

Application:

https://planningdocs.exeter.gov.uk/servlets/direct/KWdyi9RTRBx8cyg6J/2/837666/1/1/AS_PDF_FILE

*“1.11 The outline planning application proposes a sustainable new waterside community providing **900-980 homes and 36 – 40,000m2 of other uses** to help create a ‘15 minute neighbourhood’ with a range of services and amenities easily accessible by walking and cycling. It will be connected to other areas, including the city centre, by an electric bus service with a mobility hub providing shared electric cars and bikes:”*

1. **The applicant has made the application in the form of a letter and not completed the application form and provided the relevant information** e.g. CIL obligations
2. **Section 106 obligations should be required for:**
 - a. **The rehabilitation of the sports hub on the corner of Bromhams Field for a changing room/cafe/kayak storage/nature fields studies centre.** This must be fully accessible for people with disabilities. This area is within the Water Lane SPD area. The S106 should be paid to the council so that the scheme can be a community led enterprise.
 - b. **The provision of a primary care facility including a GP surgery.** The developer must provide for both an appropriate facility for GP, dentist, local pharmacy etc, but GP as a minimum and initial funding to secure the GP and primary care contracts to deliver those services necessary for such a significant new population.
 - c. **S106 funds for increased maintenance for physical and nature requirements for the Valley Park due to increased demand on the valley park.** This should be as an initial sum and then through ongoing contributions over the life of the development.
 - d. **S106 funds required for a new bridge across the canal, to be a swing bridge, in order to enable the Heritage Harbour to contribute to welcome tall masted boats.** S106 commitments are therefore also required for upkeep and maintenance costs of the bridge, i.e. to cover cost of the Harbour team opening and closing the bridge to large visiting and historic vessels.
3. **The scope of the current application and subsequent decision at outline stage must be crystal clear: which are ‘reserved matters’, which parameter plans and content thereof are part of the decision, which matters are *illustrative* and which are relevant technical matters.**

*“1.12 Key requirements and design controls are captured in a set of **Parameter Plans** and compliance with these can be secured through a **planning condition**. How these parameter plans might be translated into a design proposal is indicated by an Illustrative Site Masterplan and Illustrative Perspective Views. However these are not full detailed design and this process will follow, at the reserved matters stage, again secured by a planning condition.*

Demolition of existing buildings and structures and residential-led mixed use development providing new dwellings and workspace, retail, café/restaurant, community and cultural/leisure/education/hotel uses and associated infrastructure, including vehicular access and servicing, mobility hub, energy plant; alteration of ground levels; drainage and public open space; landscaping and public realm works, including pedestrian and cycle routes, with all matters reserved for future consideration, with the exception of access.

The application letter differs from the DAS 1: the scope of the planning application and decision needs to be clarified - difference taken from DAS 1 underlined in bold.

DAS 1¹: “The planning application is in outline, with all matters (layout, scale, appearance and landscaping), **other than the mix and quantum of uses and the main access**, reserved for subsequent approval. Para 2.2 of DAS later refers to ‘access’, rather than main access.

4. The **proposed triggers for completion of each section of infrastructure including clear demarcation of what will be adopted by DCC and or ECC should be set out at this stage of the application.**
Infrastructure must be complete ahead of need in order to meet need and achieve the objectives for wellbeing, healthy neighbourhoods and active lifestyles.
5. The **maximum m2 of each use type should be agreed at outline stage, in conjunction with maximum heights and required densities in each area.** Differing numbers have been used throughout the various reports e.g. the Environmental Statement is based on 290 Student units, and there are “four scenarios for the proposed development in terms of numbers of residential, student and commercial units (drawing reference: 18155-NP00-00-DR-A-10011-1), the outline illustrative layout plan (drawing reference 18155- NP-00-00-DR-A-00065-6).”
6. **A long term construction and logistics management plan for all the sites in the Water Lane SPD, including this application must be agreed ahead of determination of this application. This may require facilitation by the LPA.** The construction management plan must make full use of the canal for the transport of materials and waste as far as possible and minimise the construction vehicles travelling through the Haven banks area. The Valley Park must not be used for the offsite storage of materials, sites on Marsh Barton should be considered and the closure of the underpass during the construction period e.g. for cement piping would be acceptable.
7. **Site plan: The site boundary does not accord with the Water Lane SPD² and should be required to align. The proposal significantly omits, and should include consideration of the following which are relevant to the outline application:**
 - a. **the Bromhams Field community hub and car park** - a potential integral part of the neighbourhood health and community wellbeing offer. A S106 contribution specifically towards the rehabilitation of the community building as a sports and nature hub (see above) should be secured
 - b. **Railway underpass** - a crucial walking and cycle route to and from the site which should be included at the outline stage. A section of land through the car park adjacent to the Dulux centre should be acquired through compulsory purchase to straighten the route to the road - so to reduce walking time and improve sight lines in order to increase perception and confidence for community safety.
 - c. **New canal bridge** - a crucial walking and cycle route to and from the West which should be

¹ [AS PDF FILE \(exeter.gov.uk\)](#)

² [Liveable Water Lane \(exeter.gov.uk\)](#)

included at the outline stage.

- d. The proposed uses in the application should **better align to the uses and layout in the adopted Water Lane SPD.**

e. Craning point and mooring on the canal around the vicinity of Gabriel's Wharf.

B & C are significant as the DAS highlights "Finding routes east-west is limited as the canal and river only have a handful of bridges and it is only possible to completely cross beyond at the northern and southern extremities of the site", so these **must be considered as important access points at the outline application stage.**

- 8. The indicative building layouts should be removed and not presented as agreed layouts for approval, since the required densities may be achievable in more acceptable layouts. Large mass blocks are not acceptable.
- 9. The parameter agreement should include provision of local plan policy compliant **35% affordable housing including social housing for each class use.**
- 10. Clarity should be provided in the recommendations in the officers report about exactly what the parameters that are to be agreed.
- 11. **Green Infrastructure and biodiversity.**

The following is noted from the ecology report but the actions from mitigation and BNG do not seems to reflect the important of the current biodiversity on the site. "The site is used by roosting, foraging, and commuting bats, as well as by common reptiles, and is likely to support common amphibians, hedgehogs, invertebrates, and nesting birds. The demolition of Buildings 1, 4 and 9 would result in the destruction of common pipistrelle and soprano pipistrelle bat day roosts and could potentially result in bats being disturbed, injured, or killed during works. The demolition of these buildings would therefore require a European protected species licence (EPSL) from Natural England. An EPSL can only be applied for once planning permission has been granted. The habitats on the site provide habitat for common reptiles including slow worms and common lizards. Clearance of theses habitats could result in the killing or injury of reptiles and result in the loss of reptile habitat. A reptile mitigation strategy is required to avoid potential killing or injury of reptiles present and to maintain the population on the site. Measures should include habitat provision of suitable habitat on the site to sustain any reptile population or a reptile translocation to an offsite receptor location. Other ecological mitigation and enhancement measures recommended include sensitive timing of works and searching the scrub/hedges prior to clearance for protected and notable species, and provision of bird nesting and bat roosting provision on new dwellings" [Richard Green Ecology \(exeter.gov.uk\)](https://www.exeter.gov.uk/exeter-green-ecology)

- a. Does the BNG assumptions about the canal path conflict with the walking/cycling pathway design and needs? How will the BNG be achieved here? Biodiversity net gain: [Appendix B.2 Biodiversity Net Gain Assessment \(exeter.gov.uk\)](#)
- b. "The line of mature and semi-mature hybrid black poplar trees along Water Lane, within the site, are considered to be a component of the Habitat of Principal Importance" The row of fifteen hybrid black poplars growing to the eastern boundary of the site and apple tree T24

should have TPOs placed on them or be conditioned to protect them during the construction stage and as part of the landscape scheme for the site.

- c. The BNG assessment (Appendix B) does not seem to take account of the **hedgerows on the site** cited in the Environmental Assessment report. [Water Lane Environmental Statement - Baseline, Policy and Methodology \(exeter.gov.uk\)](#) We fully support the Devon Wildlife Trust objection with regard to the assessment of biodiversity and mitigation.³ **Please can this be reviewed.**
- d. **A Landscape and Ecological Management Plan (LEMP) should be made a condition of planning permission.**

12. **DAS 3** [AS PDF FILE \(exeter.gov.uk\)](#) 'Less Cars – More Trees'

"Buildings need to be designed with high levels of air tightness and insulation, optimising orientation and design to benefit from natural light, ventilation and solar gain whilst avoiding risks of overheating. Heat and power should be provided from renewable sources, with on-site renewable energy generation potential optimised."

- a. The above requirements for design principles should be conditioned at this outline stage as important design principles to be followed in subsequent detailed planning applications.

13. **Neighbourly Scale and Heights**

5.107 *To be respectful to the existing residents around the edges of the application site, proposals should offer a lower scale along these boundaries.*

- a. The proposed co-living student blocks on Tan lane are disproportionate to the surrounding houses and height reduced to be no more than 2 storeys higher than the neighbouring properties in line with the Water Lane SPD
- b. **Heights - should be not more than the SPD and the approved maximum height should be set out in a standard metric method** not simply described as stories (given that commercial and non commercial heights usually differ,

14. **Flooding:** *Commercial less vulnerable uses allow flood depths of up to 500mm due to existing site uses with flood resilience measures to be applied. 6.42 Finished floor levels for more vulnerable uses are set to be at least 300mm above the design flood level. 6.43 Proposals seek to maintain the water conveyance along Water Lane and aim to ensure flood risk is not increased elsewhere.*

- a. How does the scheme contribute to the flood mitigation and emergency egress of residents in the Haven Banks area is not described and this must be set out.
- b. There is no demonstration of the likelihood and impact of the development on flood risk in the area given that the development is in a flood zone.

15. **Framework parameter plan:** [AS PDF FILE \(exeter.gov.uk\)](#)

- a. Layout **needs to be addressed as SPD is much better on public square and craning point etc,**

³ [Microsoft Word - DWT Comments 4.10.23 Water Lane 23-1007-OUT \(exeter.gov.uk\)](#)

and the proposed layout does not sufficiently respect the SPD

- b. How **close are blocks to the canal** - light and ecological studies should be included to demonstrate proximity and ecological impact on the Canal before approval and how **high is the block next to neighbours with the star on** (Indicated as a 'landmark' building). Landmark characteristics can be achieved via height, built form, materials and colour - it is unclear what techniques are proposed here. Neither has the respectful hatching and this should be indicated.

16. Transport. Transport Parameter plan [AS_PDF_FILE \(exeter.gov.uk\)](#) Access parameter plan [AS_PDF_FILE \(exeter.gov.uk\)](#)

- a. There is no regard shown to the impact of motor vehicle access on the Haven Banks area which has very constrained access/egress points. There MUST be a coordinated resolution between ECC as Local Planning Authority, DCC as transport Authority and all the interested developer parties to agree plan to managed the access to this site and all the sites in the Water Lane site through the Haven Banks community and onto the site itself. Lack of action now at this stage will bake in unacceptable long term negative impacts on the area in terms of road safety, excessive traffic, air pollution and inappropriate use of residential roads for through traffic. Willeys Avenue entrance from Alphington Road is one way. Roads on Water Lane are secondary residential, unable to cope with substantial through traffic. Water Lane is the major road through the neighbourhood, but will suffer from speeding and is a predominately residential in nature. The junction at Exe Bridges/Riverside is heavily congested and the yellow box road marking routinely ignored. None of these issue are addressed - making the 'main points' of access unviable. While low car ownership is assumed this will still generate significant trips, not including deliveries etc. The approval of the Haven Banks flats and co-living at the former Range site will mean additional trips and the cumulative effect of both developments will have a significant detrimental affect on the communities and road network.
- b. Where **connectivity plans within DAS documents refer to future crucial linkages as 'indicative'**, as this in itself is indicative that further investigation, including feasibility, ownership, ecological assessments, structural assessments and the likelihood of adoption by the highway authority are required to ensure that they come to fruition. It is unclear whether indicative refers to the precise location or that the existence of the links may be an aspiration that could remain unfulfilled. **Given the nature of this application linkages should be confirmed and conditioned at this stage.**
- c. **Active travel:** Analysis should calculate *"calculat[ing] the quantum of daily trips by each mode and for each hour, together with the distribution and assignment of such trips.... an ambitious initial modal share target for walking, cycling and public transport should be set in order to better frame the need (and locations) of the off-site infrastructure necessary to serve a development that will house in excess of 2,000 inhabitants (notwithstanding adjoining plots)."*

These targets should be conditioned as one of the key parameters in order to inform later stages and allow actual modal shift of the initial occupation to be compared with the modal. Again, and given the credentials of the site which is within walking / cycling distance of the city centre, two railway stations, an NCN route and provides a low level of off-street car parking,

there is every reason to insist on **ambitious mode share forecasting and targets that align with the Government's aim for (at least) half of all journeys in our towns and cities to be made by walking, wheeling and cycling.**

- d. **A swing bridge over the canal** should be included - it is in the SPD. **Needs to be funded by s106 agreement (see above).** Without a bridge over the canal the site will not be able to achieve its active travel objectives, discouraging people from active travel because it will require people to walk to either end of the site rather than enable access/egress to the heart of the site. **E/w linkages:** It is requested therefore that further investigation is undertaken (or presented) which sets out why a further crossing cannot be delivered, alongside proposals in the form of general arrangement drawings for the upgrading / widening or improvement of the existing linkages and the new bridge shown in DAS Figure 5.20. This would be the minimum requirement in order to inform the necessary planning conditions / obligations to ensure these were delivered to the right specification and at the right time.
- e. **Cycling:** Active Travel England's (October 2023 response) sets the benchmark: *"The outline application stage therefore represents the greatest opportunity to influence the long-term accessibility of the development through exploiting and realising permeable layouts and in so doing avoiding missed opportunities to maximise connectivity. This will improve the future chances of embedding and sustaining active travel throughout the lifetime of the development. Subsequently, decisions made at the outline stage will have a permanent bearing on the success (or otherwise) of the individual phases to meet the need to deliver healthy, sustainable and integrated new communities in line with national and local planning policies and design expectations."* ATE response, 5 October 23: [Microsoft Word - Planning Response Full - Deferral \(24\) \(exeter.gov.uk\)](#) ATE/23/00546/OUT
- i. All cycle routes must be LTN 1/20 compliant. All pedestrian routes must be wheelchair and sight impaired accessible.
- ii. **North/south linkages:** The DAS says: *"The National Cycle Network route is off-road, wide and suitable for cyclists of different abilities. There are a small number of advisory cycle routes across Water Lane and towards St Thomas and Marsh Barton but these do not have dedicated facilities and could be said to be of poor quality with poor surfacing and conflict with other road users."* Further information is needed including the specification of the N/S route, and how the development will fund / deliver an attractive and high-quality walking and cycling route to Marsh Barton and Exeter St Thomas stations, as well as the Clapperbrook Lane bridge (to meet the NCN route) and the quayside and city centre is also requested. **Contributions should be made to make off site improvements to cycle paths to St Thomas (including navigating across Exe Bridges), Marsh Barton and Alphington, with attention paid to surfacing/width/lighting and to maintenance inc winter gritting.** In addition to the above this should include **Water Lane North:** The Water Lane Linear Park is not shown on the transport perimeter plan and how any other linkages will continue to the north are to be dealt with - this is a serious omission.
- iii. **An additional parameter plan should indicate the off site improvements to enable**

active travel.

- f. **Buses:** Will Tan Lane be a car route or restricted, rather than a dedicated pedestrian/cycle route - if restricted only this will be open to abuse as it is now ([Layout1-P01 \(exeter.gov.uk\)](#)) . This route must prioritise active travel.
- i. Is the sharp bend in the parameter plans to take the route under the reopened bridge under the railway next to Tan Lane sufficient for a full length bus?
https://planningdocs.exeter.gov.uk/servlets/direct/KLy13mxZOYejzb9NVHeN/2/868826/1/1/AS_PDF_FILE
 - ii. Bus stops are not shown on the transport plan. **Bus shelters as standard at each stop and accessible pavements/bus levels should be conditioned.**
 - iii. A condition should be made that the **bus route and shared mobility solutions must be operational from the day the first resident moves in.**
- g. **Walking/Wheeling routes:** Off site improvements are required including:
- iv. **Opening the arch under the railway arch on Alphington Road** to provide a fully safe and direct route from Willey's avenue to Aldi without having to cross over the road and back. This route is still frequently ignored. (I have discussed with this Network Rail and a formal request should be made. To be funded by developer contributions
 - v. **Route under the railway next to the former Secanima plant needs to be improved** - yellow dotted line as this is a major route - see above.
- h. **The route to the South East needs to be conditioned as service vehicles only.**
- i. **Purple flood route higher ground and bridge over the railway must be created and installed before the first resident moves in (S106 conditioned).**
- j. **Car parking** - This can be lower than the 20% proposed. It is therefore likely that some form of restrictive parking zone will be required within and around the site, across Haven Banks and including onto the Marsh Barton employment area. This must be agreed with DCC.

17. **Green and Blue parameter plan:** [AS_PDF_FILE \(exeter.gov.uk\)](#)

- a. **Clarification on 'ecology buffer'** Where is the 3m 'ecology' buffer from the railway itself or the bottom of the bank. The ecology buffer needs to be meaningful and planned, noting existing wildlife including badgers, bats and hedgehogs. Note the railtrack requirement for 5m boundary. Do these match?
- b. **Primary open space along the canal will be mainly taken up with a cycle/walking path - so how much as dedicated green space and how much will be cycle/walking paths.** Both should be meaningful spaces, the plans are not credible.

- c. **Secondary / 'intermediate' space - these should not have vehicle priority - secondary space should give walking and cycling as priority spaces** especially as these are short roads and the culture that is trying to be cultivated across the site is one of active travel and these secondary roads are described as 'green links' for nature.

18. Disposition of uses [AS PDF FILE \(exeter.gov.uk\)](#)

- a. **Massive student and co-living blocks next to the existing residential areas are not appropriate and should be dispersed throughout the site** and these blocks must be no more than two stories higher than the neighbouring buildings in keeping with the SPD.
- b. Co-living needs to be classed as C2 (residential institutions), C3 (dwelling houses) or C4 (HMO) and the proportion of co-living and PBSA on the site limited. **The number of student units (cited as 320 students) compared to the 980 dwellings (x 2.1), along with coliving is too high a proportion. Together the PBSA and co-living should be capped at no more than 10% across the site in order to achieve a balanced community.**
- c. **School/college next to the electricity sub- station is not acceptable; frequent and long term exposure for children and young people to electromagnetic frequencies for long periods of time is a risk to human health. The site is also noisy. This site should be a car park** The [ICNIRP](#) have set specific EMF exposure limits to prevent established or known effects of EMFs and the potential health effects of exposure to EMFs below the exposure limits has been undertaken. The research investigates concerns that chronic exposure to levels of EMFs, similar to those produced by overhead lines and appliances may have adverse health effects including childhood leukaemia. The potential siting of the College also seems to conflict with the H&S Executive advice on siting of buildings away from the 'inner zone' above the and presenting the gathering of people in this inner zone (e.g. if it is an open space around a college).

Building Heights [AS PDF FILE \(exeter.gov.uk\)](#)

- d. **Height and massing parameters:** Do the heights relate to the commercial and then the residential on top or the total heights? There should be a **maximum height and massing indicated and approved for each part of the plan.** Visualisations are required from key city wide locations require - SW Exeter (Alphington), Exwick and Mincinglake/Beacon Heath and nearby Conservation area. (Colleton Crescent). The site is in a valley and will have significant impact on surrounding views. Visualizations should include sections through each part and including at least 40m of adjoining existing buildings in order for the relationship with adjacent properties and areas to be properly understood.
- e. **Limitations are needed on those parts of the buildings closest to or likely to overshadow the Canal and overshadowing should be prevented or very limited.**
- f. **Exceptionally high 12 storey densely massed buildings are unacceptable in the context of the Canal/Valley Park setting.** The maximum heights must reference and be in keeping with those

at the Quay. Heights along the Canal should vary to create interest and designed to reduce visual impact of density and massing. The height layout should conform to the SPD guidance.

19. Foul water:

- a. The LPA and developer need to clarify the extent to which the foul sewage measures for the new and reinstatement of current foul sewerage is to be provided by the developer as described in Outline Surface Water & Foul Drainage Strategy (8.1.4) [AS PDF FILE \(exeter.gov.uk\)](#).
- b. While the disposing of surface water runoff to a surface water body (River Exe, Canal or Alphin Brook) have been discounted this should be conditioned.
- c. Combined overflow sewers into a surface water body must not be allowed and exceedances of the system (6.1.2.) should not allow foul water to flow into SUDS.

Cllr Diana Moore & Cllr Tess Read

17th September 2024