

23 December 2022

Mr H Smith  
Principal Project Manager (Development)  
City Development  
Exeter City Council

Dear Howard

**APPLICATION REFERENCE 22/1145/FUL: HAVEN BANKS RETAIL PARK  
RESPONSE TO CONSULTEE COMMENTS**

Further to receipt of various consultee comments over the past 5 months, since submission of the above application, I write to provide a response to the comments and queries raised. I trust that all feedback has now been received and therefore this should be a comprehensive response.

As you are aware, we are addressing the various urban design and wider 'planning' comments separately with yourself and Mark Pearson, so they do not form part of this response. These ongoing changes also address the comments of Friends of Exeter Ship Canal (received 6<sup>th</sup> October 2022) and Exeter Civic Society (received 7<sup>th</sup> October 2022), so likewise, responses to these comments are not included in this response letter.

The responses are provided in chronological order and respond to each consultee's comments, one at a time, under separate headings, for clarity. This letter is supported by third party documents, produced by the applicants consultants and referenced below as necessary.

**Environmental Health: Comment Date 12-09-22**

The response proposes a contaminated land condition be imposed on any approval, which is agreed, as is the proposed CEMP condition, following on from submission of the outline CEMP document.

In relation to noise, a number of queries are raised, which have been reviewed by the applicant's noise consultant. A written response (see 221017 EHO Noise Response) is submitted in support of this letter, addressing the comments raised.

Details regarding Kitchen Extraction are provided by Cudd Bentley (see 220923 Kitchen Ventilation Systems) which provide a response to queries raised by the EHO.

Details regarding Bin Storage for Commercial Units are provided by the scheme architects Piper Whitlock (see 220923 Commercial Waste Provision) which sets out details of the bin provision across the scheme. Any subsequent scheme amendments will ensure that sufficient storage is provided for the number of units proposed and this will be identified on the plans.

Matters of Nuisance Light Spill are covered in the Lighting Impact Assessment (see 220923 Lighting Design) provided by Cudd Bentley and attached to this submission, which reviews the existing external lighting environment at the Haven Banks Retail Park and sets out the criteria for the external lighting for the new mixed use residential development being proposed.

### **South West Water: Comment Date 13-09-22**

We note that SWW have no objection subject to the foul and surface water being managed in accordance with the submitted drainage strategy. The development will comply with the requirements as set out in the WSS letter.

### **NHS Devon: Comment Date 21-09-22**

As discussed previously, it is considered that CIL payments, which will be significant for this development, should cover financial contributions towards healthcare facilities, as a clear form of community infrastructure. It is on this basis that the concept of CIL was introduced, to provide additional certainty and remove the need for additional financial contributions through s106 agreement.

### **Exeter Cycling Campaign: Comment Date 22-09-22**

The group were supportive of the proposals and welcomed the aspirations of the scheme, but posed a number of questions/recommendations, as follows:

'make a connection for people walking, scooting and cycling to Diamond Road'

This option was considered, but for various reasons has been discounted. The opening up of a connection through to Diamond Road would lead to significant security implications, is contrary to the requests of the Designing Out Crime Officer and would be strongly resisted by residents of Diamond Road.

Additionally, the northern main access from Haven Road is just a short distance from Diamond Road, so an additional access point has limited merit. Through the pre-application process, we were also advised not to make the scheme too permeable.

'we would expect the highway design to force priority for active travellers connecting to the Piazza. These provisions should include extending the paving from the public square across the roadway into the Piazza. As well as a 20mph speed limit along the Haven Banks road and the proposed steep transition ramp for vehicles the road markings and signage must make it clear that vehicles travelling along Haven Road do not have priority. We would expect that S106 money will be levied to enable these highway improvements.'

The raised table along this section of Haven Road will create a clear and level crossing point between the Piazza and the application site, prioritising non-motorised modes of transport. The raised surface runs the entire length of the southwest side of the Piazza. Any additional changes, such as changes to the speed limit, are for Devon Highways to comment on.

'demonstrate that LTN1/20 design guidance for shared use paths have been considered and justify whether a shared-use path is appropriate.'

The landscaping scheme at the centre of the site seeks to green this focal part of the site, whilst providing connectivity from Water Lane to Haven Road. As such, a 3m wide hardstanding strip through the centre of the site would be contrary to this ambition and visual impact. It is considered that there is sufficient room on the pathway as proposed to accommodate both pedestrians and cyclists. This will also encourage reduced cycle speeds through the site.

The existing cycle path, to the east of the site, will likely still remain as a key route from north to south, so it is not envisaged that all cyclists travelling through the area will utilise this new route.

'new routes through the site are established as public rights of way to safeguard the future use of these spaces as part of the city's street network'.

This is for Devon Highways to comment on.

'provide reassurance through a planning condition requiring evidence of successful comparator case studies and wet slip resistance tests that the inlaid cor-ten does not present a slip hazard to cyclists. Otherwise, consider alternative surfaces which don't represent a skid/fall hazard for people cycling'.

This is for ECC to advise on, however we would suggest that this can be controlled through landscaping/materials conditions.

'Increase cycle storage levels. LTN 1.20 design standard (section 11.3 and Table 11-1) is that there should be one residential cycle parking place per bed. The accommodation schedule on page 73 of the DAS notes that there are 188 co-living bed spaces and 399 residential bed spaces leading to a total of 587 bed spaces'.

Cycle parking is provided in accordance with Local Plan requirements, including provision for cargo and non-standard cycles. Sufficient space will be provided in each cycle store for manoeuvrability.

'Provide covered visitor cycle parking close to the principal residential entrances for convenience and security.'

Visitor cycle parking is provided in the form of Sheffield stands, as set out in the Transport Assessment. There is no requirement to provide undercover parking and this would lead to an overly cluttered development.

'We seek confirmation that these cycle parking sites will accommodate non-standard bike forms (LTN 1/20 recommends typically 5% of cycle parking should be provided for non-standard cycles) and designed to LTN 1/20 standards for space and security.'

As above, this has been factored into the scheme design.

'Consider providing access to cycle stores from the principal street to embed cycling as a convenient and safe form of daily transport'.

Current scheme evolution looks at cycle stores being relocated to the frontage of buildings C and D, providing direct access off the main central route.

'We would ask that room for bike maintenance is built into these bike storage areas'

Maintenance equipment will be provided within the cycle stores as far as is practical.

#### **Designing Out Crime Officer: Comment Date 23-09-22**

It is noted that the Designing Out Crime Officer raises no concerns with the proposed development, recommending a number of conditions.

#### **Devon and Somerset Fire and Rescue: Comment Date 26-09-22**

We note that the above group raise no objections to the development, however they do comment that the proposals may not satisfy the criteria required for B5 access under the Building Regulations. No further detail is provided and it is not clear what criteria may not be satisfied, so we would welcome your thoughts on the implications of these comments.

**Lead Local Flood Authority: Comment Date 28-09-22**

The response to the queries raised are included within the updated FRA and Flood Warning Evacuation Plan (FWEP) (see SJA\_FRA-61645-2022-Issue 03-FINAL parts 1 and 2). These documents also provide a response to the Environment Agency outstanding queries in relation to commercial floor levels and safe escape.

**RSPB: Comment Date 28-09-22**

No objection is raised and the recommendation to condition the number of bird boxes is noted.

**Natural England: Comment Date 03-10-22**

No objection is raised and we note the comments made in relation to the Exe Estuary SAC and the councils measures already in place to manage potential impacts, through a SANGS payment.

As per previous correspondence however, we would question the differentiation between affordable housing and standard housing in relation to the areas liable to SANGS contribution. The guidance on the ECC website is clear, stating: 'Where developments pay the Community Infrastructure Levy (CIL), this per dwelling contribution will be top-sliced from CIL receipts. No additional Habitats Mitigation contribution is required where a CIL payment is made'. It goes on to state that: 'Where developments are not liable or are exempt from paying the Community Infrastructure Levy, it is necessary to levy the contribution...'

This appears clear that on developments where CIL is applicable, as per this development, contribution towards SANGS will not be required. Simply because part of the liable scheme would benefit from CIL relief, does not mean the applicability of CIL is in question, nor the definition of what is the 'development'.

**DCC Education: Comment Date 04-10-22**

As above with healthcare provision, it is considered that CIL payments, which will be significant for this development, should cover financial contributions towards education, as a clear form of community infrastructure. It is on this basis that the concept of CIL was introduced, to provide additional certainty and remove the need for additional financial contributions through s106 agreement.

**ECC Waste and Recycling Team: Comment Date 13-10-22**

The response states no objection to the proposals but makes a number of recommendations. This has been reviewed by the scheme architects and transport consultants and will be incorporated into the evolving designs.

Separate commercial and residential waste storage is proposed and bins will be moved to presentation areas on collection days to ensure rag distances do not exceed 25m. overall capacity will be sufficient for the residential and commercial occupiers and will comply with ECC standards as necessary.

**DCC Waste Planning: Comment Date 19-10-22**

This letter is supported by an updated Waste Management Plan (see 221220 Updated Waste Management Plan) responding as far as possible to the feedback received from DCC on this matter.

The requested Waste Audit Statement is included within the WMP report, with all supporting information required by DCC included within the remainder of the WMP.

With regard to the location of waste disposal, residential waste will most likely be collected and managed by ECC, likely via the Exton Recycling Centre as part of an existing strategy adopted for local residences, but would suggest that this is for ECC to confirm.

In terms of commercial waste, the report has been updated to suggest the likely methods of waste disposal or recovery, subject to the specific operation of the future waste contractors appointed at the site. However, at this stage it would not be prudent to commit to a specific landfill site or recovery plant without confirmation from a waste contractor, as the use of these facilities are subject to permissions and collection vehicle specifications.

In particular, the WMP has been updated at paragraphs 6.7 and 6.14 to help address these points.

#### **ECC Ecology and Biodiversity: Comment Date 09-11-22**

In response to the comments raised by Dale Cooper, Tyler Grange have provided a response document (see Tyler Grange ECC Comments Response 24 Nov 2022) and additional BNG information (see 14769\_P04\_Post Development Biodiversity Net Gain\_JS\_RR).

The comments in relation to a conditioned CEMP, LEMP and an Ecological Enhancement Plan are noted, as is the comment in relation to bird boxes, covered above by the RSPB comments. Agreement to the landscaping proposals is also noted and welcomed.

#### **Environment Agency: Comment Date 11-11-22**

As above, an updated FRA and FWEP is provided and accompanies this submission (see SJA\_FRA-61645-2022-Issue 03-FINAL parts 1 and 2).

#### **DCC Highways: Comment Date 21-11-22**

The officers responses are welcomed and it is noted that vehicular trip rates, reduced when compared with the current trip generation, are agreed. The response is supportive of the raised table on Haven Road, subject to detailed design post-consent. Waste arrangements, including manoeuvring, are also agreed.

The response confirms the location of nearby car parks with capacity and agrees both the loss of existing parking spaces and the level of proposed residents parking at the site.

We trust that the above and attached responds fully to the queries raised, but should there be any further questions, please do not hesitate to contact us. As stated above, these principles will be incorporated into any amendments to the scheme which are currently under discussion.

Yours sincerely



**Jonathan Rowlatt**  
Director