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By email
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Application reference: 23/1007/OUT
Proposal: Water Lane South
Representation for ECC Planning Committee: Water Lane, 27 Jan 2025

Dear Mr Smith,
Can we ask to make the below representation available to the ECC Planning Committee members before the meeting on 27 Jan.

Yours sincerely

Gert Vonhoff

Chair 'Strategic Planning & Highways Group' of the Exeter Civic Society

Representation for ECC Planning Committee: Water Lane, 27 Jan 2025

This statement has been prepared through consultation between the 'Haven Banks Residents' Group', 'Friends of the Exeter Ship Canal' and 'Exeter Civic Society' and is handed in as a joint representation for the ECC Planning Committee Meeting on 27 Jan 2025 for 'Water Lane (South), 23/1007/OUT'. Specific proposals and recommendations are **highlighted in red**. The **page numbers referring to the Officer's Report** are based on the pdf file linked to under 'Items' on the Agenda website for the meeting on 27 January; for page numbers in the pdf file under 'Agenda reports pack' add 8 pages.

1 Preamble: We recognise and appreciate the consultation process WL DMC, the developer of this site, has facilitated, especially the open-door policy for discussing issues and responding to queries all three groups put forward. We want to state at the beginning of today's representation that we do **not want to object to this OUTLINE application, but safeguard and future-proof the progress made so far by suggesting to ECC Planning Committee to add and strengthen planning conditions** as outlined and explained below.

Safeguarding and future-proofing is especially important:

1.1 because, as we understand, WL DMC does not want to develop the whole site, but awaits OUT approval to develop supposedly 3 buildings on site and sell the remainder to other developers;

1.2 because all matters (layout, scale, appearance and landscaping), other than the main access are reserved for subsequent approval at reserved matters stage. With the introduction of 6 parameter plans and an 'illustrative masterplan' accompanied by many further illustrative proposals (ground and upper floor uses, storey heights, residential access, vehicle parking locations, landscape proposals, access & movement, as listed in the table of the DAS Addendum from May 2024) the exact scope of decisions at OUT stage becomes unclear. When p.17 of the Officer's Report says 'the Parameter Plans submitted will guide the Reserved Matters stage' the exact status of the Parameter Plans remains unclear. Condition 3 (pp. 87-88) reads clearer when it says that 'the development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted Parameter Plans' and then lists all 6 parameter plans. But does this mean the upper height limits for the different areas as described in the 'Building Height Parameter Plan' are part of the OUT consent (as suggested on p.67), whereas the actual height of buildings are subject of further Reserved Matters application (p. 72)? If this is correct, **the 'Building Height Parameter Plan' should be clearly marked for OUT approval**, like the main access points of the 'Access Parameter Plan' are (Condition 1). The 'Disposition of Uses Parameter Plan' which originally was marked for OUT approval, seems to have lost this status. **A clarification of the 4 other parameter plans, whether in part or in total they refer to OUT or Reserved Matters approval needs to be provided; the Conditions 1 and 3 should be amended in this clarifying way (pp.87-88).** Reason: We see this clarification as important, as the merely illustrative elements of the application can be dropped at any time after OUT is granted; they will not guide the Reserved Matters stages. Then ECC's 'Water Lane SPD' as material consideration would be the only guide for the future decision making in the Reserved Matters phases. **The 'Disposition of Uses Parameter Plan' made sense as OUT consent and we ask to reinstate it to its original status.**

2 Post-submission Liaison and Consultation: As we experienced, our intensive communication with the developer over the last years has been a valuable tool to inform and improve the plans, we ask ECC PC **to add to the conditions a mechanism ensuring post-submission liaison and focused consultations between the developer and local interest groups**, such as our three groups. To give an example, the 'Friends of the Exeter Ship Canal' point out that the OUT in its current state still is not sufficient for all matters affecting the waterways: it compromises the canal's functionality and safety, transforms the existing shipyard into a public square, negatively affects the future of the Exeter Heritage Harbour project, and limits future maritime destination potential of the port and canal. Continued communications outside public consultations would be necessary to make further and timely progress in resolving these issues. The recent lifting of boats in out of the canal at Gabriel's Wharf has demonstrated the space is needed for a large crane – advice should be sought from the harbour master with adequate tolerance for pedestrians to pass safely during lifting operations.

3 Viability of WL South: We were surprised to see WL DML declare in their 'Financial Viability Appraisal', which, as the Officer's Report says, 'has been submitted in support of the application', that their development does not look financially viable at this early stage (Officer's Report, p.80). ECC's independent assessment, according to the Officer's Report, 'has verified the report and reduced the viability gap', but it still 'remains substantial'.

3.1 We would find it helpful if more details of the FVA and its independent assessment could be placed in the public domain, so we could see how large the estimated funding gap is and how it is argued for.

3.2 The FVA, according to the Officer's Report, states 'significant abnormal costs associated with development of site for residential led mixed use, including ground remediation, high pressure gas main diversion, and access improvements' (p.73). We say, all of these factors were known well in advance and should have been factored in with the design of the site from the start and reflected in site acquisition costs. The late June and October 2024 documents for the ground investigation (done on the basis of test drilling) came back with the result that the pollution is what can be expected on a site like this, so there were no surprises so far which would derail a development costing.

We ask, could the developer not be expected to have factored in these costs before and then to have modified the plans in order to make the development financially viable? As this approach was not taken, we expect the developer to modify the plans now rather than assuming ECC would help with solutions by granting OUT with considerable negative impact on Affordable Housing.

4 Securing Affordable Housing: The Officer's Report reduces affordable homes from the current expectation of 35% (Core Strategy Policy 7), not to a minimum of 15% as the emerging Exeter Plan suggests for brownfield land (H4), but 0%. It justifies this by its review of the developer's Financial Viability Appraisal (FVA) and ECC's independent assessment, which classes the 'development as considered unviable' and concludes: 'Affordable housing cannot be required to be secured through planning agreement' (p.80) (see also S106 agreement, p.73). With the aim to save some affordable housing, the report suggests that the S106 agreement should 'include a mechanism to review the viability of the development at the Reserved Matters application stages and other key milestones' (p.73). The actual process needs to be made unambiguous: **Affordable housing should be defined as a Reserved Matters issue, and not in any case be waived at OUT stage.**

The 'Exeter Local Housing Needs Assessment, Dec 2024' calculates for the period 2021-2041 that 18% households will be unable to afford housing costs, which relates to 862 per annum or 16,092 for the whole period (5.24, 5.34, 5.50). This proves a substantial and sustained need for affordable housing in Exeter.

5 Five-year Housing Land Supply: The ECC Officer's Report also points out that 'the Council cannot currently demonstrate a five-year housing land supply (with a 20% buffer, when not taking into account purpose-built student housing', p.83) and therefore advises to apply 'the "tilted balance" in favour of granting consent set out in paragraph 11d of the NPPF (2024)' (p.83).

The Planning Committee has to decide in how much the current state of the OUT helps with this issue. **We say, the potential 'boost' for the 5 year housing land supply looks less**

favourable if you compare the details of the OUT with the 2024 'Student Housing Needs Assessment' and the 2024 'Local Housing Needs Assessment'.

5.1 According to the current legal position, the 320 PBSA bedspaces will not add to the five-year housing land supply. Also, current trends seem to indicate that the market for PBSA might slow down significantly, due to lower than expected recruitment numbers at Exeter University. The latest 'Student Housing Needs Assessment' concedes this, saying 'at the time of writing, there is great uncertainty around the future of the university sector', which 'would be moving against recent trends', but it then calculates future student number increases on the trends from 2008-2018 (750 annual student number growth, pp.9-10).

5.2 OUT plans for up to 980 homes, which are, as the Officer's Report says, 'likely biased toward smaller accommodation unit types' (p.74, similar p.9). The latest 'Local Housing Needs Assessment', however, pointed out as the 'Overall need for Market & Affordable Dwellings': 1 bedroom 15.6%, 2 bedrooms 25.9%, 3 bedrooms 45.8% and 4+ bedrooms 10.5% (6.29). That is a share of over 70% for the demand of 2-3 bedroom homes, something the development as it currently stands will potentially not deliver. In the chapter on 'Mixed Communities' the Officer's Report states: 'The development proposed will likely be biased toward smaller accommodation unit types. Whilst the inclusion of houses would broaden the housing mix this is not considered to be a strong reason for refusal given the need for smaller units, the potential for the mix proposed to create a new neighbourhood with a distinctive identity, and the other public benefits' (p.74). We question the soundness of the 'need for smaller units' aspect of this argument and ask which document is referred to when the Officer's Report speaks of the 'identified need for smaller units' (p.55). The 'Local Housing Needs Assessment' from 2024 states the opposite: 'One startling statistic from the demographic data for Exeter is that single bedroom households aged 15-24 year are projected to increase by a very modest 40 households to a rounded figure of 770 by 2041, with an increase of 350 for those aged 25-34 years' (p.90). The Officer's Report considers not giving the likely bias toward smaller housing 'significant weight in decision making' (p.74). **We disagree.**

We ask, if this substantial site cannot deliver on Exeter's housing needs in terms of home size and of affordable home supply, what other large-scale scheme in a similarly central location will? **We suggest as an added condition: to remodel the 'Disposition of Uses Parameter Plan', which originally was part of the OUT, with the aims to reduce/substitute student accommodation and thereby increase the number of 2-3 bedroom homes in the Blocks L1, K1, and M1.**

6 Number of Homes: The current plan does not account for the 'Exeter Design Code' 22m rule as acceptable separation distance between individual buildings. The Officer's Report accepts this but delegates it to the Reserved Matters stage. This potentially will result more in mediating matters (the report calls it 'detailed design', p.36) than the positioning of the blocks.

We ask to add as condition: the developer needs to demonstrate at this OUT stage, that the development can deliver up to 980 homes it says it would deliver respecting both the Exeter design code rule of 22m and the housing needs study's demand of 2-3 bedroom homes and do so while staying within its own Building Heights Parameter Plan (as part of the OUT, p.67) and the WL SPD.

7 Height and Massing: For clarification, **we ask whether the Illustrative Masterplan and the detailed illustrative building layouts would deliver up to 980 homes, or whether only the 'Building Heights Parameter Plan' would deliver this number.** As the developers' own Visual Impact studies (LTVIA from 12 Sep 2024, photos 1 to 3 below) show, the gap between the two layouts in height and massing is substantial (blue = upper limit of 'Building Heights Parameter Plan', orange = illustrative plans). The illustrative plans might not mean much, once plots will be sold off to other developers actually delivering the buildings. The outline of height and massing in red, as delivered in the video flyover is therefore the perhaps most reliable current visualisation of the overall impact of the new development on its local context (see screenshots 4 and 5 below). It was created by Pierluigi Chinellato of Farbrica Architecture (for the whole film sequence go to https://kirbyjames.org/exeter/water_lane/0001-1400.mp4), and is based on the proposed 'Building Heights Parameter Plan' from May 2024. It was made available to the Haven Banks Residents' Group. **We believe that members of the Planning Committee should view this video to ensure that they fully appreciate the impact this development will have on the locality.**

We record that in the 'Building Heights Parameter Plan' the heights of southern buildings alongside the Canal are not compliant with the layout, height and massing of the WL SPD, leading to an over shading of the canal and its predominantly natural state of the Canal edge. **We ask to add the compliance of A1, B1, C1, and C2 in the 'Building Height Parameter Plan' with L13 and S13 of WL SPD as a condition at OUT stage.**

In terms of massing the Officer's Report finds the Parameter Plan inadequate, but sees the WL SPD Design Code 'providing the necessary comfort in more effectively governing this topic' (p.36). This all remains too vague; and even the 'Building Heights Parameter Plan', not being part of the OUT, will not be legally binding, once OUT is granted.



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



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



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





We suggest to bring the 'Building Heights Parameter Plan' in line with the WL SPD definitions of maximum heights (L03) and 'Relationship with existing buildings' (L18) and make then make it part of the OUT.

We also suggest to add as condition a new Density Parameter Plan at OUT stage, defining maximum densities for the different areas of the site in correspondence to the WL SPD (L01 and L02). This would provide residential density figures in dwellings per hectare for each area, plot ratio and street ratio details, all necessary to better understand and evaluate the proposed development.

8 Access Parameter Plan/Transport Infrastructure Plan: Access to the site at Tan Lane and Haven Banks (as part of the 'Access Parameter Plan') is part of the OUP application, but only as far as the access points are concerned where they are the interlinking with the wider area (which is outside the OUT application boundary). As it currently stands the application therefore disregards the wider area transport infrastructure issues (such as the impact on the Haven Road/Alphington Street junction, increased traffic volumes throughout Haven Banks, additional requirement for public transport, increased pressure on parking, etc.). **We suggest a condition adding a collaboration between the developer, DCC and ECC to resolve these issues in a Transport Infrastructure Plan at OUT stage.** The issues have been named countless times in documentations, reports and consultation responses, it is time to plan and implement solutions now.

Elements of the to-be-solved transport infrastructure are:

8.1 Reconsider the use of the Tan Lane Underpasses. Reserving as suggested by the developer and WL SPD the lower of the two underpasses for cycling, wheeling and walking delivers for the Active Travel agenda. To open up the other underpass not just for public transport (buses, as currently planned), but also for residents' vehicular traffic and car-sharing clubs would be an easy option to diversify vehicular journeys and take pressure off to existing traffic hotspots. The technology to do this is readily available. The bureaucratic organisation should be part of the Travel Plan. The Tan Lane Underpasses are inside the application boundary. The effect of this measure also would be a considerable decrease in traffic for the routes in and out the Water Lane area on the north-eastern side, helping the Haven Banks area to better cope with the expected traffic increases.

8.2 Access and Egress flood routes to be decided at OUT stage and constructed before the first building will be occupied or brought into use. Recommendation 57 is too weak, as it reads 'identify flood escape routes to a safe location'. They need to be place at the time buildings come into use; Under Recommendation A) the phasing is clearer, when it says 'in a timely manner' (p.84).

We also want to raise our concerns about an egress flood route crossing the canal and the river (referred to on p.58 of the Officer's Report) to reach high ground on the eastern side because of: a) concerns about the psychological impact of sending people across a flooded plain and river valley to higher ground in case of emergency, and b) safety concerns as these bridges are more likely to be compromised in case of flooding. The much more favourable solution for the egress route is what is discussed as western route (across the railway line, onto the disused former railway track leading towards Sainsbury's in Marsh Barton).

Also under 'Recommendations A) the Section 106 agreement for the 'Strategic Flood Egress Route for Water Lane Area' the wording 'Sum to be confirmed.' (p.84) reads too vague. In relation to the plot size compared to the whole development area size it should be possible to set a percentage of the costs.

9 Transport Hub: Recommendation 50 is too weak. Instead of just having an agreed 'strategy for the delivery of the Transport Hub' in place 'prior to the occupation of any building' (p. 111), it would be necessary to have the Hub built and running at this stage.

To sum up the aim of our representations: we want to improve the application and the development based on it, not derail it. We want to help deliver shorter planning decision turn-arounds at Reserved Matters stages by amending the OUT application now and making it more explicit in its scope and details.