- CP10 – Community Facilities
- CP11 – Pollution
- CP12 – Flood Risk
- CP13 – Decentralised 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)

- AP1 – Design and location of development
- AP2 – Sequential approach
- H1 – Search sequence
- H2 – Location priorities
- H5 – Diversity of Housing
- H7 – Housing for disabled people
- S1 – Retail
- S5 – Food and Drink
- L4 – Provision of playing fields
- T1 – Hierarchy of modes
- T2 – Accessibility criteria
- T3 – Encouraging use of sustainable modes
- T5 – Cycle route network
- T9 – Access to buildings by disabled persons
- T10 – Car parking standards
- C1 – Conservation Areas
- C2 – Listed Buildings
- C3 – Buildings of Local Importance
- C5 – Archaeology
- LS2 – Ramsar/Special Protection Area
- EN2 – Contaminated land
- EN3 – Air and water quality
- EN4 – Flood risk
- EN5 – Noise

DG1 – Objectives of urban design  
DG2 – Energy Conservation  
DG3 – Commercial Development  
DG4 – Residential Development  
DG5 – Family Housing  
DG6 – Residential Parking  
DG7 – Safe Design  
KP6 – Canal and Quay

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

W4 – Waste Prevention

W21 – Making Provision for Waste Management relevant.

Other relevant planning policy documents

Residential Design Guide SPD 2010

Affordable Housing SPD 2014.

Sustainable Transport SPD 2013

Public Open Space SPD 2005

Implementing Open Space Requirements SPG (2006)

Trees and Development SPD 2009

Planning Obligations SPD 2014

Canal Basin Masterplan SPD 2004

Other Material Considerations

Draft Exeter Plan full draft

The site is identified for mixed use development in the emerging Exeter Plan, as part of the Water Lane regeneration area (Site 15).

Liveable Water Lane SPD: Development Framework and Design Code.

Liveable Exeter: A transformational housing delivery programme

Liveable Exeter Principles.

## **13.0 Human rights**

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property

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



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

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

- On-site Affordable Housing 17 co-living units and 48 flats as affordable rent.
- Sustainable Transport measures contribution £100,000.00 towards pedestrian and cycle improvements in the vicinity of the site
- Contribution, in combination with other developments in the Water Lane Area, to the delivery of Strategic Flood Escape Route for Water Lane Area in a timely manner. Sum to be confirmed following options appraisal and technical design
- £76,448.84 – towards provision of Equipped Children’s Play Space, and Informal Youth Facilities,
- Provision of five car club vehicles with parking spaces and charging infrastructure
- Provision of 6 electric hire cycles, parking and charging infrastructure
- £187,256.00 for local GP surgeries expansion
- £533,006.25 to Devon County Council Education towards the provision of primary school infrastructure
- £25,250.00 towards Early Years education to ensure delivery of provision for 2, 3 and 4-year olds
- Access control Improvements and additional tree planting in Piazza Terracina, £52,000.00
- 10 additional FTE jobs likely to be created in occupation phase

This proposal includes floorspace that is Community Infrastructure Levy (CIL) chargeable. Final CIL contributions from the development will be calculated at the point the decision is issued following completion of the S106 agreement and taking into account any qualifying exemptions and any indexation of the CIL rates. Given the need to complete a S106 Exeter City Council revised CIL Charging Schedule to be implemented 1<sup>st</sup> January 2024 will likely apply. CIL will be chargeable on out-of-centre retail (£125/sqm) and Co-Living/Build to Rent (£50/sqm). Habitats Regulations contributions are taken from CIL for residential accommodation that is not CIL exempt. The CIL contribution is estimated as £787,500.

The proposal will generate Council Tax and Business Rates in occupation phase.

## **16.0 Planning assessment**

This is set out in the following order.

1. Principle of development – loss of existing uses
2. Principle of development – redevelopment of site for residential and commercial uses
3. Flood risk & Surface water management
4. Scale, design, layout, character and appearance
5. Access and parking
6. Impact on residential amenity
7. Community balance

8. Housing supply
9. Affordable housing
10. Impact on heritage assets
11. Impact on Ecology, Trees and Biodiversity
12. Sustainable construction and Energy conservation
13. Pollution
14. Economic impacts
15. CIL and S106 contributions
16. Development Plan, five year housing land supply and presumption in favour of sustainable development
17. Planning balance

1. Principle of development – loss of existing uses.

There is no planning policy objection to the loss of under-occupied out-of-centre retail provision and the commercial leisure currently on the site, which do not constitute valuable local facilities and services as defined in section 93 of the National Planning Policy Framework. It is anticipated that the bowling operator would be likely to be able to relocate within the city. Planning consents that include provision for a bowling alley have been granted on other sites (Guildhall and Bus and Coach Station) previously.

2. Principle of development – redevelopment of site for residential and commercial uses.

The site is a 'windfall', that is to say it is an unallocated, brownfield development site in a highly accessible urban location. Residential development is strongly supported in national and local policy and follows the development hierarchy set out in Local Plan 1<sup>st</sup> Review policies AP1, AP2 and H1, which are the key tests against which new proposals will be judged.

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

The provision of 239 one, two and three bedroom flats addresses an identified housing need and, in line with national policy for Build-to-Rent development, 20% of these dwellings will be secured as affordable private rent housing. The co-living block would introduce a new residential type to this area of the city and as such is considered to contribute positively to the residential mix in the area. This is also a build-to-rent tenure in which 20% of units would be required to be let at affordable private rent. Whilst a broader mix of residential tenure types on site would be preferable, the critical mass of the scheme is important to the ongoing success of the scheme as a build to rent development, and to support the on-site facilities and management. As such, the proposals are considered to accord with the aims of policies H2 and H5 of the Exeter Local Plan 1<sup>st</sup> Review and CP5 of the Exeter Core Strategy and are not considered to result in an imbalance of any particular residential type in the wider area. Policy H5 supports specialist accommodation such as co-living in accessible locations.

Of the Build-to-rent flats, 10% are sized to be capable of being constructed or adapted to meet wheelchair accessible M4(3) standard. Of the co-living units, 5% of the affordable units are designed to be M4(3) wheelchair accessible, and all the larger units are capable of being wheelchair accessible. As such, the development is considered to comply with the aims of policy H7 of the Exeter Local Plan 1<sup>st</sup> Review.

Whilst the site is not within a 'centre' as identified in the Exeter Local Plan 1<sup>st</sup> Review, the Canal and Quayside location has been identified as a suitable location for retail and food and drink uses in policies S1 and KP6, and modest provision of such in this location is not in conflict with Core Strategy policy CP8.

The Draft Exeter Plan carries no formal weight in decision making at this stage, however it is a material consideration and provides a material demonstration of the emerging spatial strategy. Draft Exeter Plan policy H1 identifies the need for 642 homes per annum and policy H2 identifies Water Lane, including Haven Banks Retail Park, as a strategic brownfield development site for a mixture of uses, including 1600 homes. The Draft Exeter Plan Water Lane allocation policy includes requirements for a housing mix built at optimum densities taking into account context and the Exeter Density Study.

### 3. Flood Risk & Surface Water Management

The site is in Flood Zone 3a, protected to a 1 in 100 year flood event level by recently upgraded flood defences. The implementation of the flood defences significantly lessens the risk of flooding, but cannot be relied upon when considering flood risk in planning considerations given the potential for failure or overtopping of the new flood defence scheme.

Current site levels are between 7.3m Above Ordnance Datum (AOD) and 7.9m AOD.

The site currently benefits from a dry escape route in a 1:100 year flood event. However, the future effects of climate change on flood risk mean that this will not be the case through the 100 year design life of the building and during that period an alternative safe access and egress route will need to be provided.

The applicant has submitted a sequential site search that has not identified any alternative sites with lower flood risk that could accommodate the development. Having reviewed the site search officers consider it to be robust in its analysis.

The Environment Agency has advised that the design flood level is 8.38m AOD, with a minimum resident finished floor level for flood resilience of 8.68m AOD.

Residential development is classified in Planning Practice Guidance as a more vulnerable use and commercial (Class E) uses as less vulnerable.

Given the less vulnerable use classification and the difficulty of delivering accessible attractive public realm where the site joins Haven Banks, it is considered appropriate to accept a lower floor level for the commercial units in Blocks A, B and C and for

these to be subject to flood resilience measures. Officers are satisfied with the level of risk/hazards given the balance of other material considerations.

The residential use is classified as 'more vulnerable'. The NPPF guides that such development is only acceptable in areas of flood risk if the Sequential Test and Exception Tests are passed. This requires that the wider sustainability benefits outweigh the harm from risk of flooding and flood risk is not increased elsewhere. The regeneration of an underused brownfield site for residential development in a highly sustainable location and constructed to BREEAM Excellent standard is considered to outweigh the harm of the risk of flooding. The applicant's Flood Risk Assessment has shown that the development does not increase the risk of flooding elsewhere and the Environment Agency is satisfied by that assessment.

Residential uses have a floor level set at 8.68m AOD. Areas of the site linking Blocks B, C and D are raised to a flood risk resilient level. A flood warning and emergency evacuation plan for the development can be secured by planning condition.

Due to the effects of climate change the risk of flooding is calculated to increase during the 100 year design life of the development, putting the site at greater risk of flooding and cutting off existing dry escape routes. The Environment Agency is satisfied that ECC is commissioning a study to look at detailed options for the provision of alternative safe access and egress from the south, to ensure safe access for the whole of the development's design life.

The site will be required to have a flood emergency plan (secured by condition). The proposed scheme comprises managed Build-to-rent accommodation with management presence on site, which is beneficial to support active flood emergency response.

As such the development is considered to have passed the Sequential and Exception tests.

The Environment Agency has withdrawn its objection subject to the recommendations of the Flood Risk Assessment being secured by condition and a contribution being secured to deliver the strategic flood escape route, or other agreed emergency planning solution that ECC considers acceptable, in a timely manner to ensure that the development is safe during the design lifetime of the development (100 years).

The provision of a raised development platform, and the contribution towards a future strategic dry flood escape route are of benefit to the existing residential population in the Water Lane area as well as future residents in a flood event, which should be accorded significant weight in determining this application.

Devon County Council as Lead Local Flood Authority has advised that the proposed surface water management measures are acceptable in principle. The details of the proposed scheme of surface water management can be secured by condition.

On this basis the proposed development is considered to accord with the aims of Policy EN4 of the Exeter Plan 1st Review and Section 14 of the NPPF.

#### 4. Scale, design, layout, character, and appearance

The application seeks to comprehensively redevelop the site, demolishing existing low rise commercial buildings and surface car parking to replace them with a residential-led mixed-use proposal with associated landscape and public realm.

The project was presented to the Exeter Quality Design Partnership on two occasions, in April 2022 at pre-application stage and again in May 2023. Significant revisions were made to the scheme following those independent design review meetings and officer advice.

Key constraints to the redevelopment of the site include neighbouring residential development, proximity to the Canal and Quayside heritage designations, electricity infrastructure and associated wayleaves, and flood risk

Key opportunities are: the potential to introduce residential development to meet the city's housing needs in a sustainable and accessible location; to significantly improve the appearance of the site; to create new and improved sustainable transport routes and public realm; and to deliver development that integrates better with the Water Lane, Haven Banks area and Canal Basin areas.

##### Layout

The arrangement of routes and buildings creates a pedestrian loop through the site linking with Piazza Terracina and the foot/cycle link to the eastern boundary. A route between Haven Banks and Water Lane is also formalised through a well-lit and overlooked route. These routes will add vitality to the interior of the development and make the public space more viable and attractive.

Active uses and frontages occur in the most important and prominent parts of the layout and the experience for those simply passing through or visiting the site is expected to be engaging and positive. The 'way-leaves' associated with Western Power infrastructure has meant that the relationship with the rear of the properties at the end of Diamond Lane cannot be fully resolved in terms of townscape.

Block C has a long, cranked, plan form. It would present a barrier to permeability if proposed in other circumstances, but here it wraps around the site boundary and therefore usefully divides public and private space. There are considered to be no practical advantages gained by sub-division and permeability through the block at ground level as promoted by the Design Review Panel.

##### Density

The density is conventionally high and does not mirror that of the low-rise modern housing which forms part of the context of the site. However, the over-riding planning objective is to make best (optimum) use of this brownfield land. Core Strategy policy CP4 guides that residential development should achieve the highest appropriate density compatible with protection of heritage assets, local amenities, the character and quality of the local environment and the safety of the road network. Draft Exeter Plan policy H2 identifies Water Lane as a strategic brownfield development site for a mixture of uses, including 1600 homes. The Draft Exeter Plan allocation policy for Water Lane includes requirements for a housing mix built at optimum densities taking into account context and the Exeter Density Study.

The Residential Design Guide SPD was adopted to support the delivery of the spatial strategy and strategic allocations in the Exeter Core Strategy, which were urban extensions on largely greenfield sites. The standards set out in that guidance are not all directly transferable to the type of development or the spatial strategy being brought forward by the emerging Exeter Plan, or the regeneration areas identified in the Core Strategy policy CP17 that include the City Centre and Grecian Quarter Regeneration Area, Canal and Quay Basin and Water Lane Regeneration Area, which are urban brownfield sites. As such it is considered that the guidance in the SPD should be given weight but not necessarily be applied rigidly in all respects.

The draft Liveable Water Lane Supplementary Planning Document: Development Framework and Design Code includes this site. Code L01 covers building density. Haven Banks is located in the central zone, which is identified as having an appropriate density of between 75-180 dwellings per hectare (dph) and a plot ratio of 1.9. The proposed development has a density of 200 dph and a plot ratio of 1.68. Provided the protecting aims of policy CP4 are met through the detailed design, the density of development is not considered to be in conflict with that policy which seeks the highest appropriate density.

In proposing higher densities, there is a clear design intent to avoid higher car parking and car movements. Cycle parking and pedestrian access is given priority in the layout over convenience of car parking. The strength and attractions of the local cycling and walking network offer good alternatives to vehicular transportation and make the prospect of higher densities/low parking development more acceptable. Servicing is, as far as is practicable, taken from Water Lane. This is welcome in reducing conflict on Haven Banks.

#### Height, scale and massing

The massing of Block A has evolved, increasing by one storey, but reducing the footprint and the upper floor massing to the rear of Diamond Road. The relationship between the public realm and the residential accommodation/private raised terrace and shared courtyard at the northern end with the retained tree is considered a significant improvement to the street scene. The commercial unit will provide activity to the street and turns the corner into the development.

The proportions of height to width that Block A creates to Haven Road are less than the 1:1 maximum ratio that is suggested by the draft Liveable Water Lane SPD. The

building heights prescribed by the draft Code suggest a storey lower in this location, but the gateway role and the ability to make optimum use of this brownfield site are considered to merit this additional height.

Block B lines the rear of the Activity Centre and has been revised during negotiations to create a satisfactory relationship to it and with The Coolings in height and massing, and through preservation of privacy by detailed window design. The height of this building will however overshadow the lower parts of the solar array on the Climbing Centre and result in a loss of up to 30% of generation taken overall. The applicant is in ongoing discussion with the City Council regarding compensatory measures.

Block C is five storeys in its main part, with additional accommodation as 'lanterns' set back at roof level as a partial 6th floor. The principal relationship is with Chandlers Walk, a development to the south/south-east. The main body of the block is set back from the shared boundary and only approaches it at a lower level to the north-east.

Block C, together with Block D, enclose the central street and again the height to width proportions of this space comply with the 1:1 ratio and are satisfactory as an urban design principle.

Block D is five storeys, with the uppermost storey 'set back' on all elevations. The building is divided in two by a lower entrance and communal area which links the two main elements of accommodation and produces a 'gap' in the form down to first floor level. The break in form created by the gap reduces the impact on Stream Court properties.

Block D is visible and will form the 'stop vista' at the end of Diamond Road. The design of that element has been amended to satisfactorily enclose that space.

Code L03 of the Draft Liveable Water Lane SPD sets requirements relating to building heights. For this site it identifies either up to four stories at the boundary or up to six storeys more centrally. Code L08 sets height and massing for the central zone which includes Haven Banks and states that 'Occasional taller massing must be slender and located in key locations'. As such, the Draft SPD is considered to support the four storey Block B, the five storey slender forms of proposed Blocks A and D and Block C rising to six storeys in parts. The Draft SPD also calls for the steps up from the existing buildings to new development to be no more than two storeys. The initial fabric of the proposed buildings presenting towards neighbours adhere to this. Whilst Blocks A, C and D do, they then rise to a greater height as they retreat further into the site away from boundary conditions.

The applicant's Landscape and Townscape Visual Impact Analysis has been useful in discussing and agreeing some important changes to the roofscape of Block C (which will appear in the background of the electricity building when viewed from Colleton Crescent in views towards Dartmoor). Rooftop plant has also been relocated to be enclosed at a lower building level. The viewpoint from Colleton Crescent has been re-assessed and is now considered by Historic England to be acceptable. We concur with that position.



The 'incidental' vista of the Cathedral from Chamberlain Road, which would be obscured, is not a designed, strategic, view and its protection would set a precedent that would blight this and other regeneration sites if strictly and consistently adopted as a development management principle.

## Amenity

The number of apartments with external balconies has been increased as an outcome of negotiations, but there are still a number of smaller single-bedroom units that only have 'Juliet' balconies protecting inward-opening French windows. These are mainly in Block A, which provides shared external spaces of reasonable quality at ground level, and the second and third floors of Block B. There is no conventional shared external amenity space associated with Block B, but it is set within the heart of the development with opportunities for sitting out in the new public realm spaces.

The accommodation in Block C is a 'Build to rent' and includes high-quality shared communal space at rooftop and ground floor levels and other types of amenity provided internally that residents will benefit from. That some of these one-bedroomed apartments do not possess their own external balcony is therefore considered less critical.

The co-living provided in Block D is in accordance with the draft GLA Guidance and the internal organisation of this has also been much improved as a consequence of revisions. The Exeter Core Strategy includes policy CP5 regarding supply of housing to meet the needs of all members of the community, including the provision of specialist housing as part of mixed communities. Draft Exeter Plan Policy H5 identifies support for co-living and sets an aim of equivalence with Nationally Described Space Standards on a disaggregated basis. The majority of the 184 co-living private rooms are 20 square metres internally, with three at 17sqm and fourteen at 25sqm. All contain living, sleeping, basic cooking facilities and a bathroom and the provision of kitchen/diners and lounges on each part floor (serving no more than 27 bedrooms each) is considered good practice in creating communal use and ownership of such spaces. Uppermost and ground floor units have private external space. Communal internal and external spaces at uppermost floor level, first floor and ground floor are considered to be well arranged to encourage communal living and social interaction.

## Landscape

The landscape proposals for the new public realm are well-conceived and integrate informal provision for children's play equipment as part of the public realm design. The scheme contains 105 two and three bedroom flats which are considered to be family dwellings for the purposes of open space policies. In addition to the on-site play space suitable for young children, the scheme will therefore be required to contribute to the provision of improvements to off-site children's play, as well as youth provision in accordance with Exeter Local Plan 1st Review policies DG5 and L4, the Public Open Space SPD and Implementing Open Space Requirements SPG.

Paragraph 134 of the NPPF guides that significant weight should be given to development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning

documents which use visual tools such as design guides and codes; and/or designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

The proposals, for the reasons given above, are considered to accord with the aims of Exeter Local Plan 1st Review policies DG1, DG3, DG7 and H5, and the aims of NPPF Section 12, through the creation of high quality and sustainable buildings in a layout that secures and enhances the permeability of the site through the creation of well landscaped and safe routes. As such the design should be afforded significant positive weight in any decision on this application.

## 5. Access and parking

The development will result in the loss of a privately owned car park of 220 spaces associated with the current retail park, and reprovision of 32 spaces for the use of the development.

The privately owned car park is underutilised by the retail park, as the retail park is currently underoccupied with the last retail tenants having relocated. The spaces are not protected for general public use, nor is the car park protected by any planning policy. If the retail park was fully occupied, it would be typical that parking restrictions to support the retailers would be in force, and in any case capacity for public use would be reduced. The area is accessible by walking, cycling and public transport including Park and Ride and is supported by alternative car parks. It is not considered that the loss of the car park will materially affect the accessibility of the Canal Basin and Quay area or can be resisted for any planning policy reason.

The development is in a highly sustainable location, with local services and public transport all in close proximity. The Local Centre of St Thomas and the City Centre are both within easy reach. As such, the location accords strongly with the aims of policy T1 and T2 and with the locational aims of policy H5 of the Exeter Local Plan 1st Review. This underscores the need to make optimum use of the development site in accordance with policy as discussed above.

The development proposes to provide 32 parking spaces on site, accessed from Water Lane. This would include five car club spaces and two disabled spaces. Exeter Local Plan 1st Review policy T10 sets out maximum car parking standards and the NPPF at paragraph 108 guides that maximum standards should only be set where there is a clear and compelling justification that they are necessary for managing the local road network or optimising the density of development in city and town centres and other locations that are well served by local transport. As such, the limitation of parking levels through maximum parking standards and the encouragement of low car development, supported by good sustainable transport provision, are considered an appropriate response on this site. Except for parts of Chandlers Walk the areas of wider public highway surrounding the site are the subject of on street parking controls, including restriction residents parking by permit. The development should be excluded from eligibility for residents parking permits to help ensure that it operates on a low car ownership basis, as proposed. This is in the

interests of sustainable travel and the protection of air quality, and will restrict further pressure on the limited on-street parking in the area. Necessary variations of Traffic Orders in the area can be secured as part of a planning consent at the applicants expense. Exclusion of the development from eligibility for residents parking permits would be a matter for DCC, however this can be added as an informative and can also be included with a Travel Plan or site management plan.

Good provision both in quantum and location is made for resident's cycle parking. Cycle parking exceeds the levels required by the Sustainable Transport SPD, providing 1:1 cycle parking for the co-living units. Cycle stores are integrated into buildings and located at building entrances, with integrated parking for cargo cycles at the rear of Block B. The development is further supported by an electric cycle hire station and provision for charging of scooters and a Sustainable Transport Plan which can be secured by a legal agreement attached to any permission. The inclusion of an on-site management office and management presence will support active implementation of the Travel Plan. As such, the development accords with paragraph 113 of the NPPF.

The development includes improvements to the permeability of the site by pedestrians and cycles, both in routes and the attractiveness and safety of those routes. The existing route through the car park in the underoccupied retail park between Haven Banks and Water Lane will be improved to become a well overlooked, well-lit and landscaped route that will be attractive and feel safer at night. A new pedestrian and cycle link, in a circuit behind the climbing centre from Haven Road to the dedicated pedestrian and cycle link on the eastern boundary of the site, can be secured to be open to the public as part of a legal agreement attached to any consent. Both the new link and the existing cycle and pedestrian route will then benefit from good landscaping and natural surveillance. The benefit of a link from the site to Diamond Road to enable cycle and pedestrian movement through the site and allow pedestrians and cycles to further avoid Haven Banks has to be balanced against the ease of delivery of that link and the impact on residents in Diamond Road, and this has not been included.

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

We note the advice of DCC as Highway authority and agree that the development is not considered to give rise to any unacceptable impact on highway safety and the residual cumulative impacts on the road network are not severe. Hence, as guided by paragraph 111 of the NPPF, it is not considered that there are grounds for refusal of the application for highways reasons.

The layout of the development and provisions for car and cycle parking and provision for club cars and cycles are considered to be a good response to the context of the site and to accord with aims of the Development Plan and other local advice discussed above and to accord with the aims of paragraphs 110 and 112 of the NPPF.

## 6. Impact on existing residential amenity

### Daylight and Sunlight

The proposed development will result in a reduction in direct sunlight and diffuse light levels to some neighbouring properties. This is documented in the applicant's Sunlight and Daylight analysis. Currently the low level of buildings and open car park areas mean that there is very little over-shadowing of neighbouring dwellings from the site.

Local Plan policy supplemented by the Residential Design Guide SPD guides that reference should be had to British Standards and Buildings Research Establishment (BRE) good practice guidance in assessing quality of daylight.

Vertical Sky Component (VSC) is a measure of diffuse light level to buildings. The BRE guidance is that if windows experience a VSC of less than 27%, and experience a reduction of greater than 20% of the level without the proposed development then the reduction will be a noticeable. In most neighbouring dwellings any reduction in light levels to habitable rooms will be less than noticeable levels. However, a number of individual rooms of residential properties in Greenford Villas, Water Lane, Waterside, Chandlers Walk, Maritime Court, Diamond Road, Stream Court and The Coolings will experience a reduction in light levels that will be noticeable. In the majority where the affect is noticeable, the effect is minor adverse. In the case of two windows at separate properties, the affect is moderately adverse. These are harms that will be experienced by occupiers. Direct lighting of rooms has also been considered where BRE guidance is that a reduction of 20% will be noticeable, and again there are some windows in these properties where the reduction will be noticeable, and it is concluded that there will minor adverse impact will occur to some habitable rooms, and moderate impacts to properties in Chandler Court and Water lane, with significant impact to two windows in properties in Water Lane that are bedroom windows in flats where the living spaces are dual aspect and retain target levels of direct light. It is considered that the overall levels of light in the affected dwellings are not reduced to such a low level as to render living conditions in those dwellings unacceptable. These harms should therefore be weighed in the planning balance when determining this application.

In respect of direct sun lighting of external spaces, the BRE guidance recommends that for the garden of an existing property to appear adequately sunlit throughout the year, at least half of a garden should receive at least two hours of sunlight on 21st March. If as a result of a new development an existing garden does not meet this recommendation, and the area which can receive two hours of sun on 21st March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable. Most properties on Maritime Court, Chandlers Walk and Stream Court, many of which are already below the 50% sunlit for 2 hour target, will not be impacted or will be impacted below the 20% reduction threshold. However, at number 14 Maritime Court, already low levels of sunlight in the northeast-facing garden will be reduced by half; and at 11-14 Stream Court, the percentage of each garden receiving 2 hours of sunlight will be reduced to close to the 50% target level.

In this respect the proposed development is contrary to the aims of policy DG4 of the Exeter Plan 1<sup>st</sup> Review and this should be given weight in decision making.

### Outlook and privacy

The supporting text to Exeter Plans 1<sup>st</sup> Review Policy DG4 guides that an acceptable degree of privacy allowing people to feel at ease in their own homes can be achieved by providing a minimum distance of 22 metres between [windows of] habitable rooms or by imaginative design. The Residential Design Guide SPD repeats this advice but, further guides that where buildings of different heights back on to each other the privacy distances will need to be increased, also that where the angle of properties backing on to each other is 45 degrees or more the separation distance can be reduced to 15 metres between habitable room windows. In terms of outlook the SPD guides windows of habitable rooms should not face high blank walls, and that developers should produce to demonstrate that dwellings have sufficient daylight and Policy DG4 guides that residential development should ensure a quality of amenity which allows residents to feel at ease in their homes and gardens.

The Residential Design Guide SPD was adopted to support the delivery of the spatial strategy and strategic allocations in the Exeter Core Strategy, which were urban extensions on largely greenfield sites. The standards set out in that guidance are not all directly transferable to the type of development or the spatial strategy being brought forward by the emerging Exeter Plan, or the regeneration areas identified in the Core Strategy policy CP17 that include the City Centre and Grecian Quarter Regeneration Area, Canal and Quay Basin and Water Lane Regeneration Area, which are urban brownfield sites. As such it is considered that the guidance in the SPD should be applied flexibly in some aspects.

Block A has been amended since the application was first submitted to reduce the footprint and increase the height. The design presents two elevations onto active frontages and steps down towards the rear of dwellings on Diamond Road. At its closest point, it steps down to single storey with a pitch roof. The building steps up to three storey with a blank triple gable wall 18.8 metres from the two storey rear wings of the properties on Diamond Road, and steps up to its full five storeys with a separation of 26m.

Block D is split to ground floor level centrally to reduce the impact on Stream Court and to facilitate penetration of natural light to the rear of those properties. Either side of that central break the rear projections of the building step down towards the boundary, being two storey at their closest point to the boundary and separated from the boundary by a distance of 5 metres. The closest point building-to-building is 18 metres, with separation generally being between 22 and 29 metres and window-to-window separation being no less than 21 metres. Conditions to prevent new openings and obscure-glaze windows in the development can be attached to any consent. Existing tree planting on the boundary is proposed to be retained. In the event that those trees fail, replacement planting would be required by condition.

The main range of Block C, which is five storeys with a recessed part 6<sup>th</sup> storey stands 41m from dwellings in Chandlers Court. Rear projections of the building

towards Chandlers Court step down towards the boundary, being two storey at their closest point to the boundary where the distance of separation is 14 metres. Windows are arranged in location and orientation not to position less than 21 metres window-to-window distance between Block C and Chandlers Court or Maritime Court. Block C face the rear of Maritime Court across the public realm of the existing foot and cycle path link.

Block B has been laid out internally to avoid intervisibility and privacy issues with the adjacent The Coolings residential building, whilst providing an active elevation onto the outdoor playspace proposed at the rear of The Coolings and enclosed by Blocks B and C.

The proposed arrangement of buildings is not considered to give rise to a degree of overlooking, loss of in building privacy or overbearing impact that is not acceptable in an urban setting. In this respect, the proposed development accords with the aims of policy DG4 of the Exeter Local Plan 1<sup>st</sup> Review and this should be given weight in decision making.

## Noise

Whilst outside an established centre, the Canal Basin area is identified as a suitable location for retail and food and drink supporting the leisure and tourism function of the area by policy S5 of the Exeter Local Plan 1<sup>st</sup> Review.

The potential for noise from the development to affect neighbouring occupiers has been assessed. A noise limiting condition, a condition limiting the hours of use of outdoor seating areas associated with commercial units and another requiring details of extraction equipment associated with any commercial kitchens are considered to adequately protect the amenity of adjoining occupiers and to provide a basis for enforcement if such nuisance does arise. As such, the proposals are considered to accord with the aims of Exeter Local Plan 1<sup>st</sup> Review policy EN5.

## 7. Community balance

The area surrounding the site contains leisure and commercial uses, however residential uses dominate the area south of Haven Banks in a mix of dwellings and flats. Residential development around the site is predominantly privately owned or rented, with some Housing Association units.

The proposed development consists of 184 beds of co-living accommodation and 239 Build-to-rent flats, with the flats comprising 134 one-bed flats, 79 two-bed and 26 three-bed. In accordance with nationally set policy, 20% of all of these units would be affordable rent.

Applications for Build to rent and co-living development have to date been focussed in and around the north of the city centre. This is the first application for co-living accommodation west of the River Exe.

Policy H5 of the Exeter Local Plan 1<sup>st</sup> Review guides that the conversion to or construction of special needs housing, bedsits, houses in multiple occupation and student housing will be permitted provided that the criteria set out in that policy are met. These criteria include that the development should not cause an over concentration of the use in any one area of the city that would change the character of the neighbourhood.

Code WO6 of the Draft Liveable Water Lane SPD guides that housing typologies dedicated to a narrow demographic such as...co-living must not dominate the area.

The development will add further flats to the local residential mix of flats and houses, and will broaden the residential mix through the introduction of co-living to a part of the city where to date no other such accommodation has been permitted.

The proposed development is not considered to result in an over concentration of a particular residential use type in the area and as such is considered to accord with the aims of policy H5 of the Exeter Local Plan 1<sup>st</sup> Review.

#### 8. Housing supply

The Council is currently able to identify a supply of four years and four months for the period commencing 1 April 2023 against the five-year housing land requirement. The supply of deliverable homes falls short of the five-year housing requirement by 457 homes.

As the Council cannot currently demonstrate a five-year housing land supply, though the shortfall is modest, the 'tilted balance' in favour of development as set out in the NPPF is therefore engaged when considering the application.

The development would provide 184 units of co-living accommodation and 239 flats which would make a substantial contribution towards meeting the housing shortfall, and should be afforded substantial positive weight in the planning balance.

#### 9. Affordable housing

The applicant has offered 20% of the Build-to-rent flats and the co-living units as affordable housing which can be secured through a S106 agreement. This is in accordance with the national planning policy requirement which has precedence over Local Plan policy for these residential tenure types. Of the affordable dwellings, 5% will be disabled accessible standard. As such, the proposals meet the requirements of Exeter Core Strategy policy CP7, Exeter Local Plan 1st Review policy H7 and the Affordable Housing SPD. Affordable housing will be secured by S106 legal agreement attached to any consent.

#### 10. Impact on heritage assets

Current development on the site makes a negative contribution to the setting of the Riverside Conservation Area and the setting of the Locally Listed Electricity Generating Building. There is no objection to the demolition and no in-principle objection to redevelopment on heritage grounds.

The site is outside the designated Area of Archaeological Importance established by policy C5 of the Exeter Local Plan 1st Review. However, the current use of the site has precluded pre-application intrusive evaluation; this must be addressed as the site comes forward for redevelopment and these investigations can be secured by condition requiring a Written Scheme of Investigation to be agreed and undertaken.

The proposed development is considered to respect the character of the area and incorporate uses that support the existing high quality historic environment. It provides a permeable, attractive and safe public realm that adds to the interest of the area and an environment that encourages social interaction to create vibrancy. As such, the proposals are considered to enhance the function of the historic Canal Basin area and to accord with the aims of policy CP17 of the Exeter Core Strategy.

The proposed height and massing of the submitted scheme has the potential to affect numerous heritage assets. The scheme has been reduced in scale and impact in response to those concerns, most notably the effect upon the setting of the Grade II\* Listed Colleton Crescent by affecting views toward Dartmoor, the Canal Basin and the Quay. The revisions have reduced the impact of the scheme to acceptable levels, and whilst there will be some change to the context of the heritage assets, that change does not equate to significant harm.

As such the proposals are considered to accord with aims of policies C1 and C3 of the Exeter Local Plan 1st Review, policy CP4 of the Exeter Core strategy, and paragraphs 130, 197(c) and 206 of the NPPF.

## 11. Impact on Ecology, Trees and Biodiversity

The site currently offers low biodiversity value, but does contain a variety of mainly early mature and mature trees that are peripheral to the site and also within the car park setting. These trees are protected by a Tree Preservation Order which means that the consent of the Local Planning Authority is required for works to the trees and felling. The trees on the Haven Banks and Water Lane frontages in particular make a positive contribution to the amenity of the public realm. These are not ancient or veteran trees. The position of the trees within the car park would significantly restrict the development of the site if they were required to be retained. Management of the trees has not been to a high standard. They are subject of a Tree Preservation Order due to their amenity contribution and to protect them from poor management.

The proposed development will result in the loss of 16 trees within the site. Of these trees, four London Plane trees that are category 'B' trees of moderate quality and value are located directly within the site and within the proposed building footprint. Of the seven trees (Norway Maple, Honey Locust and Hawthorn) proposed to be removed from the Haven Banks frontage, six are Category C trees of low quality and value and one category U. The layout of the proposed development has been



amended to retain the largest of the Norway Maple trees in that location, which is category C. Three Norway Maple that are Category C are proposed to be removed to allow servicing access point of Block D at Water Lane, and a Category C Norway is proposed to be removed at the pedestrian access at the rear of The Coolings. The other proposed removed tree is a Category C Cotoneaster at the rear of 9 Diamond Road.

Nine trees on the boundary with the residential properties on Stream Court and Diamond Road are proposed to be retained, will have increased areas of soft landscaping and will be subject of protective fencing and working practices. There is nevertheless the potential that these trees will suffer during construction and should any trees become damaged they will be replaced.

The layout of the site has been amended to reduce the footprint of Block A and retain a prominent Norway Maple tree on the Haven Banks Road Frontage that makes a significant contribution to the amenity of the area. Trees on the boundary with Stream Court are now proposed to be retained, but can be secured by condition to be replanted if they fail, in the same way as new landscape planting. The developer has agreed to plant a tree in Piazza Terracina on the Haven Banks frontage where a previous tree has failed.

The proposed landscaping scheme for the site includes new tree planting including locations for up to 26 trees. This includes trees positioned in locations in the new public realm and private spaces that will give them good opportunity to grow to substantial height and spread. This will give a strong landscape structure to the site, with a broad range of tree species, as well as shrubs, low planting and grassed areas. New trees are introduced on the boundary with Chandlers Court and within the private amenity space to block C that will provide a landscaping screen to the site boundary where currently there is none. New tree planting is also proposed to the central public circulation spaces and in the Water Lane frontage. Tree planting will include fruit trees, birch trees and London Plane. Final details of all landscaping can be secured by condition attached to any consent.

The national requirement for development to deliver a 10% Biodiversity Net gain has been delayed, to be implemented in 2024. Nevertheless, the proposed development includes biodiversity enhancement measures that would result in a 24.73% biodiversity net gain. These measures, including the integration of nesting opportunities in buildings as requested by the RSPB in their response, can be secured by condition.

An Appropriate Assessment required under the Habitats Regulations concluded that whilst the development has the potential to have a significant effect on the Exe Estuary Special Protection Area, and an adverse impact on the achievement of the conservation objectives for the site, the adverse impacts of increased visitor pressure arising from the development can be mitigated by a contribution to the South East Devon European Sites Mitigation Strategy. These can be taken form CIL payments and where no CIL is liable (for example affordable dwellings) the contributions would be secured separately and can be included within an S106 agreement.

The loss of existing trees is a harm which is balanced by the additional tree planting, landscaping, and biodiversity enhancement of the site. For the reasons set out above, the proposed development is considered to accord with the aims of Exeter Local Plan policy DG1 and the objectives of Section 15 of the NPPF respecting nature conservation.

## 12. Sustainable Construction and Energy Conservation

The proposed development includes Air Source Heat Pumps and 56kW of solar photovoltaic panels. The development relies on electrical power and no fossil fuel use on site is proposed. Through these measures and passive design, energy efficient measures incorporating design features such as energy efficient lighting, submetering of relevant areas, upgrading of 'U' values and occupancy sensing in relative areas, the applicant has estimated the design will allow for a 53.95% carbon reduction from a base Part L 2021 compliance build. BREEAM Excellent standard is required by the Core Strategy for the non-residential elements of the development, and this can be secured by condition. As such the proposed development is considered to accord with the aims of policy CP15 of the Exeter Core Strategy.

The water heating is electrical, by air source heat pump, and the site can be secured to be able to connect to a future District Heat Network at the site boundary in accordance with Core Strategy policy CP13 requirement and NPPF paragraph 157.

Sustainable waste strategies built around a hierarchy, cascading from waste minimisation to reuse and recycling before allowing removal to landfill, will be secured by a condition for a Waste Audit Statement, in accordance with Devon Waste Plan policy W4.

## 13. Pollution

The site is identified as likely to be the subject of ground contamination given its previous uses. Currently the site is hard-surfaced or covered by buildings. The proposed residential uses as flats and co-living include areas of managed green communal spaces, but not private gardens or allotments.

Exeter Local Plan 1<sup>st</sup> Review policy EN2 seeks to protect future occupiers and neighbours of a development from risk to health through exposure to contamination. The site is identified as likely to be the subject of ground contamination, however there is no indication in the submitted assessment or other records that the site cannot be remediated to ensure future occupiers and neighbours are not exposed to unacceptable contamination risk. The responsibility for securing a safe development rests with the developer and landowner. Both the Environment Agency and ECC Environmental Health are satisfied that the proposed development can be permitted subject to a condition requiring further ground investigation and the agreement of a ground contamination remediation plan prior to the construction of buildings, and verification that any remedial measures that are required have been carried out prior to occupation. As such the development is considered to comply with the aims of policy EN2 and paragraph 185 of the NPPF.

Alphington Road is subject to air quality issues related to traffic and is part of the designated Air Quality Management Area. The proposed development, which is sustainably located near services, incorporates reduced car parking standards, and is supported by sustainable transport measures. It would also result in slightly fewer vehicle movements in the a.m. peak hour and substantially fewer movements in the p.m. peak hour. As such, the development would have a lower impact on air quality than the current use and is not contrary to policy EN3 of the Exeter Local Plan 1<sup>st</sup> Review and would contribute to the improvement of air quality as sought by policy CP11 of the Exeter Core Strategy and paragraph 186 of the NPPF.

#### 14. Economic impacts

Core Strategy Objective 4 and Exeter Local Plan 1<sup>st</sup> Review policy S1 seek the enhancement of the Quay and Canal area as a centre for tourism facilities. The proposed development will provide 516 sqm of additional commercial floorspace as five small units grouped in an attractive new place on Haven Road, close to Piazza Terracina and the Canal Basin. It is considered that the development will enhance and extend the commercial offer (in terms of unit numbers and geographic spread) in the Quay and Canal area without impacting unacceptably on the Heritage Assets. The commercial units will also provide employment opportunities and will serve the residents of the area, as well as visitors.

Redevelopment will involve the loss of existing, currently under-used, large-format retail. However, it is noted that former tenants have relocated elsewhere in the city, with The Range and Matalan both relocating close by on Alphington Road. It is also noted that there are a number of larger-format retail voids in sequentially preferable locations, including the city centre. It is anticipated that the bowling centre will be able to relocate within the city and it is noted that planning consents that include bowling have been granted previously in the city centre.

The development will provide economic benefits in the construction phase through direct employment, through the construction and professional services supply chain, and the follow-on economic benefit to the local economy.

The development of these additional residential units, including affordable housing, will help support the labour supply in the local economy.

#### 15. CIL and S106 contributions

The Council is currently of the view that the NHS ICB request for a contribution towards expansion of local GP Services is justified. However, the NHS Foundation Trust request for a contribution for acute service provision is not, this is based on a view that, among other matters, insufficient information has been provided of how this arises as new demand, what such contributions would be spent on, and whether such contributions meet the 'tests' for planning obligations specified in Community Infrastructure Levy Regulation 122(2) and NPPF 2023 section 57.

The following matters are considered necessary to make the development acceptable in planning terms, to be directly related to the development, and fairly and reasonably related in scale and kind to the development meeting the tests set out in Regulation 122.

- A contribution of £100,000.00 towards pedestrian and cycle improvements in the vicinity of the site
- On-site affordable housing of 20% of units for Build-to-rent development
- A contribution, in combination with other developments in the Water Lane Area, to the delivery of a Strategic Flood Escape Route for the Water Lane Area in a timely manner. Sum to be confirmed following options appraisal and technical design
- £76,448.84 towards the provision of Equipped Children's Play Space and Informal Youth Facilities,
- Provision of five car club vehicles with parking spaces and charging infrastructure
- Provision of 6 electric hire cycles, parking and charging infrastructure
- Travel Plan for residents, including provision of an initial period car club membership for residents
- £187,256.00 for local GP surgeries expansion
- £533,006.25 to Devon County Council Education towards the provision of primary school infrastructure
- £25,250.00 towards Early Years education to ensure delivery of provision for 2, 3 and 4-year olds
- Access control improvements and additional tree planting in Piazza Terracina, £52,000.00
- Traffic Orders
- A Management Plan (co-living)
- Pedestrian rights of way through the development
- Habitats Mitigation for residential where CIL is not payable.

The proposal includes floorspace that is Community Infrastructure Levy (CIL) chargeable. Final CIL contributions from the development will be calculated when the decision is issued, following completion of the S106 agreement and taking into account any qualifying exemptions and any indexation of the CIL rates. Given the need to complete a S106, Exeter City Council's revised CIL Charging Schedule to be implemented 1st January 2024 will likely apply. CIL will be chargeable on out-of-centre retail (£125/sqm) and co-living/Build-to-rent (£50/sqm). Habitats Regulations contributions are taken from CIL for residential accommodation that is not CIL exempt. The CIL contribution is estimated as £787,500.

16. Development Plan, five year housing land supply and presumption in favour of sustainable development

NPPF paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking, this means c) approving development proposals that accord with an up-to-date development plan without delay.

The proposal, subject to the imposition of conditions, is considered to accord with the Development Plan as a whole.

The Council cannot currently demonstrate a five-year housing land supply, therefore the 'tilted balance' in favour of granting consent as set out in the NPPF has to be applied when determining the application.

## 17. Planning Balance

The benefits of development are considered to include:

- Regeneration of a sustainable brownfield site that is currently underused, out-of-centre, retail and leisure
- Provision of 184 units of co-living accommodation and 239 flats, 20% of which will be affordable private rent
- Provision of 5 commercial units, site management and gym, generating vitality and economic activity
- Creation of an attractive network of public pedestrian and cycle routes through the site
- Regeneration of an unattractive site that negatively impacts on the setting of the Riverside Conservation Area
- Provision of flood resilient refuge to the wider area and contribution towards a flood escape route that will benefit this development but also the existing resident population.

Identified harms include:

- Development in an area subject of flood risk
- Loss of protected trees
- Reduction in natural light to neighbouring dwellings
- Loss of light to solar photo voltaic panels on neighbouring buildings.

### **17.0 Conclusion**

At present the Council cannot demonstrate a 5-year housing land supply, therefore the tilted balance as set out in paragraph 11d) of the NPPF (2023) applies. This means that the application should be granted permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF and the Development Plan taken as a whole.

By providing residential accommodation as part of the mixed-use regeneration of a previously developed but underused site in a highly sustainable location, it is considered that the proposal clearly and demonstrably outweighs all the identified harms. As such, this application is recommended for approval in line with NPPF paragraph 11 d).

### **18.0 Recommendation**

a) DELEGATE TO THE SERVICE LEAD (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:

- Sustainable Transport measures contribution £100,000.00 towards pedestrian and cycle improvements in the vicinity of the site.
- On-site Affordable Housing @20% for Build to Rent
- Contribution, in combination with other developments in the Water Lane Area, to the delivery of Strategic Flood Escape Route for Water Lane Area in a timely manner. Sum to be confirmed following options appraisal and technical design.
- £76,448.84 – towards provision of Equipped Children's Play Space, and Informal Youth Facilities,
- Provision of five car club vehicles with parking spaces and charging infrastructure.
- Provision of 6 electric hire cycles, parking and charging infrastructure.
- Travel Plan for residents, including provision of initial period car club membership to residents.
- £243,983.00 (£187,255.95?) for GP surgeries expansion
- £533,006.25 to Devon County Council Education towards the provision of primary school infrastructure
- £25,250.00 towards Early Years education to ensure delivery of provision for 2, 3 and 4-year olds
- Access control Improvements and additional tree planting in Piazza Terracina, £52,000.00
- Traffic Orders
- Management Plan (co-living)
- Securing pedestrian rights of way through development
- Habitats Mitigation for CIL exempt residential development.

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

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

Conditions

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

Reason: To ensure compliance with sections 91 and 92 of the Town and Country Planning Act 1990.

2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 14 June 2023 (including drawings numbers listed below) as modified by other conditions of this consent.

Proposed Site Sections Sheet 1 HREXE-PWA-00-ZZ-DR-A-0300-G3

Proposed Site Sections Sheet 2 HREXE-PWA-00-ZZ-DR-A-0301-G3  
Proposed Site Sections Sheet 3 HREXE-PWA-00-ZZ-DR-A-0302-G3  
Proposed Street Elevations - Sheet 1 HREXE-PWA-00-ZZ-DR-A-0201-G3  
Proposed Street Elevations - Sheet 2 HREXE-PWA-00-ZZ-DR-A-0202-G3  
Proposed Street Elevations - Sheet 3 HREXE-PWA-00-ZZ-DR-A-0203-G3  
Proposed Street Elevations - Sheet 4 HREXE-PWA-00-ZZ-DR-A-0204-G3  
Proposed Site Layout - Basement Floor Plan HREXE-PWA-00-B0-M2-A-0049-G3  
Proposed Site Layout - Ground Floor Plan HREXE-PWA-00-00-M2-A-0050-G3  
Proposed Site Layout - 1st Floor Plan HREXE-PWA-00-01-M2-A-0051-G3  
Proposed Site Layout - 2nd Floor Plan HREXE-PWA-00-02-M2-A-0052-G3  
Proposed Site Layout - 3rd Floor Plan HREXE-PWA-00-03-M2-A-0053-G3  
Proposed Site Layout - 4th Floor Plan HREXE-PWA-00-04-M2-A-0054-G3  
Proposed Site Layout - 5th Floor Plan HREXE-PWA-00-05-M2-A-0055-G3  
Proposed Site Layout - Roof Plan HREXE-PWA-00-06-M2-A-0056-G3  
Proposed Block A Bay Study HREXE-PWA-A0-ZZ-DR-A-0410-G3  
Proposed Block A Elevations - Sheet 1 HREXE-PWA-A0-ZZ-DR-A-0210-G3  
Proposed Block A Elevations - Sheet 2 HREXE-PWA-A0-ZZ-DR-A-0211-G2  
Proposed Block A Floor Plans HREXE-PWA-A0-ZZ-DR-A-0110-G3  
Proposed Block A Sections HREXE-PWA-A0-ZZ-DR-A-0310-G3  
Proposed Block B Bay Study HREXE-PWA-B0-ZZ-DR-A-0411-G3  
Proposed Block B Elevations- Sheet 1 HREXE-PWA-B0-ZZ-DR-A-0220-G3  
Proposed Block B Elevations- Sheet 2 HREXE-PWA-B0-ZZ-DR-A-0221-G2  
Proposed Block B Floor Plans HREXE-PWA-B0-ZZ-DR-A-0120-G3  
Proposed Block B Sections HREXE-PWA-B0-ZZ-DR-A-0320-G3  
Proposed Block C Bay Study HREXE-PWA-C0-ZZ-DR-A-0412-G3  
Proposed Block C Elevations - Sheet 1 HREXE-PWA-C0-ZZ-DR-A-0230-G3  
Proposed Block C Elevations - Sheet 2 HREXE-PWA-C0-ZZ-DR-A-0231-G3  
Proposed Block C Elevations - Sheet 3 HREXE-PWA-C0-ZZ-DR-A-0232-G3  
Proposed Block C Floor Plans (Sheet 1) HREXE-PWA-C0-ZZ-DR-A-0130-G3  
Proposed Block C Floor Plans (Sheet 2) HREXE-PWA-C0-ZZ-DR-A-0131-G3  
Proposed Block C Floor Plans (Sheet 3) HREXE-PWA-C0-ZZ-DR-A-0132-G3  
Proposed Block C Proposed Floor Plans (Sheet 4) HREXE-PWA-C0-ZZ-DR-A-0133-G3  
Proposed Block C Sections - Sheet 01 HREXE-PWA-C0-ZZ-DR-A-0330-G3  
Proposed Block C Sections - Sheet 02 HREXE-PWA-C0-ZZ-DR-A-0331-G3  
Proposed Block D Sections - HREXE-PWA-D0-ZZ-DR-A-0340-G3  
Proposed Block D Bay Study HREXE-PWA-D0-ZZ-DR-A-0413-G3  
Proposed Block D Elevations - Sheet 1 HREXE-PWA-D0-ZZ-DR-A-0240-G3  
Proposed Block D Elevations - Sheet 2 HREXE-PWA-D0-ZZ-DR-A-0241-G3  
Proposed Block D Elevations - Sheet 3 HREXE-PWA-D0-ZZ-DR-A-0242-G2  
Proposed Block D Floor Plans (Sheet 1) HREXE-PWA-D0-ZZ-DR-A-0140-G3  
Proposed Block D Proposed Floor Plans (Sheet 2) HREXE-PWA-D0-ZZ-DR-A-0141-G3  
Proposed Block D Floor Plans (Sheet 3) HREXE-PWA-D0-ZZ-DR-A-0142-G3

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

3) Unless otherwise agreed in writing the landscaping of the site shall be implemented in accordance with the approved scheme shown on the plans listed below, and shall be completed to a timetable that has been agreed in writing prior to the occupation of any part of the residential development hereby approved.

External Landscaping D3141-FAB-00-02-DR-L-1007-PL03  
External Landscaping D3141-FAB-00-02-DR-L-1008-PL03  
External Landscaping D3141-FAB-00-03-DR-L-1009-PL03  
External Landscaping D3141-FAB-00-03-DR-L-1010-PL03.  
External Landscaping D3141-FAB-00-04-DR-L-1011-PL03  
External Landscaping D3141-FAB-00-04-DR-L-1012-PL03  
External Landscaping D3141-FAB-00-XX-DI-L-0001\_PL03  
External Landscaping D3141-FAB-00-XX-DR-L-1000-PL03  
External Landscaping D3141-FAB-00-XX-DR-L-1001-PL03  
External Landscaping D3141-FAB-00-XX-DR-L-1002-PL03  
External Landscaping D3141-FAB-00-XX-DR-L-1003-PL03  
External Landscaping D3141-FAB-00-XX-DR-L-1004-PL03  
External Landscaping D3141-FAB-00-XX-DR-L-1013-PL03  
External Landscaping D3141-FAB-01-XX-DR-L-1005-PL03  
External Landscaping D3141-FAB-01-XX-DR-L-1006-PL03

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

#### Pre-Commencement Conditions

4) No development (including ground works) or vegetation clearance 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) The site access point(s) of all vehicles to the site during the construction phase, and the proposed route of all construction traffic exceeding 7.5 tonnes.
- b) The parking of vehicles of site operatives and visitors.
- c) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;
- d) Areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste, with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless the correct licences have been obtained and notification issued to the Local Planning Authority;
- e) The location of the site compound and details of how power will be provided to the compound (use of a generator overnight will not normally be considered acceptable).
- f) Details of wheel washing facilities.
- g) The layout of the site including storage areas of plant and materials (including any piling of soils) used in constructing the development.
- h) The means of enclosure of the site during construction works; and



- i) A noise and vibration management plan, including details of quantitative monitoring of noise and/or vibration to be conducted if deemed necessary by the LPA following justified complaints.
- j) A detailed proactive and reactive dust management plan, including details of quantitative monitoring of dust emissions.
- k) No burning on site during construction or site preparation works.
- l) 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, unless agreed by the planning Authority in advance;
- m) All plant and equipment based at the site to use white noise reversing alarms or a banksman unless agreed otherwise in writing in the CEMP.
- n) No driven piling shall take place without prior consent from the LPA.
- o) Any non-road mobile machinery (NRMM) based at the site shall be of at least stage IIIB emission standard (or higher if stage IIB has not been defined for the type of machinery) unless agreed otherwise in writing in the CEMP.
- p) The erection and maintenance of securing hoarding, if appropriate. (Hoarding is to be kept free of fly posting and graffiti).
- q) Arrangements for communication and liaison with local residents, including regular letter drops and a dedicated contact number for complaints.

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

Reason: In the interests of protecting amenity.

5) Pre-commencement condition: No materials shall be brought onto the site or any development commenced, until the developer has erected tree protective fencing around all trees or shrubs to be retained. This shall be in produced in accordance with BS 5837:2012 - Trees in Relation to Design, demolition and construction and shall have been submitted to and approved in writing by the Local Planning Authority prior to commencement. It shall detail how the trees shown as retained on the Arboricultural Plan (ref. TF1210-FAB-00-XX-DR-G-8301-TF1210-FAB-00-XX-DR-G-8301) received 15 June 2023 shall be protected during construction. The works within the root protection zones of the retained trees shall only be carried out in accordance with an Arboricultural Method Statement that shall have been submitted to and approved in writing by the Local Planning Authority prior to commencement of development on site.

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

6) Pre-commencement condition: Unless otherwise agreed in writing by the Local Planning Authority, the non-residential parts of the development hereby approved shall achieve a BREEAM excellent standard (minimum 70% score) as a minimum. Prior to commencement of development of such a building, the developer shall submit to the Local Planning Authority a BREEAM design (interim) stage assessment report, to be written by a licensed BREEAM assessor, which shall set out the BREEAM score expected to be achieved by the building and the equivalent BREEAM standard to which the score relates. Where this does not meet

the BREEAM minimum standard required, the developer shall provide, prior to the commencement of development of the building, details of what changes will be made to the building to achieve the minimum standard for the approval of the Local Planning Authority to be given in writing. The building must be completed fully in accordance with any approval given. A BREEAM post completion report of the building is to be carried out by a licensed BREEAM assessor within three months of substantial completion of the buildings and shall set out the BREEAM score achieved by the building and the equivalent BREEAM standard to which such score relates.

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

7) No development shall take place (including any demolition, ground works, site clearance) until a construction ecological management plan (CEcMP) has been submitted to and approved in writing by the local planning authority. The CEcMP shall be based on the recommendations in the Ecological Assessment (Tyler Grange, 14769\_R01b\_JS\_CW) and Tyler Grange response submitted on 23rd December 2022, and shall include appropriate measures, methods and communication lines to manage potentially damaging construction activities on ecological features including roosting bats (including supervision during demolition), nesting birds, badger, hedgehog, otter, Schedule 9 non-native species and any other significant features identified prior to, or during, construction. Once approved, the plan shall be implemented for the duration of the construction period.

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

8) No development shall take place until an investigation has taken place to determine the risk to development posed by Unexploded Ordinance. The results, together with any further works or recommended working practices deemed necessary shall thereafter be implemented on site.

Reason: In the interests of public safety.

9) No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:

- (a) A detailed drainage design based upon the approved Flood Risk Assessment and Drainage Strategy. This surface water drainage system shall be designed up to the 1 in 100 year (+ climate change) rainfall event without any flooding predicted within the modelling.
- (b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
- (c) Proposals for the adoption and maintenance of the permanent surface water drainage system.
- (d) A plan indicating how exceedance flows will be safely managed at the site.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (d) above.

Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign/unnecessary delays during construction when site layout is fixed.

#### Pre-Construction Conditions

10) No development approved by this planning permission, other than demolition to ground level, shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:
    - o all previous uses
    - o potential contaminants associated with those uses
    - o a conceptual model of the site indicating sources, pathways and receptors
    - o potentially unacceptable risks arising from contamination at the site.
  2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reasons: To protect the environment and human health and to ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 174 of the National Planning Policy Framework.

11) No development, other than demolition to ground level, shall take place until an Ecological Enhancement Plan has been submitted to and approved in writing by the local planning authority. The plan shall show the locations, specifications and management of the site-wide faunal enhancements including bat boxes and the installation of a minimum 96 swift bricks. The plan must include a schedule of works that includes timescales for installing all

proposed features and an auditing visit prior to final occupation to ensure installation has been correctly undertaken. All features will be installed according to the approved plan.

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

12) No development, other than demolition to ground level, shall take place until such time as the detailed design of the external site levels, minimum floor levels and the proposed flood water passage route has been submitted to, and approved in writing by, the local planning authority. The agreed design shall be fully implemented prior to occupation and subsequently maintained over the lifetime of the development.

Reason: To reduce the impact of flooding to the site and ensure that there is no increase in risk to third parties.

13) No development, other than demolition to ground level, shall take place until such time as the detailed design of flood resistance and resilience measures for the whole site has been submitted to, and approved in writing by, the local planning authority. The agreed measures shall be fully implemented prior to occupation and subsequently maintained over the lifetime of the development.

Reason: To reduce the impact of flooding to the site and ensure that there is no increase in risk to third parties.

14) No development related works (other than the demolition of the existing buildings to ground level) 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 for pre commencement condition: 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.

15) No development, other than demolition to ground level, shall take place until such time as the detailed design of flood resistance and resilience measures for the whole site has been submitted to, and approved in writing by, the local planning authority. The agreed measures shall be fully implemented prior to occupation and subsequently maintained over the lifetime of the development.

Reason: To reduce the impact of flooding to the site and ensure that there is no increase in risk to third parties. until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary

surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

Reason for pre-commencement condition: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.

16) Unless otherwise agreed, no development, other than demolition to ground level, shall be carried out unless details of a scheme for alternative ventilation to residential rooms in the southwest of the site shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed to reduce the likelihood of overheating even if windows are kept closed when external noise levels are high. The approved scheme and equipment shall be installed and operated as agreed thereafter.

Reason: In the interests of the amenity of residential occupiers.

#### Pre-Occupation Conditions

17) No part of the development hereby approved shall be occupied or brought into use until a Section 278 agreement pursuant to highways works to pavements along Haven Road and Water Lane, the provision of servicing laybys and the construction of a raised table on Haven Road, and associated surfacing works has been entered into.

Reason: In the interest of highway safety and encouraging sustainable travel.

18) None of the residential parts of any building hereby approved shall be occupied until the secure cycle parking facilities for residents for that building have been provided in accordance with the approved plans. Thereafter the said cycle parking facilities shall be retained for that purpose at all times.

Reason: To ensure that cycle parking is provided, in accordance with Exeter Local Plan Policy T3.

19) None of the commercial units hereby approved shall be occupied until the visitor cycle parking facilities have been provided in accordance with the approved plans. Thereafter the said cycle parking facilities shall be retained for that purpose at all times.

Reason: To ensure that cycle parking is provided, in accordance with Exeter Local Plan Policy T3.

20) Prior to occupation of any premise which includes a commercial kitchen, details of equipment to control emissions of smoke, odour and grease shall be submitted to and approved in writing by the Local Planning Authority. The approved equipment and systems shall be installed and operated as agreed thereafter.

Reason: In the interests of the amenity of nearby residential occupiers.

21) The development hereby approved shall not be occupied until a Flood Emergency Plan has been prepared.

This should:

- Characterise and quantify the flood risk from all sources,
- identify relevant flood warnings and like notice of flood events,
- detail who is at risk, including any vulnerable occupiers,
- explain how the Plan will be triggered,
- define responsible persons,
- describe actions and responsibilities,
- detail flood resistance or resilience measures on site,
- detail emergency services infrastructure on site,
- identify flood escape routes to a safe location,
- outline evacuation procedures, and
- establish procedures for monitoring and reviewing the plan through the lifetime of the development.

Reason: In the interests of the safety of future residents.

22) Prior to the occupation or bringing into use of any part of the development hereby approved details of the arrangements that have been put in place for the ongoing management and maintenance of the communal spaces, landscaping, surfaces, street furniture, play space, means of enclosure, access controls and parking (including cycles), shall have been submitted to and approved in writing by the local planning authority and these arrangements shall have been secured on an ongoing basis.

Reason: To ensure the communal spaces are maintained and continue to serve and provide amenity to the occupiers of the dwellings hereby permitted.

#### Other Conditions

23) Piling or deep investigation boreholes using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

Reasons: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 174 of the National Planning Policy Framework.

24) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The

remediation strategy shall be implemented as approved.

Reasons: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 174 of the National Planning Policy Framework.

25) Unless otherwise agreed in writing external materials shall be in accordance with Proposed Material Schedule Sheets 1 and 2 received 14 June 2023. Unless otherwise agreed in writing samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority. No external finishing material shall be used until the Local Planning Authority has confirmed in writing that its use is acceptable. Thereafter the materials used in the construction of the development shall correspond with the approved samples in all respects.

Reason: To ensure that the final materials conform with the application.

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

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

27) Cumulative noise from all building services plant shall not exceed the following rating noise levels (measured in accordance with BS4142:2014 at 1m from the nearest noise sensitive property):

Between the hours of 07:00 to 23:00

Receptors to the north east of development 40

Receptors to the south west of the development 40

Receptors to the north west and south east of the development 30

Receptors within the site 35

Between the hours of 23:00 to 07:00

Receptors to the north east of development 33

Receptors to the south west of the development 33

Receptors to the north west and south east of the development 27

Receptors within the site 29

Reason: To protect the amenity of neighbouring occupiers.

28) Glazing and ventilation in the building facades shall achieve at least the levels of sound insulation specified in Table 5.1 of the submitted Noise Assessment Report (dated 18 July 2022 by auricl acoustic consulting).

Reason: To ensure acceptable level of amenity for future residential occupiers.

29) External seating areas associated with commercial premises shall only be used between the hours of 08:00 and 23:00.

Reason: In the interests of the amenity of nearby residential occupiers.

30) Unless otherwise agreed in writing deliveries to and collections of refuse/recycling from commercial premises shall take place between the hours of 08:00 to 21:00 only.

Reason: In the interests of the amenity of nearby residential occupiers.

31) All commercial kitchens within the development shall be provided with a high level discharge point for their kitchen extraction system.

Reason: In the interests of the amenity of nearby residential occupiers.

32) Notwithstanding the approved plans no external lighting shall be installed on the site unless the details have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of the residential occupiers and in the interest of highway safety.

33) The development shall be carried out in accordance with the Waste Management Plan dated December 2022 or such other plan as may subsequently be approved in writing by the LPA.

Reason: To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document. These details are required pre-commencement as specified to ensure that building operations are carried out in a sustainable manner.

34) Unless otherwise agreed in writing prior to construction of the buildings hereby approved construction shall only be carried out in accordance with the standards and technologies described in the Energy and Sustainability Statement v6 dated 23 May 2023.

Reason: In the interests of securing the described energy performance of the buildings which are considered to be significant material consideration in determining the application.



35) The buildings comprised in the development hereby approved shall be constructed in accordance with the CIBSE Heat Networks Code of Practice so that the internal systems for water heating are capable of being connected to a low temperature hot water heat network. Prior to commencement of construction a route for connection of the buildings to a point (or points) on the boundary of the site shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the proposal complies with Policy CP13 of the Council's adopted Core Strategy and paragraph 153 of the National Planning Policy Framework and in the interests of delivering sustainable development.

36) Notwithstanding the approved plans, those windows of the co-living bedroom units in Block D listed below that are in the northwest elevations only of Block D shall be constructed as obscure glazed and maintained as such thereafter.

101, 117, 118, 154, 155, 201, 226, 301 and 323

Reason: In the interests of the residential amenity of occupiers and neighbouring occupiers.

37) Provision shall be made within the site for the disposal of surface water (other than flood water) so that none drains on to any County Highway.

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

Informatives:

1) 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.

2) 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).

3) 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](http://www.exeter.gov.uk/cil).

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

5) The residential development hereby approved will not be eligible for Residents Parking Permits for on street parking.

6) Although not matters contained within the scope of this application, the applicant should be advised to contact the Commercial Section of Environmental Health Services (01392 265148) in order to ensure that the following items will comply with all relevant British Standards, Regulations and guidance:

- Food safety issues - design and layout of the kitchens including fixtures, fittings, storage and ventilation.
- Management of the gym

Alternative Recommendation:

- b) REFUSE PERMISSION IF THE LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) IS NOT COMPLETED BY TWELVE MONTHS FROM THE DATE OF THIS COMMITTEE OR SUCH EXTENDED TIME AS AGREED IN WRITING BY THE SERVICE LEAD (CITY DEVELOPMENT)