

Howard Smith
ECC Planning Department
Exeter

By email
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10 November 2023

Ref.: Water Lane Outline Planning Application, 23/1007/OUT

Dear Howard Smith,

Please find our response to the Water Lane Outline Planning Application in this email. It took us a bit longer to respond, as we needed to sort out a few things. We very much hope you will find the points we outline useful.

ECS Response to Water Lane Outline Planning Application: 23/1007/OUT October 2023

1 General Context

1.1 The Civic Society welcomes this outline application for the development of this tired and dilapidated part of Exeter. We hope that future reserved matters applications will be sympathetic to this semi-rural location which requires redevelopment with buildings that are sensitive to the landscape of the area, respectful of existing residential communities, and respectful of the Exeter Ship Canal and its historical banks. First impressions suggest that this is **not** the case.

1.2 We do not wish to object to the overall development, but **we do object to aspects that do not respect the concerns mentioned above**. Through this response we will identify proposals we consider are controversial or inappropriate, and that will not enable the application to move smoothly through the planning process, and to support future Reserved Matters applications.

1.3 We are pleased that Waterlane DMC has acquired land and buildings to enable this outline planning application. One significant problem with this application, however, is that it cannot align with a city council Master Plan for the wider area, even though a previous head of city development called for one in earlier years. Without a Master Plan for the area we do not see how neighbouring land owners can be compelled to agree with some of the aspirations that this applicant proposes, particularly in respect of highways and transport links through the former gasworks site, and the giving up of land by the former gasworks owners and ECC for a new Primary school. It is our understanding from the applicant that the owner of the Vulcan works site is not interested in releasing their land for redevelopment. Without all land owners engaging in the redevelopment of this area with shared responsibility

for the necessary infrastructure, the burden of cost will fall on this application, and others who are in discussions with the council's planning officers.

1.4 The lack of a Master Plan for the whole wider Water Lane area, including Haven Banks and the Basin also results in some disjointed proposals for off-site links which the applicant cannot be sure will be realised. The Society and other organisations have repeatedly brought this to ECC's attention. This is borne out by the consultation document for an SPD 'Development Framework and Design Code' on 23 October 2023 for the wider Water Lane Area which shows road layouts and wider infrastructure needs that are different to the applicant's outline application.

1.5 All of this leads to the following overriding objections by Exeter Civic Society:

1.5.1 The wider context of traffic flow in the whole area is not considered in the Outline Application (see points 2.2, 3.1 of our response for details), **so we ask for more detailed planning of the traffic flow in the wider area to be conditioned if this application is approved.**

1.5.2 Ideally, as a supplementary planning document, the 'Development Framework and Design Code' should be consulted on and agreed upon before developers' specific proposals are considered to ensure that planning applications are driven by the SPD rather than developed as piecemeal by each application. With disparities between this application and the 'Development Framework and Design Code', **we hope that any approval will not endorse any aspects that do not align with the aspirations of the current consultation.**

2 Cover of Outline Planning Application

2.1 We appreciate the extensive research and analysis documents submitted as part of this outline planning application, which seemingly only wants to cover access.

2.2 The presented 'Planning, Design & Access Statement' (PD&AS), lacks coherence in what exactly it wants to cover: It states in its 'Executive Summary': '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' (p. 7). In its 'Introduction' it states: 'The detailed design of all matters, except for the main access, is reserved for subsequent approval' (p.10).-And in its 'Planning Assessment & Conclusions' chapter it clarifies what access it wants to cover: 'The main means of access from Tan Lane plus the alterations to the arches under the railway line from Tan Lane to allow for improved bus and separate cycle/pedestrian access form part of the application. Details of the secondary access and other potential access points will be submitted for approval at a later stage as agreed with ECC and DCC' (p. 150). We hope that the Design Code will bring some clarity to secondary access across the wider area, and become an SPD before any reserved matters applications are submitted for this site.

2.3 We are concerned that the outline application 'includes parameter plans which are intended to provide the basis for planning conditions to help control and guide design at the reserved matters stage' (p.151). In the introduction the document already suggests the function of the parameter plans is to 'be secured via a planning condition, as the basis for detailed design at the reserved matters stage' (p. 10). These parameter plans, the

'illustrative layout and illustrative perspective views' (p. 151), due to their multiplicity and complexity of detail, bind them inextricably to the issues covered in this Outline Application. The document creates a mere illusion that, what it wants to keep as reserved matters for a later stage detailed application (or multiple of them, should plots be sold to other developers after the granting of the Outline Planning Application), will not be unavoidably linked to this outline stage. The whole list of details of Chapter 9 (pp. 151-162) undermines this illusion. We hope that, if ECC is minded to agree the parameter plans, appropriate amendments are based on public comments and its own emerging Design Code.

ECS requests that ECC conditions and amends the submitted parameter plans and their implications in approving the Outline Application.

2.4 As a consequence of the complex applications and its implications, ECS's response to this outline planning application will be structured in the following way:

2.4.1 ECS will comment on mix and quantum of uses and evaluate them as pre-determining factors of future detailed applications, especially in respect of people and transport connectivity.

2.4.2 ECS's response will look into the parameter plans (PD&AS, chapter 7), the illustrative development proposals (PD&AS, chapter 6) and the details in the planning assessment (PD&AS, chapter 9), in order to comment on details where we object to the plans, or elements of the proposals.

3 Access, Mix and Quantum of Uses

3.1 Access

3.1.1 Vehicular Traffic Flow within the Area and Second Primary Access Point to the Wider Area

This proposal suggests all vehicle access will be via a re-aligned Tan Lane junction, then along the proposed Foundry Lane parallel with the mainline railway to King Street (between F and G buildings) where it becomes the secondary vehicular road (open to existing residents and service vehicles). Access to Cotfield Street, Gabriel's Wharf Estate and River Meadows will be via this road and the parallel one directional bus-only Garton Street (between G and H buildings). **We hope the status of Water Lane between Cotfield Street and the junction with Tan Lane initially will be retained as a two-way highway, and eventually developed in line with ECC's Design Code to achieve what this Outline Application describes as a pedestrian and cycle-focussed street with limited vehicular access.**

The route for buses (electric) to and from the site from Marsh Barton is to be through the newly opened second Tan Lane underpass, a development we welcome as we suggested it in our 'Prospectus for the Wider Water Lane Area'. The Outline Application states the existing underpass will be used for pedestrians and cyclists. Buses then will follow Foundry Lane, cut through the Southern Regeneration Zone via Garton Street (one-directional, bus only) and King Street and use Water Lane to proceed to the city centre via the northern development zone. In the medium/long term, if the developer of the northern zone provides for this, the bus route will cut through the plot from Foundry Lane along the northern side of

the electricity substation through to Haven Banks, thereby reducing traffic on Water Lane. As this area is not part of the current outline application this further development remains somewhat hypothetical, and buses will need to pass along Water Lane.

We have significant concerns that whilst the 'Transport Assessment' (TA) speaks of 'two ultimate core vehicular access scenarios (TA 5.5.18-5.5.21) it does not truly look beyond the two regeneration zones and does not consider the potential bottleneck where Haven Road and Water Lane feed into Alphington Road. For safety and emergency reasons as well as for traffic flow, a second primary access point to the area using the Tan Lane underpasses should be considered in the long term to alleviate congestion at this junction, as part of a wider transport strategy for this area. That would provide a direct link to Marsh Barton. The applicant needs to explain why the height of the already open underpass, which according to the 'Transport Assessment' is too low to accommodate electric buses, cannot be increased to allow all traffic to flow in both directions (TA 5.5.13-5.5.16). **ECS wants to see both Tan Lane underpasses used as a second primary vehicular route in and out of the development.**

We object to the submitted travel assessment, because it does not realistically demonstrate that existing roads and junctions outside the Regeneration Zone can cope with the additional traffic. We do not find it credible to conclude that 'the traffic impacts of the development proposal will not materially exceed the current permissions for the extant use' (TA 7.2.1). 900 to 980 homes, 275 cars, club cars and delivery vehicles, even with low-traffic specifications this is likely to create more and not less trips. The TA does not explain satisfactorily how it comes to an overall negative net difference (TA 6.6.7). The 'Trip Generation Potential of Extant Site' as outlined in part 6.6 is based on data which we think does not match the current reality in this area: The TA states 'the justification for this is because the site still has the potential to operate at a level that it did over past years, when it was fully occupied' (TA 6.6.1). However, it fails to take into account that even the current under-usage of the area generates a number of trips which the roads outside of the redevelopment zones find hard to cater for at peak times. Furthermore, since the demise of the extant uses, many of the former industrial sites along Water Lane, Haven Road, and Tan Lane, have seen residential development which has generated additional vehicular movements. The lack of a Master Plan for the area results in each developed zone being assessed individually rather than collectively for vehicle movements and the impact on the wider area. **In the absence of other sites coming forward at this time, DCC must undertake an independent travel assessment for the whole area, including commercial and leisure traffic to understand the true impact on the Alphington Street junction, and whether it can cope with the traffic that will be generated once the whole area is developed.**

Part of the suggested low traffic environment is the provision of car club and bicycle club arrangements: these are mentioned in chapter 6.3 and under 7.1.13 of the TA. However, since the document was presented the current provider for both has gone bankrupt. **We recommend that if this application is approved, it is conditioned that any reserved matters applications must require that a new car and cycle club provider is identified before approval.**

The plans show only limited vehicular access to Water Square, east and south of Building E1, which poses a serious problem for access to the canal and the Gabriel's Wharf facilities (see next point).

3.1.2 Access to Gabriel's Wharf and Functionality of the Canal beyond Leisure Facility

Despite all the talk of the new development becoming 'a sustainable new waterside community' (TA 7.1.11), both the TA and the PD&AS seem to deprive the canal of a vital asset – the only operational and emergency access for larger boats. **We cannot accept any redevelopment of the public quay area as demonstrated in various visualisations, and object to the applicant's suggestions to redevelop the wharf with steps to the water's edge. We wish a condition to be attached to any planning approval that appropriate access and space be afforded to Gabriel's Wharf to enable it to function in its current form.** To achieve this, 1) building E1 must be pushed back from the current alignment of Water Lane and be located within land owned by the applicant, 2) the position of the potential new bridge be reconsidered (as it ends on the current hard standing of the wharf, and 3) provision for HGV access (cranes) southeast of Water Square be maintained, either via Foundry Way, or via Water Lane. The current plans do not allow any of these obligations.

3.1.3 Wider Access to the River Valley Park and beyond (Cycling, Pedestrian, New Bridge).

We have consistently highlighted to both the applicant and Exeter City Council the need for a draught under the proposed new bridge across the canal to allow the majority of crafts to pass under the bridge without being impeded by it, as is the case at Clapperbrook Bridge. The applicant has advised us that the design of the bridge will not be their responsibility but that of ECC, and the Director of City Development has informed us that no design work has been undertaken to date. **It is therefore critical that this applicant allocates appropriately located (see 3.1.2) space in the development for ramps alongside the canal embankment for pedestrians and cyclists to access the raised bed of any new bridge.** We are reassured that the draft Development Framework & Design Code indicates a canal crossing that is elevated.

3.1.4 Layout of Cycle Routes.

ECS has reservations about the width and the layout of the pedestrian & cycle corridors as shown in Figure 7.4 (PD&AS, p. 139). Though 5.98 speaks of 'segregated cycle routes [...] alongside the main vehicular route and along a leisure route next to the canal edge', later it remains unclear whether this segregation is just from the vehicular traffic or between cyclists and pedestrian pavement as well (pp.126f). **Figures 6.51 and 6.52 seem to indicate that cycles and pedestrians share the same space. We are unclear how this will be LTN1/20 compliant.**

3.2 Mix of Uses

3.2.1 We applaud the concept of the 'mixed use focus', especially where it is used 'for new building typologies including living accommodation over co-working space and other uses, and flood compatible uses at ground floor level' (PA&AS 5.42). This not only opens up innovative energy and carbon saving proposals and a strong self-identity of what effectively is a new residential quarter of Exeter, but also provides a multitude of space for communal use on the ground floor level for residents, neighbouring communities and visitors. The

integration of Exeter College Constructions Centre (H1) and Renewable Energy Skills Centre (H2) is a strong indicator of what is possible.

3.2.2 What is presented as the Water Square concept, however, seems to point into the opposite direction, as it restricts uses. And we therefore object to this. The position of proposed block E1, and Water Square will restrict access to Gabriel's Wharf as a working quay. This area must be allocated adequate land to enable the wharf to operate as it does now, and to ensure people's safety during these occasional operations (for more background see also 3.1.2). There should be no plans for the cycle path or café seating in this area.

3.2.3 We are not convinced of integrating a sizeable hotel (F1) into this area, as the location is quite a distance from the city centre and major employers, and as a consequence might increase car use. Will the river valley be the place to attract substantive numbers of overnight staying visitors? Should hotel use remain part of the mix, we wonder whether it would be more suitable and unique to produce a mix of hotel rooms and Air B&B style accommodation for this site, in order to reduce the pressure on existing properties in the area by the Air B&B market.

3.2.4 We are concerned the student blocks (L1, K1 and M1) are located some distance from the university campuses with no obvious route or means to get to either campus. With a high need for family accommodation in Exeter, perhaps these blocks would be better as BtR apartments which then would directly link to the employment area in Marsh Barton.

If student accommodation is thought of as part of the mix, having this closer to the southern end of the area (close to the potential canal bridge) would be more sensible as this is closer to the St Luke's and Hospital Campus. Development here might include options where student living, independent retirement living and retirement home living could be located together to support each other, a truly innovative approach not found elsewhere in Exeter.

3.3 Quantum of Uses

3.3.1 The application sets out repeatedly 900 to 980 homes and 36-40,000 sqm of other uses to be developed in the Southern Regeneration Zone (PD&AS 1.11), which translates into a gross density between 144 and 154 dph (9.16). The approach is described as creating 'a new, stronger urban structure' (9.13). It claims that proposed heights are 'appropriate to the surrounding townscape and well related to adjoining buildings, spaces and human scale (before 9.17) and explains that the 'Building Height Parameter Plan provides a mechanism for controlling height at the detailed design stage' (9.17). With the existing homes being 2-4 storeys in height with pitched roofs, and with most of the Southern Regeneration Zone approaching the River Valley Park, **we object to any building heights above 5-6 storeys and want this to be made a planning condition** (for more details see 4.1). **ECS wants recognition that what the application consistently calls a new urban quarter, is, given its location in the semi-rural river and canal valley, not in line with the surrounding area – despite this alignment being one of the leading principles for the development (pp. 151-152).** The examples provided of successful regeneration developments elsewhere are of central areas in Bristol and London, and not appropriate for this area. Can the applicant provide examples of residential development in semi-rural areas?

3.3.2 We fully understand that because the application is aiming at a 'sustainable future urban living' and providing 'space for community activity' (5.21), it needs to 'optimise the potential of the site and to accommodate and sustain an appropriate amount and mix of development' (before 9.29). We agree with the applicant's statement: 'For delivery to happen the quantum of development and its alignment with market expectations needs to generate sufficient value to achieve viability' (5.53). **But expecting this development to generate all of the financial return for the proposed infrastructure in its Southern Regeneration Zone creates the problem of heights not suitable for the surrounding landscape and we therefore object to this.** The former Gasworks and Vulcan Works sites may be a better location for higher buildings because they will have less impact on existing homes and the river valley park, and these sites must contribute towards the necessary infrastructure costs that is expected of this application. Such issues are the result of not developing a Master Plan before this application was submitted.

4 Objections to Details of Development Parameter Plans

4.1 Massing within the Plot (pp. 134f.)

4.1.1 See details of our objections and reservations under 3.2.2, 3.2.3 and 3.2.4 above. As explained under 3.3 we question the appropriateness of the amount of the different uses, where this leads to heights above 5-6 floors, above Water Lane as a datum.

4.1.2 **We object to the suggested massing of the outlined buildings for two further reasons, because they make the suggested density undeliverable. Although this is only an outline application, it still needs to ensure the placing of blocks (privacy distance, noise mitigation) is achievable, otherwise ECC cannot determine whether the projected massing is possible, appropriate and deliverable.**

4.1.2.1 First, Figure 5.22 (PD&AS, p. 69) shows the suggested layout of the buildings does not follow the habitable rooms spacing as recommended in ECC's Housing Design Guide under 7.16 (with a distance of 22m window to window spacing). The G blocks are only 14m apart from each other and 16m away from the existing Gabriel Wharf settlement. At the southern end Buildings A1 to D1 are only 18-19 meter apart, with wings of B1, C1 and C2 having 21m from window to window. We see no reason why ECC's Housing Design Guidance should not be followed as this is important for safeguarding the privacy of existing and future residents. **It is our expectation that the 22m distance between habitable rooms should be a condition of any approval, or the applicant should submit revised plans that demonstrate that compliance with the 22m distance is achievable within the suggested density.**

4.1.2.2 Second, in order to achieve the planned density, the Parameter Plan positions blocks in too close a proximity to the main railway line. This will create issues of noise for the residents of several blocks. We estimate that Building C1 is about 12m away from the rail line. Cross ventilation is suggested (p. 68, wavy blue arrows indicate cross ventilation) for these blocks but if this is the case windows will be openable and noise from trains a potential problem. **We wonder whether ventilation systems and bedrooms facing away from the line should be an expectation, and if so, whether evidence for mitigation of railway noise should be submitted at this stage or conditioned at reserved matters stage.**

4.2 Massing in Relation to Outside Areas

The visualisations in Appendix B of the 'Landscape/Townscape & Visual Impact Assessment' indicate the new buildings with their massing and how these will have an unacceptable dominating impact on the adjacent environment. **We ask for the indicative massing to be reviewed.**

The application states that views and vistas are an important part of the heritage significance of the site area (PD&AS 9.43). Though we regard the impact for views from further afield being probably acceptable, views in closer proximity to the site reveal why tall buildings will not be appropriate in the southern parts of the redevelopment area. As the 'Landscape/Townscape & Visual Impact Assessment' does not look into the differentiation between the Southern and Northern Regeneration Zones (a distinction used in the 'Transport Assessment'), it misses out on distinctive differences 'in the local context' (PD&AS, p.30).

The visualisations from the canal (App B-7&9 below) demonstrate that seven storey blocks in this semi-rural location are wholly inappropriate and intrusive to the River Exe Valley Park. The height of the blocks should at least step up from three storeys for block A1 to a more acceptable height for block D1. The view with the existing residential housing in front of the proposed blocks (App B-23) demonstrates how inappropriate the building heights are, blocking views towards Haldon Hill.

The view from the Marsh Barton Road direction is of a solid skyline of blocks which look intimidating (App B-11). Some blocks do not have gaps between them to allow distant views as set out in the emerging Design Code.



Viewpoint 3: View from Water Lane and PROW (Exeter Footpath 22) immediately south of the site.

App B-7



Viewpoint 4: View from eastern tow path of Exeter Ship Canal (Exeter Footpath 22).

App B-9

R LANE, EXETER

AppB-9

196



Viewpoint 10a: View from junction of multiple footpaths and cycle routes close to Trews Weir and the suspension bridge.

App B-23

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AppB-23

196-109



Viewpoint 5: View from eastern end of Marsh Barton Road.

App B-11

R LANE, EXETER

AppB-11

196-1

4.3 Building Heights (pp .136f.)

ECS approves the recommendation for a 'neighbourly scale' of the development, that is 'respectful to the existing residents around the edges of the application site' by offering 'a lower scale along these boundaries' (PD&AS 5.107). We do not think that proposals follow this suggestion: F1, G1 and H1 are outlined in the parameter plan as up to five storeys high (PD&AS, pp.136f.), with details presented in 'Illustrative Storey Heights' (pp. 88f.) showing

that the lower part of these buildings is not facing the existing buildings. We think an up to 4 storey height would be much more suitable for the existing housing being 2-4 storeys high. Whilst block F1 appears to be an appropriate height, block G1 with its gabled roof appears to be too high; maybe flats roofs would be better. The visualisation App B-23 demonstrates clearly the overbearing height of the Block G1, and blocks A1 to D1 from the river/canal direction.

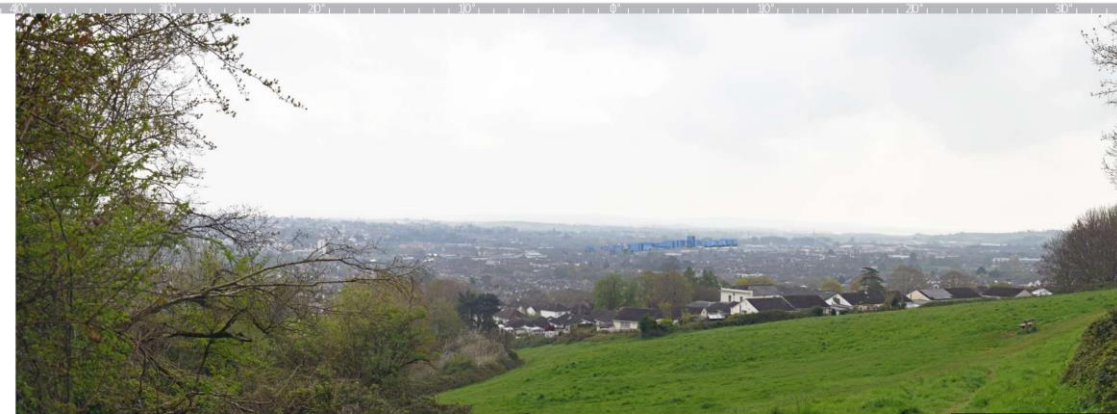
For the majority of the buildings the height increases to 7 or 8 storeys closer to the railway line, with the opportunity for part of Building E2 to be up to 12 storeys tall. **We strongly object to the definition of 'landmark building' being determined mainly by height.** As the higher buildings sit alongside the canal and valley side of the area, we consider that these heights are out of character with the surrounding area (River Exe Valley Park): the southern end of the Southern Regeneration Zone is not a city scape (9.13), but a boundary towards a rural landscape. The proposed visualisations App B-25&27 clearly demonstrate the inappropriate scale of the proposed buildings.



And even the distant views demonstrate the negative visual impact of a 12-story building (App B-44&46).



App B-44



Viewpoint 20: View from Barley Valley Nature Reserve.

App B-46

We understand the argument that the proposed buildings can shield the noise of the railway, but for acoustic reasons that would need to be a continuous block (the current projections show 7 gaps between A and H1). The argument that they will also shield the view of the railway is not valid either. Residents and visitors have become accustomed to the view of trains for well over 100 years, and may prefer the lower level of the rail line to the proposed overbearing views of new buildings.

For all of these reasons **ECS strongly objects to the currently proposed Building Heights Development Parameter Plan. A maximum building height of not more than 5-6 storeys (with sensibility towards already existing building's heights) must be made a planning condition.**

4.4 Other Aspects

4.4.1 Trees on Site

We also find it important to keep the existing row of hybrid black poplar trees (a protected species) on the canal side as a valuable means of screening the housing from the east of the valley/canal and from further afield. The retainment of these trees is advised in the

'Arboricultural Statement and Tree Survey' (points 2.4 &2.5). **The preservation of the 15 hybrid black poplar trees must be made a condition of any planning consent, as well as their root and branch protection.**

4.4.2 Definition of Public and Private Spaces

We would like to see a clear definition of public/private spaces in the outline application. Although 6.59 says that 'there will be a clear definition between public and private spaces', it remains vague by saying this would be achieved 'with a variety of treatments such as planting or fencing' (PD&AS, p. 114). It remains unclear how the private end of Foundry Lane will be shut off from the public. **These public/private space definitions should be clarified now, or conditioned at approval stage to avoid any ambiguity at reserved matters stage.**

4.4.3 Flood Mitigation

Although we recognise that residential will not be positioned at ground level, and therefore not be subject to flooding, we have some concerns about the flood mitigation proposals for the development, and may submit a further response to this at a later stage.

Yours faithfully

Gert Vonhoff

Chair, Strategic Planning & Highways

Keith Lewis

Chair Exeter Civic Society