

Planning Committee Report 23/1007/OUT

1.0 Application information

Number:	23/1007/OUT
Applicant Name:	Water Lane Development Management Company
Proposal:	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, 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 considerations, with the exception of access.
Site Address:	Water Lane (South), Exeter, EX2 8BZ
Registration Date:	11 August 2023
Link to Documentation:	https://exeter.gov.uk/planning-services/permissions-and-applications/related-documents/?appref=23/1007/OUT
Case Officer:	Howard Smith
Ward Member(s):	Cllr D. Moore, Cllr T. Read, Cllr J. Banyard

REASON APPLICATION IS GOING TO COMMITTEE: The Head of 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 GRANT permission subject to completion of a S106 Agreement relating to matters identified in the report 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.

3.0 Reason for the recommendation:

The National Planning Policy Framework (NPPF) guides vulnerable development is only acceptable in areas of flood risk if the Sequential Test and also the Exception Test are passed. The applicant has submitted a sequential site search that has not identified any alternative sites with lower flood risk that could accommodate the development proposed. The Flood Risk Assessment has demonstrated that the development can be delivered without increasing flood risk elsewhere and the public benefits of redevelopment are considered to outweigh the residual flood risk and all other harms.

The development is allocated in the Exeter Plan First Review and saved Policy KP6 is considered to benefit from full weight in decision making. The Exeter Core Strategy Policy CP17 designates Water Lane as a Regeneration Area and again is considered to carry full weight in decision making. The Water Lane Design Code SPD was adopted in July 2024 giving detailed planning guidance regarding the manner in which the wider area should be developed. The proposal, subject to the imposition of conditions and completion of the legal agreement, is considered to accord with the Development Plan as a whole.

However the Council cannot currently demonstrate a five-year housing land supply with a 20% buffer when not taking into account purpose-built student housing. As such the 'tilted balance' in favour of granting consent set out in paragraph 11d of the NPPF (2024) should be applied when determining the application.

Applying the tilted balance means approving applications for development where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF (2024) taken as a whole, having particular regards to key policies directing development to sustainable locations, making effective use of land, securing well designed places, and providing affordable homes. These matters have been discussed in detail in this report. Whilst the development cannot provide affordable housing secured by the planning system this could be delivered on site through other mechanisms. The site is in a very sustainable location and, subject to consideration of matters of detail, has the potential to make effective use of land through increasing densities of development. Supported by the Codes set out in the Liveable Water Lane SPD securing delivery of a well-designed new low car neighbourhood as part of the regeneration of an existing underutilised brownfield site, the identified harms are considered to be limited, and to be comfortably outweighed by the benefits of the proposal when judged against the Development Plan policies or the policies in the NPPF (2024). As such it has been concluded that the recommendation for approval would have been reached regardless of whether the presumption in favour of sustainable development at paragraph 11c of the NPPF or the tilted balance set out in paragraph 11d was applied to the planning balance.

4.0 Table of key planning issues

Issue	Conclusion
Principle of development – redevelopment for residential led mixed use development and loss of employment land.	The redevelopment of brownfield sites for residential led development in sustainable locations, such as this site at Water Lane, conforms to the spatial principle of redeveloping accessible brownfield sites in preference to greenfield sites on the edge of the city, and is strongly supported in principle at National and Local Planning policy levels.

Issue	Conclusion
	Loss of Class B2 industrial use floorspace including the canal and river related industrial floorspace is a harm that should be considered in the balance in determining this application. The loss of other employment space is compensated by the provision of new floorspace within the development.
Environmental Impact Assessment (EIA)	Environmental Impact Assessment (EIA) Screening carried out in 2022 concluded that the proposed development is EIA Development. The Environmental Statement (ES) has considered cumulative impacts with consented development and concluded that potential significant adverse effects on bats, birds reptiles and water quality could be avoided, mitigated or offset. A potential major adverse effect of noise on the development can be mitigated and impacts of transport arising of the development can also be mitigated. The ES identifies a schedule of monitoring and mitigation measures on which the EIA relies, and which should be secured by planning conditions. This being the case no significant adverse effect on the environment will arise.
Flood Risk	The application site is at risk of flooding from the River Exe and is predominantly within, and is surrounded by, Flood Risk Zone 3. The application is accompanied by a Flood Risk Assessment and 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. The exception test has two parts; a) wider sustainability benefits to the community need to outweigh the flood risk, and b) the development is safe for its lifetime taking account the vulnerability of its users without increasing the risk of flooding elsewhere. It is considered that both parts have been demonstrated to be satisfied. As well as raised residential floor levels, incorporation of less vulnerable and water compatible uses on ground floors, detailed design of buildings will incorporate flood resilience in the interests of reducing vulnerability. The development will also contribute financially towards the provision of a flood egress route to serve the wider

Issue	Conclusion
	Water Lane area including the new development which is necessary to ensure access during the design life of the development as flood risk increases with climate change. This route is identified in the Infrastructure Delivery Plan and will necessarily be delivered by partnership working. The detailed design of floor levels and site levels based on further flood risk assessment work will be required by condition.
Pollution (Noise, Land Contamination, Air Quality), and Electricity Substation	The acoustic environment of the application site has been assessed and the MRF waste processing plant was assessed as having a major adverse impact. Detailed design of buildings (including ventilation design) and the layout of the site will need to consider noise mitigation for amenity of future occupiers, however it is considered that this can be achieved. The consent for residential development is not considered to impact on the future operation of the MRF. Air Quality analysis shows that in the area of the site south of Gabriel's Wharf air quality is currently unsuitable for residential development due to emissions from the C Peaking Plant immediately south of the site exceeding the hourly measured threshold. A Grampian condition is proposed to restrict commencement of construction of residential buildings in the affected areas until such time as a remediation of the air quality impact is achieved. Achieving the predicted traffic movements in the peak hours forecasted will ensure that the air quality related to road traffic are not worsened. The site has a history of contaminative uses confirmed by an intrusive investigation. It is considered acceptable for the further investigation of contamination and a remediation strategy to be secured by planning condition. The remediation of the site is a significant benefit of redevelopment.
Gas Infrastructure and risk	The proposals include the realignment and reinforcement of the existing high pressure gas main which runs under the site. This is a significant abnormal cost for the development. Support of the Health and

Issue	Conclusion
	Safety Executive for this application is dependent on that realignment and the revocation of the Hazardous Substances Consents relating to the former gas holders site. There is no objection in principle from Wales and West Utilities to realignment of the pipeline.
Access and movement	The application is submitted as an Outline Planning Application with access being the only matter submitted in detail for approval. The access at Tan Lane is the primary access point, with vehicular access routed from that point on a new route named Foundry Lane, parallel to the rail line and allowing for access to the land north of Water Lane and the circulation of public transport through the application site. Access to the rail line is retained for Network Rail. The access strategy is to reduce vehicular use in accordance with Liveable Water Lane Mobility Strategy to promote sustainable and active travel over car use. A number of measures are included to achieve this, such as reduced car parking, improved sustainable and active travel provision including mobility hub and provision of bespoke travel plans. Access for emergency vehicles, servicing and public service vehicles and access to Gabriel's Wharf for large vehicles will remain via Water Lane. The application involves bringing the second underpass at Tan Lane into use to segregate sustainable and active travel from vehicular travel. The consent would also be dependent on funding of off-site sustainable and active travel infrastructure improvements secured by S106, provision of reduced car parking levels and cycle parking provision secured by conditions and through Reserved Matters consents, and parking controls introduced through Traffic Orders. Eligibility of new residents for on street permits can be restricted by Devon County Council. 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.

Issue	Conclusion
Scale, and layout	The application seeks to comprehensively redevelop the site, demolishing existing medium and low rise commercial buildings. The application is submitted in Outline with the matters of landscape, scale, layout, and appearance being Reserved Matters. The application includes a Building Heights Parameter Plan with heights of five (22.2m), seven storey (28.8m) and eight storey (32.1m) maximum building heights (including allowance for pitched roofs). The arrangement of building heights increases from five storeys adjacent Water Lane with the taller building heights shown adjacent to the rail line, furthest from existing residential development, and at the southern end of the site which broadly accords with the Liveable Water Lane Design Code. The Parameters Plans do not by themselves set out in detail a solution that satisfies the Design Code, the scale of buildings in Reserved Matters details submissions will need to accord with the Liveable Water Lane SPD Design Code and the Heights Parameter Plan is explicit in this regard.
Impact on Heritage Assets	The development site does not include or adjoin any Conservation Area, Listed Building or Locally Listed Buildings or other designated Heritage Assets. The site is outside the Area of Archaeological Importance. The Liveable Water Lane SPD Design Code adopted July 2024 sets out the Local Planning Authority's detailed vision for development in the Water Lane Area, and establishes a policy to support taller buildings, with variations in height and massing. This will involve change to the character of the area and will be visible in views out from Colleton Crescent, which is Grade II* listed. The impact on the setting of the city is not considered to constitute substantial harm to the setting of the city or of any designated Heritage Assets. This

Issue	Conclusion
	less than substantial harm will need to be considered against the public benefits of the development. A Written Scheme of Investigation of the archaeology can be secured by condition.
Impact on landscape	A Landscape and Townscape Visual Impact Assessment (LTVIA) has been undertaken. The development is located considerably further to the south in relation to the natural and expected view from Colleton Crescent and its associated gardens towards Haldon Hill. The Water Lane Development will form a taller area of modern development in the middle ground of that view, but this is as envisaged by the adopted Water Lane Design Code SPD. The industrial appearance of the Water Lane area and the site does not currently make a positive contribution in local views. The three dimensional visual representation of the Building Heights Parameters Plan used in the LTVIA shows a vertical extrusion of the height limits across the whole site. It is not based on likely building footprints or realistic building massing. The impacts of the proposed development are pronounced in terms of the visual enclosure of the canal and Valley Park on its western side, but this can be mitigated by landscape and detailed design. Reserved Matters applications will further test and finesse relationships between the development, the bank of the canal and the Valley Park, and will themselves be subject to further LTVIA assessment.
Impact on existing residential amenity	The uses proposed (residential, office/education with commercial ground floor uses and an element of retail use classes at Gabriel Wharf) are all in principle considered acceptable in a residential area. Sui Generis residential student accommodation would be required to be subject of a Management Plan which can be secured by condition. Commercial kitchens can be secured to have odour and noise abatement by

Issue	Conclusion
	conditions attached to any consent. Construction management can also be subject of a management plan The impact of development on existing residential amenity (for example through loss of light overbearing, privacy etc) remains a material planning consideration in determining future Reserved Matters planning applications. The Access Strategy for development proposals route traffic to the new development areas through Foundry Lane and access will be maintained for existing properties. The existing industrial, employment and storage uses impact negatively on residential amenity, therefore redevelopment for residential use will have some positive impacts on existing residential amenity. A plant noise limiting condition, a condition limiting the hours of use of outdoor seating and another requiring details of extraction equipment associated are considered to protect the amenity of adjoining occupiers. The proposals will introduce new public amenities and improve sustainable travel infrastructure for existing residents. The facilitation of access to raised ground and the contributions made by development to future flood egress will impact positively on existing residents in the event of a flood. The provision of a decentralised energy network within the development areas may give existing residents access to alternative low carbon energy source through a retrofit programme.
Affordable Housing	The submitted Financial Viability Appraisal has been reviewed and the conclusion is that, due to significant abnormal and additional costs in bringing this brownfield site forward, the development would not be able to provide affordable housing in addition to the infrastructure funding required to make the development acceptable in planning terms. The proposal therefore

Issue	Conclusion
	would not secure affordable housing through the S106 agreement. The S106 agreement will contain a mechanism for review of viability at submission of Reserved Matters applications and other key stages in the interests of securing Affordable Housing should the viability of the development improve over what is anticipated to be an extended development period given the enabling works required and the extent of the site. Whilst affordable housing will not be secured through the planning system it may be delivered by other mechanisms.
Mixed Communities	The proposed development is made in outline, but includes build to rent and private flatted development (including age restricted dwellings) and Purpose Built Student Accommodation. Development Plan policy and the NPPF (2024) guides that development should avoid an over concentration of any one development type in an area. The development form, which is in part driven by site characteristics, is likely to be biased toward smaller accommodation unit types. There is however a demonstrable need for smaller units in the Housing Needs Assessment. Whilst the inclusion of houses, and affordable housing, would broaden the housing mix this is not considered to be a strong reason to refuse the application given the overall balance of public benefits.
Impact on Ecology, Trees and Biodiversity	The site currently is of low biodiversity value with some established tree planting. The railway embankment and the canal are important wildlife corridors. The Green Infrastructure Parameter Plan identifies links between the railway line and canal corridors in the southern part of the site which will need to be realised through detailed site layout and landscaping which are both Reserved Matters. None of the trees on site are currently subject of Tree Preservation Orders. The row of sixteen Black Poplar Trees on the grass verge alongside the canal make a positive contribution and it is considered should be

Issue	Conclusion
	retained. Loss of other trees on site may be acceptable, but should be compensated with new tree planting on site. The impact on the canal through increased overshadowing is considered to be very limited and only to affect a small section of the canal. This is not considered to give rise to any material impact on the ecology of the canal. Landscaping is a Reserved Matter and the site currently provides a very low level of tree planting. This can be enhanced through the redevelopment. The application was submitted in August 2023 prior to the introduction of mandatory Biodiversity Net Gain however a BNG Assessment has been completed and an increase of 280% is shown as being achieved on the basis of an indicative scheme of development. A condition is proposed to secure BNG and all mitigation, compensation and enhancement measures set out in the Ecological Impact Assessment Report v2. The lighting of the development, internally and externally, has the potential to impact on bats. The impact of internal lighting cannot be assessed in detail at outline planning consent stage, and a condition requiring automatic shuttering of windows should be attached to any consent unless it is demonstrated at Reserved Matters stage that the internal lighting impact is also acceptable. 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 this can be mitigated by a contribution to the Southeast Devon European Sites Mitigation Strategy. Conditions securing non-statutory Biodiversity Net Gain and a Landscape and Ecological Management Plan (LEMP) can be attached to any consent.

Issue	Conclusion
	Environmental and Ecological Management during construction and occupation phases should be secured by conditions; Construction Method Statement.
Surface Water Management	The development will include additional impermeable areas and will be required to accommodate and attenuate surface water run-off in accordance with the surface water drainage hierarchy and the submitted Drainage Strategy which includes green and blue roofs, underground water storage in geo-cellular structures as well as infiltration and bioretention features, such as tree pits and rain gardens. Surface Water Drainage for the site will be delivered in phases, with the earliest phases of site wide infrastructure delivery followed by the development of buildings on a phased basis. Arrangements for the ongoing maintenance of surface water drainage features will also need to be considered for each Reserved Matters application. The delivery of the surface water drainage strategy for the site can be secured by conditions attached to the outline consent.
Sustainable Construction and Energy Conservation	The proposed development includes provisions for a District Energy Network and locates an Energy Centre to serve this site between the Electricity Bulk Supply Point on Water Lane, and the railway line. The S106 agreement that would be attached to any consent shall secure best endeavours on behalf of the developer to connect the on-site network to the wider District Heating Network proposed for the city, and to the Energy from Waste facility. In the absence of off-site connection, the network would rely on Air Source Heat Pumps as its primary source of Heat. The development would be required to meet current Building Regulations and are anticipated to be built out under the Future Building Standard due to be introduced in 2025. BREEAM Excellent standard is required for the non-residential elements of the development. Sustainable waste strategies built around a waste

Issue	Conclusion
	hierarchy can be secured by a condition as can a demolition and construction phase Waste Audit Statement. Proposals at Reserved Matters stage will be encouraged to adopt the water hierarchy to support the conservation of water supplies. None of the buildings proposed for demolition are considered suitable to be refurbished or retained as part of the comprehensive redevelopment of the site and would prejudice the best use of the land and the Vision set out in the Liveable Water Lane SPD Design Code. This application is made in outline with the detailed design of buildings, their appearance layout and scale being Reserved Matters. The construction of buildings is largely a matter to be considered at Reserved Matters stage or secured by condition attached to the outline consent.
Economic benefits	The proposed development will provide up to 40,000 sqm of commercial and non-residential floorspace, and will be required to deliver not less than 11,734 square metres of floorspace as replacement for existing employment floorspace within Use Classes Ec(i-iii) and Eg(i-iii). Redevelopment will involve the loss of existing employment uses in the B2 use category. Whilst industrial uses related to the waterways would not be accommodated in the new development other water related uses could be accommodated. The proposed development includes provision for education floorspace supporting workforce skill levels and the local economy as well as providing direct employment. The development will provide economic benefits in the construction phase through direct employment, through the construction and professional services supply chain,

Issue	Conclusion
	and the follow-on economic benefit to the local economy. The development of additional residential units will help support the labour supply in the local economy.
Housing supply	The application includes for a net gain of up to 976 dwellings and up to 320 beds of purpose built student accommodation (PBSA). The development proposed therefore represents a very significant quantum of housing compared to the total housing delivery targets. The current housing land supply position is that the council cannot demonstrate a five-year housing land supply with a 20% buffer when not taking into account purpose-built student housing. As such the 'tilted balance' in favour of granting consent set out in paragraph 11d of the NPPF (2024) should be applied when determining the application.
Viability Appraisal	A Financial Viability Appraisal (FVA) has been submitted in support of the application. This has been assessed by an independent consultant appointed to act on behalf of the Local Planning Authority. The FVA methodology is considered to be consistent with the RICS Practice Statement and Guidance. Whilst scrutiny of the FVA has verified the report and reduced the viability gap, this remains substantial. It being the case that the development is considered unviable, Affordable Housing cannot be required to be secured through the S106 planning agreement. The grant of outline planning consent would provide a more robust basis for additional development funding to be explored. It is considered that the proposed development would be unacceptable without those S106 contributions listed below and these have been included in considerations of viability. A consent should only be granted subject of a mechanism within a S106 legal agreement to review

Issue	Conclusion
	viability at key stages as the development progresses to secure Affordable Housing if the viability of the development, or individual phases of development, can be demonstrated in future.
CIL and S106 contributions	A Section 106 legal agreement can secure: • £599,434 for local GP surgeries expansion or the provision of healthcare facilities within the Water Lane Area. • £4,855,331 to Devon County Council Education towards the provision of primary school infrastructure • £634,749 to Devon County Council Education towards SEN provision • £244,000 to Devon County Council Education towards Early Years education to ensure delivery of provision for 2, 3 and 4-year olds • £3,430,000 to Devon County Council towards the provision of off-site sustainable travel infrastructure and public transport improvements • £250 per dwelling to Devon County Council towards the provision of a Travel Plan • £50,000 to Devon County Council towards the making of Traffic Orders • £634 per dwelling to Exeter City Council towards the provision of sports pitches and supporting infrastructure • £747 per dwelling to Exeter City Council towards the provision of community facility (if facility not provided on site) • Contributions to Exeter City Council towards the provision of £799 for NEAP and £217 for MUGA per additional bedroom (if not provided on site). • Contribution (in combination with other developments in the Water Lane Area) to the delivery of a Strategic Flood Egress Route for Water Lane Area in a timely manner or other flood risk reduction measures. Sum to be confirmed. • Mobility Hub delivered on site with provision of 15 electric car club vehicles with parking spaces and charging infrastructure, and provision of 100 electric hire cycles (inc cargo bikes), parking and charging infrastructure

Issue	Conclusion
	• Management Plan (for sui generis residential) • Pedestrian rights of way through development. • Habitats Mitigation for dwellings where CIL is not payable (currently £1035.23 per dwelling) • Viability Review. • Access to the site for a District Energy provider to connect buildings to a wider energy network. • Best endeavours to connect an on-site energy network to a supply of heat from the Energy from Waste Facility at Marsh Green Road. The above Planning obligations are considered to meet the test set out in paragraph 55 of the NPPF (2024); necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. CIL is calculated at Reserved matters Stage but is estimated at £1.7M at 2025 charging rates based on the illustrative scheme.
Planning Balance	For the above reasons, no adverse impacts would significantly and demonstrably outweigh the public benefits, when assessed against the policies in the NPPF or the Local Development Plan when taken as a whole. The proposal is considered to constitute sustainable development overall and permission should be granted subject to conditions.

5.0 Description of site and surrounding

The application site is 1 km south of the city centre on the southwest side of the River Exe and comprises 6.38 hectares of level land currently in use for industrial, storage and related commercial purposes. It is largely characterised by industrial style sheds, open storage and at the northern end four residential flats and a social club.

The site, with the exception of the social club site, is to the west of Water Lane and fronts onto the Exeter Canal south of Gabriel's Wharf. The electricity distribution site and Vulcan works form a block of land on Water Lane that is wrapped by the site. Between those sites and the rail line is an area of higher ground level with the rail

line. The mainline railway forms the boundary to the west with the site which only extends further west to include land on Tan Lane. To the south the site is bounded by the gas peaking plant and solar farm. Beyond the rail line to the west is Marsh Barton with the Materials Reclamation Facility (MRF), Recycling Centre, and industrial and storage uses in close proximity.

At the northern end the site includes the rail underpasses at Tan Lane, one of which is in operational use as a highway with restrictions to motor vehicles use, the other is within the Council Depot site. It also includes land both sides of Water Lane between Tan Lane and the former rail link to the quay, Casting House which is residential to the south and the social club to the north.

Industrial uses on the site include the former rendering plant and the Coastal Workboats operation at Gabriel's wharf. Gabriel's wharf provides a hardstanding and reinforced section of canal wall with direct access to the canal. The development would involve the demolition of the buildings on the site.

To the north of the site the areas is more residential in character, and to the east there is the former gasholders site, the gasometers having been removed. Cotfield Street and the Gabriel's Wharf residential developments are between the central part of the site and the canal.

Unrestricted access to the site is via Water Lane, which links to Alphington Street. The Tan Lane underpasses provide restricted vehicular access, and both this and the rail underpass tunnel provide cycle and pedestrian access from the southwest side of the rail line. The Canal Towpath is a strategic walking and cycling route from the quayside, city centre and beyond and towards Alphington and Exminster. The rail line and the canal are barriers to east-west movement with limited crossing points.

6.0 Description of development

This is an outline planning application for a mixed-use residential-led development with access matters being approved at Outline stage. Matters of massing, layout, appearance and landscaping are Reserved Matters to be subject of further applications for approval.

The application is for the demolition of existing buildings totalling circa 11,000 square metres of existing floorspace. Construction of a residential-led mixed use development on the site providing new dwellings and workspace, retail, café/restaurant, community and cultural/leisure/education/hotel uses and associated infrastructure, servicing, mobility hub. Vehicular access is from Tan Lane east of the rail line and the development includes opening up the currently unused underpass at Tan Lane to allow non-vehicular use of a separate underpass from restricted vehicle use, including public transport. The application includes energy plant to support a

decentralised energy network for the site, alteration of ground levels for construction, to facilitate drainage and allow for flood event flows.

Vehicular circulation within the site is proposed to be via a new route parallel to the rail line connecting to Tan Lane at its northern end. Development also includes a re-routing and replacement of the existing high pressure gas main that runs through the site and Water Lane under parts of the proposed vehicular access route. At Gabriel's Wharf the application includes for the existing hardstanding to remain, with access from Water Lane. The access proposed would allow re-routing of most vehicular traffic for the site and to serve existing residential properties away from Water Lane. Access for emergency vehicles, servicing and public service vehicles and access to Gabriel's Wharf for large vehicles would remain via Water Lane.

The development proposed includes for up to 980 dwellings as flatted development (976 net of demolitions), up to 320 bedspaces in Purpose Built Student Accommodation or sui generis housing types and up to 40,000 square meters of commercial floorspace.

The "Parameters Plans" submitted with the application will guide the Reserved Matters stage and a number of supporting documents and technical analysis support the application.

Demolition and Retention Parameters Plan: This shows that all existing buildings within the application site are proposed to be demolished.

Disposition of Uses Parameters Plan: This shows the disposition of uses split vertically within buildings with residential uses (which are the majority use) above less vulnerable ground floor uses at the northern end and the central and southern parts. Education and commercial uses are on central land adjacent the electricity bulk supply point. At Gabriel's Wharf and adjacent the underpass buildings have a greater proportion of commercial floorspace and provision for a hotel use. Ground floor uses beneath residential areas include a range of commercial, community, indoor sport and recreation uses in the E and F2 use classes as well as storage, parking and uses ancillary to the residential uses above such as the mobility hub.

Building Heights Parameters Plan: This divides the site between three different height zones. With building up to eight storeys (32.1m including allowance for a pitch roof) adjacent the rail line in the centre of the site, up to seven storeys (28.8m including pitch roof) either side and up to five storeys (22.2m including pitch roof) adjacent Water Lane. This parameters plan references the Liveable Water Lane SPD in relation to requirements regarding variation in form and height. The LVIA study has

assessed the maximum possible heights as directed by this parameter plan rather than an outcome that might certainly satisfy the Code.

Access Parameters Plan: This shows the hierarchy of access routes and provides for a primary route adjacent the rail line which can provide access to the site and link onwards to the wider Water Lane area. The junction of the Primary Route with Tan Lane is submitted in detail for approval.

Green and Blue Infrastructure Parameters Plan: This shows proposed primary and secondary areas of open space, a Public Square at Gabriel's Wharf, a network of 'liveable streets' are indicated to include street trees, planting and sustainable urban drainage features, and an Ecology Transition Zone along the rail line.

Framework Plan Parameters Plan: This articulates the 'place-making' and urban design strategy within the site area and will be a key drawing in terms of establishing the fundamental design principles of satisfactory Reserved Matters applications. The Framework Plan establishes broad site layout, where shown building footprints are indicative only.

The application is also accompanied by an Environmental Statement and supported by the documents listed below.

The application was submitted on 21 August 2023 and formally reconsulted on in May 2024.

7.0 Supporting information provided by applicant.

Planning Design Access Statement
Sequential Test
Landscape Townscape Visual Impact Assessment
Planning Design Access Statement
Illustrative Masterplan and Visualizations
Transport Assessment
Framework Travel Plan
Sustainability Statement
Utilities Statement

Surface Water and Foul Drainage Strategy
Arboricultural Statement and Tree Survey
Ecological Impact Assessment Water Lane
Environmental Statement
Geo-environmental Interpretative Desk Study Report
Lighting Strategy & Lux Level Report
BREEAM
Air Quality Assessment
Environmental Statement
Flood Risk Assessment
Health Impact Assessment
Water Lane Waste Audit Statement
Statement of Community Involvement
Archaeological Desk Based Assessment (30 August 2023)
Townscape Heritage Assessment (30 August 2023)
Environmental Statement (20 August 2023)
Sustainability Statement (20 August 2023)
Air Quality Assessment (20 August 2023)
Health Impact Assessment (20 August 2023)
Access Parameter Plan (16 May 2024)
Concept Site Access and Swept Path Analysis (16 May 2024)
Proposed vertical alignment and clearance through Tan Lane Tunnels (16 May 2024)
External Lighting Strategy Plan (16 May 2024)
Illustrative Layout May 24 (16 May 2024)
Proposed Tan Lane Concept Site Access (16 May 2024)
Proposed High Pressure Gas Main Diversion (17 July 2024)
Outline Surface Water & Foul Drainage Strategy (26 July 2024)
Air Quality Technical Note v4 Rev A (26 July 2024)
Water Lane Exeter - Acoustics Review (26 July 2024)
Water Lane Exeter - Acoustics Review - Gas-fuelled Electricity Generation Facility (26 July 2024)
Design and Access Statement Addendum Appendix (10 September 2024)
Green and Blue Infrastructure Parameter Plan (10 September 2024)
Demolition and Retention Parameter Plan (10 September 2024)
Framework Parameter Plan (10 September 2024)
Landscape and Townscape Visual Impact Assessment (LTVIA) Addendum (12 September 2024)
Landscape and Townscape Visual Impact Assessment (LTVIA) Addendum Appendix A (12 September 2024)
LTVIA Appendix A Part 2 Dynamic Baseline 196-G501 (12 September 2024)
Ground Contamination Interpretative Desk Study (9 October 2024)

Drainage Technical Note (05 December 2024)

Ground Contamination Site Investigation Interpretative Report Nov 2024 (6 December 2024)

Disposition of Uses Parameter Plan (9 December 2024)

Building Height Parameter Plan (9 December 2024)

Acoustic Assessment - Additional Survey, Assessment and Clarifications (9 January 2024 and 16 January 2025)

8.0 Relevant planning history.

Reference	Proposal	Decision	Decision Date
90/0779/OUT	Wichita Works. Construction of light industrial units	REF	19.11.1990
95/0796/FUL	Castings house. Erection of 94 houses and flats, new access off Water Lane and other ancillary works	PER	06.06.1996
97/1137/OUT	Wichita Works. Residential development (all matters reserved for future consideration)	REF	18.02.1998
97/0574/FUL	Former DJS Premises. Change of use of site to allow external storage and use of existing buildings for storage (Class B8), workshop (Class B1 (b) & (c)) and ancillary office purposes, together with parking provision and ancillary works	PER	29.08.1997
99/1075/FUL	Former Colas Site. Redevelopment of site to provide 38 houses and 66 flats, car parking access to highway and associated works	REF	28.06.2000
00/0476/FUL	Former J L Thomas. Change of use of building	PER	08.05.2000

Reference	Proposal	Decision	Decision Date
	from industrial use (Class B2) to industrial, storage and distribution use (Class B2 and B8)		
04/1365/OUT,	Units 1 & 2 Gabriels Wharf. Residential development with access to highway	REF	13.09.2004
05/1176/OUT,	Units 1 & 2 Gabriels Wharf. Redevelopment to provide 14 terraced dwellings and 20 self-contained flats, parking and access to highway	REF	05.12.2005
14/1822/FUL	ECC Depot Water Lane. 20Mw gas fuelled capacity mechanism embedded generation plant to support the National Grid.	PER	18.09.2014
22/1343/SO	Request for screening opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) for mixed use development of up to 1,500 dwellings, 350 student rooms, other employment and commercial uses and associated infrastructure, following demolition of existing buildings and structures. Request for scoping opinion if the local planning authority adopts a screening opinion that the proposed development is EIA development.	Development is EIA Development	12.10.2022
24/0218/DEM	J L Thomas Site. Demolition of 3 No. steel frame units and small shed type buildings on site	Prior approval	08.05.2024

Reference	Proposal	Decision	Decision Date
	including the removal of slab and foundations.	Required and Granted	
24/0222/DEM	J L Thomas Site. Demolition of 3 No. steel framed buildings and 2 No. brick house type structures including removal of slab and foundations.	Prior approval Required and Granted	08.05.2024

Exeter City Council Hazardous Consents Revocation Order (1) 2024

9.0 List of constraints

Flood Zone 3
 Exe Estuary Habitat Buffer
 Air Quality Management Area
 Smoke Control Area
 Potential Contaminated Land
 Aerodrome Safeguarding Area
 HSE Major Hazard Pipeline
 Installations Handling Hazardous Substances
 Listed Building (setting)
 Locally Listed Building (setting)
 Riverside Conservation Area (setting)

10.0 Consultations

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

National Bodies

Historic England

Historic England continues to have concerns with particular reference to the potentially imposing building heights of the development, as indicated in the supporting documentation. We acknowledge that these matters such as building heights would be reserved for the detailed design stage and therefore, in our view, should not be secured by planning condition on the outline application. Any Reserved Matters application would need to take into consideration those concerns regarding

the potential impact of the scale, massing and proportions of the proposed development that would be out of keeping with the character and predominant scale of the southern portion of Exeter. In particular, those views from Colleton Crescent and from the railway line. Through the Reserved Matters application, opportunities should be sought to avoid and minimise the potential impact of the scheme. This is through identifying a holistic approach across the site, taking into account the council's adopted SPD for the site as well as the emerging heights and density study. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 201, 205, 206 and 208 of the NPPF. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Health and Safety Executive

The Health and Safety Executive would not advise against the granting of planning permission for the outline application if conditions regarding the following were included: a) No building will be occupied until the diversion and upgrade of the Transco Ref:1512 pipeline has occurred as proposed by the applicant and as assessed by the HSE (HSE customer reference D2217). The diversion route is shown in document WTL-STN-PU-XX-DR-C-003 dated 21/05/2024, Revision P01. The upgraded pipeline details are in the applicant's design study document (2102-RPT-001 Water Lane dated 31/01/22, Revision 0, page 35): pipeline details: MOP - 24.1 barg, Outside diameter - 323.9 mm, Wall thickness - 12.7 mm, Material grade - L360, minimum depth of cover - 1.2 m.. b) No building will be occupied on the site until the Hazardous Substances Consent pertaining to Isca House (North) Holder has been revoked. Grampian-style conditions, restricting occupation of development until revocation of consent, have allowed HSE to amend/withdraw its advice against proposals in the vicinity of major accident hazards. In the case of Outline Planning applications where the proposed layout and the scale of the development may only be indicative, we would strongly suggest that should any changes be proposed after the outline permission has been granted, that HSE's advice is obtained again before Reserved Matters are determined.

Environment Agency

Flood Risk; we confirm that the additional information submitted is sufficient to enable us to remove our objection on flood risk grounds subject to recommended conditions in relation to the detailed design of the measures to address flood risk and the phasing of the works. Notwithstanding this, we remind you that your Authority will need to be satisfied with the emergency planning implications associated with the application and be content that the flood risk Sequential Test has been satisfied in accordance with the NPPF if you have not done so already. Suggested conditions are set out, together with

our technical flood risk comments.

Contaminated Land; the Site Investigation Interpretative Report for Water Lane (South) Exeter by G and J Geoenvironmental Consultants (Report Reference: GJ176-06-R003-GI-V1, dated November 2024). We note that the data set sampling is very limited and, given the potential for localised soil contamination sources to be present as confirmed by the presence of contamination (most notably hydrocarbons) in the groundwater, we concur that much more intensive further investigation works will be required as stated in section 7.2 of the report. We look forward to reviewing the findings of the subsequent ground investigation report. We consider that conditions will be sufficient to secure the further work required.

Air Quality: We are happy with conditions proposed regarding monitoring and consider that this addresses our previous concerns and also helps to overcome our concerns regarding the occupation of the buildings. Recommendations for wording of conditions are provided.

We consider that the proposed development will only be acceptable if conditions are included within any permission granted in respect of:

- Flood Risk (updated assessment and modelling)
- Safe Access Routes – Phased
- Flood Resilience
- Flood Conveyance routing
- Contaminated Land – Site Characterisation
- Contaminated Land – Submission of Remediation Scheme
- Contaminated Land – Implementation of Approved Remediation Scheme
- Contaminated Land – Reporting of Unexpected Contamination
- Contaminated Land – Verification
- Contaminated Land – Long Term Monitoring and Maintenance
- Air Quality – Monitoring
- Air Quality – Occupancy Restriction

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.

RSPB

The proposed development of 980 residences will increase recreational pressure on nearby Special Protection Areas (SPAs) and Special Areas of Conservation (SACs), particularly the Exe Estuary SPA. We recommend a condition that appropriate mitigation must be agreed and in place before dwelling occupancy. Bird nesting provisions are considered insufficient, we propose 120 integral nest boxes across thirteen apartment blocks and prioritise elevations facing the canal. Detailed specifications required for box placement, materials, and entrance dimensions. The site is adjacent to Exeter Canal County Wildlife Site with potential risks from artificial lighting disrupting bat and otter habitats, further assessment to minimise light pollution impact on dark wildlife corridors. The Environment Act 2021 requires biodiversity conservation and enhancement, National Planning Policy Framework (July 2021) mandates: Local environmental enhancement, Biodiversity net gain, and mitigation of light pollution's impact on nature conservation areas.

Network Rail

Network Rail has no objections in principle to the development subject to provisions within the demarcation agreement being adhered to. This land is former BR land in which Network have a right of vehicular access over the land that must be maintained and safeguarded. Drainage details should be conditioned in the interests of protecting the safety of the operational railway. Standard Informatives regarding construction close to the railway should be added to any consent.

Active Travel England

The financial contributions totalling £3.43M towards local infrastructure requested by Devon County Council are broadly in accordance with the recommendations set out in ATE's previous formal recommendations. ATE supports these requirements and recommends that a payment trigger mechanism allows sufficient time to design, consult on and implement the above improvements so that they are open and usable as early in the development as practicable to fully realise a shift towards sustainable modes of travel from the outset in line with the aspirations of the applicant's Travel

Plan and the requirements of the NPPF. ATE acknowledges and supports the extent of developer-delivered highway works within and around the red line boundary of the site which include extensive improvements and public realm / placemaking enhancements along Tan Lane, Foundry Lane and Water Lane, in addition to formulating strong and legible linkages through the site and along the waterside frontage. It is recommended that these works are conditioned to be completed in advance of first occupation of the development or where relevant phasing proposals deem them necessary. Active Travel England Recommend conditional approval subject to conditions securing: Details of Highways Works, Signage and Wayfinding, Cycle Parking and Travel Plan.

Local External Agencies

Devon and Somerset Fire and Rescue Service

Thank you for consulting Devon and Somerset Fire and Rescue Service regarding the above planning application. I have studied the drawings on the planning portal and it is unclear (without prejudice) if it satisfies the criteria we would require for B5 access under Building Regulations due to insufficient information [at outline planning stage]. Access and facilities for the Fire Service are set out in detail in Approved Document B (Fire Safety) Volume 1: Dwellings. 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 Local Authority Building Control (or an Approved Inspector).

NHS Devon Integrated Care Board

This development is in the catchment of Foxhayes Practice, Ide Lane Surgery, St. Thomas Medical Group & Exwick Health Centre, and Southernhay House Surgery which have a total capacity for 25,370 patients and are currently overcapacity. Additional GP space required to support this development is calculated as 167.58m2. and the total contribution required to provide this is £599,434.

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 £283,808.

South West Water

Public surface water, foul sewer and combined sewer are in the vicinity. Development restrictions apply in the vicinity of these assets sewer. Ground cover should not be substantially altered. Should the development encroach on the required easements, the sewers will need to be diverted at the expense of the applicant. South West Water is able to provide clean potable water services from the existing public water main for the above proposal. South West Water is able to provide foul sewerage services from the existing public foul or combined sewer in the vicinity of the site.

The applicant should demonstrate to your LPA that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable. Having reviewed the applicant's current information as to proposed surface water disposal for its development, please note that method proposed to discharge into a surface water sewerage network system is acceptable and meets with the Run-off Destination Hierarchy.

Wales and West Utilities

Wales and West Intermediate/High Pressure Gas Mains are in proximity of this site. No excavations are to take place above or within 10m of the confirmed position of these mains without prior consultation with Wales and West Utilities. Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus.

Having undertaken an initial review of the suggested potential future [High pressure Gas Main] route, I can advise that at this preliminary stage we have no fundamental objections to such a route from a gas operational perspective. I would however point out that any final decision here, operating within our legal remit, would be subject to a detailed future investigation. This in turn would necessitate a detailed design, confirmation that appropriate easements are in place and that all costs here to be met by the customer.

National Grid Electricity Transmission

National Grid have confirmed that there are no NG Electricity Transmission assets in the vicinity of this application.

National Grid Electricity Distribution (formerly Western Power Distribution)

Our adjacent substation on Water Lane will border the proposed site and we would expect the parties involved to engage to allow for safe systems of work to be established when undertaking demolition/construction works. The 132kV overhead lines crossing the proposed site are important infrastructure required to maintain electricity supplies to the City of Exeter. We would expect for them to be maintained. NGED will engage with the parties undertaking the works to advise them on the restrictions they will have in working in the vicinity of existing infrastructure.

Internal Consultees including Devon County Council

DCC Highways and Transport Authority

As part of this planning application the developer has submitted a substantial Transport Assessment (TA). When looking at the trip generation of the site for all users of the site there is likely that there will be an increase of movements that the proposed development will generate. It has been established that the development will be a low car development and within the TA the developer has undertaken an analysis of the proposed trip generation of vehicles for the site and also the existing use of the site. This shows that with the site being a low car development, the total number of vehicle movements will be reduced within the site. It should be noted that the site would potentially increase the movements in the PM peak but this is explained with the changing use types within the site. However, this increase could be controlled with a robust Travel Plan and in itself it would not be a severe reason for the Highway Authority to recommend refusal under the National Planning Policy Framework (NPPF). This overall reduction in vehicle movements demonstrated in the AM and PM peaks would not in the opinion of the Highway Authority have a severe impact to the operation of the local highway network.

When looking at the total number of movements the site would generate, it is apparent that this will represent an increase of movements of all users. The application proposes that the development will ensure non-motorised users (NMUs) will be accommodated internally within the design of the highway with pedestrian and cycleways, so there would be a wider access to more sustainable methods of transport. NMUs will access the wider city through existing links as well as public transport. The development must therefore improve cycle, pedestrian and public transport links as this development will increase the numbers of NMu movements.

The TA has demonstrated that there has been a total of 9 reported Personal Injury Collisions (PICs) within the latest available data which is consistent with the data checked by the Highway Authority. There was a total of 1 fatality, 3 serious and 5 slight PICs and these, when looking at the details, were not in a cluster or demonstrate a pattern. Therefore, it is the opinion of the Highway Authority that there are no serious highway concerns that might be intensified due to this development.

Within the development, there would be access to multiple methods of public transport and also within the rest of Exeter. The newly opened Marsh Barton railway station is accessible from within the development as is St Thomas railway station. This will help to reduce the reliance and need of single occupancy vehicles. This will also provide movement further on and national travel. Links such as under Tan Lane and through the rest of the site must and have been designed to accommodate future bus movements. Consideration will have to be given to ensuring that there is no on street parking where the bus routes run through the site. There is an aspiration that buses in Exeter would be electric buses. The development has made changes to the underpass at Tan Lane to accommodate this, but it would be beneficial for there to be a contribution to be made as part of the S106 agreement for monies to be made available for electric buses to be used, which will help ensure that this option would be available to users within the development.

As previously mentioned, the development will increase the need for non-vehicular movements such as bus movements. The developer has therefore included within the application a series of improvements.

The access to Water Lane will be widened with sufficient width to allow bus movements and there would be upgraded pedestrian and cycle routes provided. The route south will provide a footway/cycleway on the western edge of the development site which is welcomed by the Highway Authority. This route then allows access through to Tan Lane and under the railway line and a new link to Foundry Lane would be created which allows NMu access to the rest of the development in the east.

The access to Foundry Lane is from Water Lane, Foundry Lane is not highway maintainable at public expense and there is no formal route through from here. From Tan Lane, there would be a new access and junction created which allow vehicle movements along Foundry Lane, the alignment of the proposed route would require

significant widening to the alignment to allow movements of larger vehicles. This approach is satisfactory to the Highway Authority as there is sufficient forward visibility and due to the new link to Foundry Lane to the south of this new access there would be limited interaction between cyclists which could lead to a potential highway safety concern.

For the proposed underpass at Tan Lane, the developer is proposing to use the second arch under the railway line for a new bus route. With the design and shape of buses changing, this new arch will allow and future proof the way buses could move through and further on from the development. This new access would require a method of ensuring that this is used by authorised vehicles only and would therefore require a contribution from the developer to ensure that a scheme, for example a bus gate, was provided to ensure this as well as installation of the signals for the one-way system. The existing arch would then become a separate access for NMUs to use which would separate them from the narrow nature of the existing arch. The NMUs would then re-join the adjacent carriageway either side of the arch for onward movements. The developer has provided tracking demonstrating the movements through the arch for the largest vehicle likely to pass through.

The application has included details of potentially an additional crossing over the canal. This would be welcomed and would help to promote and encourage more sustainable ways of travel through Exeter and further afield.

This is an outline application and further details will come forwards in the future with detailed design. This must include cycle parking and as a minimum be in line with the standards that are set out within ECC's Sustainable Transport SPD. It should be noted that there is an opportunity to encourage more cycling within the development by going further than these standards to ensure that there is space for every resident. It would also provide the opportunity for the development to provide communal bicycle servicing areas, for example where bike stands for maintenance and pumps for inflation of tyres could be provided. It may also be technically possible for additional bicycle storage for existing local residents who may not have sufficient space for bicycle storage within their properties and as such would help to encourage a wider take up of more sustainable methods of transportation within Exeter.

There is an element of car parking needed within the site and to [use parking to] encourage this as a low car development must be considered carefully. The TA has demonstrated the number of movements that the development is likely to generate and as such the requirements that would be needed for the total number of car parking within the site.

There is a need to include charging points for the residents who might own electric vehicles. These charging points should be available, and a scheme submitted to demonstrate this with any future submission of a Reserved Matters application.

As part of this development and application there has been a Travel Plan (TP) submitted. This TP will help to encourage the use and reliance of vehicles, especially

single occupancy vehicles. The TP sets out the ways that this reliance can be limited through both soft and hard measures ranging from (but not limited to) financial contributions to ensuring the residents have a better understanding of the opportunities that could be offered to them within the development. The development will appoint a site wide Travel Plan Coordinator (TPC) to oversee the development. The developer has proposed a £250 per dwelling a green travel voucher for the first occupancies and the details of this must be secured within the S106 agreement.

This is a scheme that is low car and no car and as such there will be a dramatic increase of movements by Non-Motorised Users (NMUs). In consultation with Active Travel England (ATE) the applicant has provided a detailed assessment of the routes that NMUs would likely take and also the numbers that the site would generate. The Transport Consultants have identified within an additional Technical Note the total number of movements NMUs would generate from this development.

There are five Local Cycling and Walking Infrastructure Plan routes that this development will likely have an impact on, these being E22, E12, E14, E7 and E15. These will all have an increase of movements by NMUs and as such it is the opinion of the Highway Authority that for this development to mitigate these impacts then there would need to be a financial contribution towards these LCWIP routes and the upgrades that have been identified by Devon County Council.

This development takes into account approximately 40% of the regeneration of Water Lane which will generate significant NMU movements, the Highway Authority would require a total contribution of £3.43m.

There will be a requirement for changes to be made to existing highway for this development. Traffic Regulation Orders (TRO) will require a £50,000 contribution and requires a public consultation. With the aspiration of this development to be a low car development it is noted that there are residential streets in close proximity to the development that could be used as an area for residents of this development to park. It is considered that part of the TRO contribution would be towards implementing a residents parking scheme within the vicinity of this development, should there be an appetite for this by local residents. To make sure that parking is also limited within the vicinity of the site there will be a requirement for a scheme of double yellow lines to be installed on existing and proposed public highway.

This development is going to generate a significant level of construction traffic and associated vehicles to and from the development. The Highway Authority have therefore requested that a suitably worded planning condition be included requiring the submission and approval of a CTMP.

DCC Planning

We welcome the applicant's approach to promoting health and wellbeing within this development as outlined in the submitted Health Impact Assessment (HIA) and in Chapter 9 of the Planning, Design and Access Statement. It is pleasing to see the

development provides a basis for an urban quarter that facilitates active travel, provides education and space for community activity, and green streets and spaces.

We understand that the Water Lane site allocation policy in the emerging Full Draft Local Plan includes provision of a community building. We request that this proposed community space provides a flexible and wholly inclusive environment that can be used for and by children, youth, adult and library services in order to meet the needs of the residents of this new development, and the wider community.

Children's services are most effective if they are located within the heart of local communities, meaning that it is necessary to provide children's services facilities to accommodate the expected number of children arising from this application.

We object as the illustrative layout / uses provides a narrow mix of living it is unclear where, housing provision for groups who may not be catered for under conventional housing provision. We understand that the Water Lane site allocation policy within the emerging Full Draft Local Plan will include provision of a 70 unit Extra Care Housing scheme on a 0.8ha site. Further clarification on where, if anywhere, housing provision for groups who may not be catered for under conventional housing provision fits into the currently proposed mix of housing, such as older people needing specialist housing provisions and younger adults who may have learning or physical disabilities and/ or mental health issues should be provided.

We are also concerned that appropriate affordable housing is made available for essential local workers, in particular Social Care staff who live and work within the city and we are pleased to see that an appropriate mix of affordable housing forms part of the proposal.

DCC Education

DCC, as the Local Education Authority, raises no objection to this application on education matters subject to the provision of contributions toward education infrastructure. DCC requires certainty that the development will contribute to education infrastructure to fully mitigate the impact of the housing growth proposed.

Approximately 2.0% of the school population require specific Special Education Needs (SEN) provision; this development is likely to generate 7.81 pupils who will require a specialist place and the contribution sought is £634,749.

Under the Core Strategy, Exeter's Infrastructure Delivery Plan states the required provision at Water Lane for Primary Education is for a "new school or enhancements to existing schools". DCC will need to deliver a 2 form entry school (420 places) including nursery provision at Water Lane to specifically mitigate this allocation. Existing primary schools surrounding the development and within the statutory walking distances occupy constrained sites and cannot be expanded further. The

additional primary places required to provide for this development is calculated as 244 primary place and the primary contribution sought would be £4,855,331. In addition, a contribution towards Early Years provision is needed to ensure the delivery of statutory provision for 2, 3 and 4 year olds. This is calculated as £244,000

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.

We note that this application does not include land to deliver the new primary school site and that this will come forward in subsequent Water Lane applications with the required land for the new school at nil cost to DCC. Therefore, school land contributions are not sought against this application.

DCC Waste Planning

DCC as waste planning authority maintain their objection. This position is supported by Policy W10: Protection of Waste Management Capacity of the Devon Waste Plan. We note that a noise assessment of the materials reclamation facility and recycling centre has been carried out and reported within an additional technical note. It is noted that this report indicates a major noise impact associated with the MRF, and a moderate noise impact associated with the recycling centre. The report lists some acoustic design principles to reduce the impact of the noise from the MRF. However, we would request that further information is submitted to fully understand whether these mitigation measures would be effective, and whether further mitigation measures are required. In addition to this, we cannot see that this report has considered the Energy from Waste facility. It is recommended that the potential noise impacts and any necessary mitigation measures associated with this facility are considered within this report.

It is strongly advised that the noise impacts are discussed further with the Environmental Health Officer.

Further to this, it is noted that the applicant has submitted an "EIA Compliance Note Final for Amendment Submission". Within this, it is noted that the applicant has addressed additional waste effects as a result of amendments to the proposed development. It is noted that a detailed waste audit statement (WAS) has not been submitted at this stage. Therefore, we would maintain our request for a condition to be attached to any consent require the submission of a detailed WAS at the Reserved Matters stage.

DCC Flood and Coastal Risk Management

The applicant has confirmed that the surface water drainage system has been designed for likely impermeable areas at the moment. They have also confirmed that

discharge rates will be calculated for the known impermeable areas only. This will be relevant for each Reserved Matters planning application.

Maintenance of surface water drainage features will need to be considered for each Reserved Matters application. If 'communal or shared' pipework will be laid for each parcel to connect into, then this pipework might be adoptable by South West Water. I assume that pipework and drainage features within each parcel might remain private though. Bioretention features within the Central Avenue might not be adoptable. If management companies are required, then the applicant might want to consider a single management company for the entire site.

Depending on the timescales for the proposed development, an overall model of the proposed adoptable pipework might be needed to confirm the discharge rates and impermeable areas allowed to connect in from each parcel in the future.

The applicant has noted that treatment features will be required for roofs served by blue roofs or geo-cellular crates. The applicant has proposed bioretention features, such as tree pits or rain gardens, for the proposed access roads. Small flow controls are discussed within section 5.3.18 of the updated Outline Surface water & Foul Drainage Strategy. The drainage consultant, on behalf of the applicant, provided a Technical Note (dated 5th December 2024) to confirm some further points.

We have no in-principle objections to the above planning application at this stage, assuming that the suggested two pre-commencement planning conditions are imposed on any approved permission.

ECC NetZero Team

The Sustainability Statement for Water Lane has positive sustainability aspirations including fabric first, net zero targets, solar pv, BNG, active travel considerations as well as BREEAM excellent targets.

The Water Lane Development should be actively exploring connecting to the new District Heat Network (Exeter Energy Network), that is being developed within the immediate area.

The developer should take into account new climate modelling that is being issued 2025 that will highlight flood and coastal risk for Exeter.

ECC Tree Officer

The loss of trees (CAT C and U trees and shrubs T17-T24 & G1) on site is regrettable, but understandable given their limited stature, indifferent quality and the

need to make way for the new development. Removed trees need to be replaced by a robust landscaping scheme that is to be approved by the Council's Landscape Officer. The applicant is encouraged to continue to use the supporting *Arboricultural Statement and Tree Survey (Ref: 2109-9079)* to inform and guide the design process.

ECC Urban Design and Landscape

An outline application is within the area covered by the adopted "Liveable Water Lane: Development Framework and Design Code" as a Supplementary Planning Document (SPD). This document imposes rules that Reserved Matters applications will be further subject to, in addition to and within the parameters proposed by this Outline Application. The 'illustrative' materials submitted describe a potential development outcome that is within the rules and guidance of the SPD, but the Framework and Code have been deliberately designed to include for flexibility in order that other outcomes are possible that could also be deemed to be satisfactory. The parameters of this Outline Application are therefore a looser framework that provides for and preserves that flexibility, but if all the limits of the parameter plans were exercised to their maximum extent, then, any Reserved Matters application would not be compliant with the rules set by the SPD. Assessment and determination of future Reserved Matters applications will therefore be subject to this 'dual scrutiny' and will need to comply with both the parameter plans / conditions of any Outline Consent and with the SPD. As a development strategy, the application responds well to the 'step change' in scale and aspiration that is promoted by the SPD. It has the capacity to espouse the 'Liveable Exeter' design principles called for and, as a bold proposition, has the potential to facilitate high standards of contemporary and sustainable design within later Reserved Matters applications.

Demolition and Retention Parameter Plan: There are no buildings of any especial architectural or urban design merit that are proposed to be taken down.

Disposition of Uses Parameter Plan: The development is residential-led but is mixed-use with active non-residential uses particularly directed towards the 'local centre/community focus' associated with the Gabriel's Wharf part of the layout. This is a natural location to support the necessary vitality that retail and leisure uses would need and coincides with the arrival (under the railway) of the active travel link from Marsh Barton to the west. The placement of co-living/student accommodation (use classes C3/sui generis) at the northern end of the site responds to and recognises the limited suitability of this part of the site for other residential accommodation types. It is also a development type that can facilitate a clear 'gateway' presence in the urban composition at the entrance to the site. The use restrictions on land in close proximity to the adjacent electrical power installation predicates non-residential use there. A major consideration at Reserved Matters stage will be the successful utilisation (and therefore the character/identity of) the many ground floor spaces that are not suitable for residential use due to flood risk. Where these are not occupied

by uses that might not have a naturally active frontage, the SPD has specific guidance on this point which needs to be closely observed (codes L25-L27).

Building Heights Parameter Plan: This parameter plan would be inadequate in directing the massing strategy alone – but, given that the Design Code is adopted and in force, then this provides the necessary comfort in more effectively governing this topic. The LVIA study has assessed the maximum possible heights as directed by this parameter plan rather than an outcome that might certainly satisfy the Code.

Access Parameter Plan: The outline proposals include for the flexibility needed to safeguard access to the regeneration of the wider Water Lane area. This includes potential alternative strategies that may need to be enacted at different points during the phasing of the wider regeneration. The junction arrangements at Tan Lane / Water Lane preserve the necessary accessibility for public transport whilst facilitating / promoting active travel. They also allow for additional linkages that would be valuable in releasing adjacent land (in 3rd party ownership) in the future.

Green and Blue Infrastructure Parameter Plan: Along with primary and secondary areas of open space, a network of 'liveable streets' are indicated that include street trees, planting and sustainable urban drainage features, which align with the Liveable Exeter ideas set out in the SPD.

Framework Plan Parameter Plan: This parameter plan was particularly requested to be part of the application to better articulate the 'place-making' and urban design strategy within the site area and will be a key drawing in terms of establishing the fundamental design principles of satisfactory Reserved Matters applications.

Acceptable separation distances between individual buildings will be carefully scrutinised at Reserved Matters stage and where the normal standard of 22m (the 'back to back' distance between conventional houses) is not proposed then the potential loss of privacy due to intervisibility will be expected to be avoided by detailed design (eg. configuration of dwelling layouts and orientation/placement of windows, etc.).

Landscape and Townscape Visual Impact Assessment seems to be broadly accurate. The impacts are perhaps most pronounced in terms of the visual enclosure of the canal on its western side, but with a 12m (minimum) offset, the considerable increase in scale of the built form here is considered to be acceptable and can be further mitigated by landscape and detailed design, when compared to the visualisations presented. The representation of outline proposals is necessarily crude and imprecise - Reserved Matters applications will be able to further test and finesse relationships within the space between the development and the bank of the canal and will themselves be subject to further LTVIA assessment.

Minor harm will be caused in the outlook from Colleton Crescent and in adjacent parts of the public realm above the Quayside and within the Conservation Area. The

proposed development is located considerably further to the south in relation to the natural and expected prospect out from the Crescent and its associated gardens. The relationship between Colleton Terrace and the western side of the Exe Valley has, in any case, evolved considerably in the last two centuries.

In summary, I am happy to support the application within the context of the adopted "Liveable Water Lane" SPD which covers the wider regeneration area including this allocated site.

ECC Ecology and Biodiversity

Lighting Strategy

The lighting strategy addresses the potential impact upon ecologically sensitive features is of sufficient detail for external lighting. With regards to internal lighting - the strategy identifies measures that can be implemented to reduce the impact of light spill from windows, but it is not clear in the strategy if light levels above 0.5 lux from these sources is a significant risk to the sensitive features, nor how effective the measures could be. I understand that it is not possible to fully model internal lighting in the absence detailed building design. The Environmental Statement Chapter highlights the importance of ensuring lux levels are maintained at 0.5 lux or less along the canal in relation to bats and otters. It concluded that with detailed lighting design secured by condition and based on the proposed lighting strategy in place, a permanent minor adverse effect at the county level is predicted (therefore, not significant). I agree in principle with this assessment, providing the lighting strategy sufficiently addresses the concerns surrounding internal lighting. My view is a condition that secures lighting with each Reserved Matters submission would be required to ensure that lighting is considered alongside the detailed landscape and building design.

Ecological Enhancements and Management

The RSPB have provided comments with regards to bird boxes, which can be secured by condition. It is recommended that all mitigation, compensation and enhancement measures set out in the Ecological Impact Assessment Report v2 (Richard Green Ecology, February 2023)

Biodiversity Net Gain

The submitted BNG can only be indicative at outline stage, but it demonstrates the site has ample capacity to deliver a net gain above 10% (estimated 280% & 172% net gain for habitats and hedgerows respectively). This is due to the low existing baseline score and the overall vision of the landscaping for this scheme. As the application was submitted before 12th February 2024, it is exempt from the statutory pre-commencement Biodiversity Gain Condition; however, a scoring of the BNG

following detailed design is required to demonstrate 10% in line with the draft Liveable Water Lane SPD and it is the best available means for demonstrating measurable gains in biodiversity in line with the NPPF. A condition requiring a Landscape and Ecological Management Plan that includes scoring of the BNG using the DEFRA metric, would secure the necessary management and BNG information.

Demolition and Construction

Four onsite ecological constraints requiring specific mitigation measures during demolition and construction were identified by Richard Green Ecology during the survey work and assessment. Three were related to the confirmed presence of protected species (bats, birds, reptiles) and one to the presence of Schedule 9 non-native species. Precautionary mitigation measures were also outlined in the ES chapter for otter, dormice, badger, and hedgehog. This includes updating otter survey for works along the canal where, if present, a place of shelter or rest may be impacted. These measures can be secured by a Demolition and Construction Ecological Management Plan and Invasive Species Management Plan, as suggested in the Chapter.

Habitats Regulations – South East Devon European Site Mitigation Strategy. The proposed development are covered under the existing SEDESMS. The contribution required is for developments within 10km of the Exe Estuary SPA only and is £1035.23 per residential unit.

Environmental and Ecological Management during construction and occupation phases should be secured by conditions; Construction Environment Management Plan (CEMP), Landscape and Ecological Management Plan (LEMP).

Exeter Port Authority (Harbour Master)

I am still concerned that without further and continuing consultation primarily over space for maritime operations use, there could be a detrimental effect on the efficiency and capability of the Waterway service. Gabriel's Wharf must stay as part of the infrastructure of the port of Exeter in the launching and recovery of large craft by crane, vessels of considerable size (20 tons plus) in to or out of the water. This type of emergency operation can sometimes be needed at short notice and would need considerable space and I am not convinced that the outline plan shows enough space for that movement. The access road on to the wharf from Water Lane must be kept wide enough to allow vehicles of extra width to traverse, and the road surfaces onto the wharf must be sufficiently resilient and strong enough to carry the combined weight of vessel and vehicle. A slipway at Gabriel's Wharf would, in my view be of limited practical use and if a boat were to be launched at Gabriel's there would only be a very small area of water it could transit. Commercial maritime use on the canal has not stopped, merely going through a quiet phase.

What is abundantly clear though is that the canal is becoming increasingly more popular with leisure users and attracting more vessel movements. There is a growing interest in heritage restoration projects and the building of wooden boats. In fact, the Heritage Harbour recognition that was awarded to Exeter is leading to enquiries from the wider historic vessel community interested in moving their projects to the port. Keeping access to the water and holding on to the space close to it is vital to the continuance and growth of maritime projects.

Furthermore, the wharf could play an important role in being the loading/unloading point for building materials and stores needed for the redevelopment of the area that could be brought in from sea, thus reducing heavy vehicle movements through already congested streets and the benefits to reducing the resulting pollution. This is after all, just what the wharf was built for.

ECC Estates

The Water Lane Development Management Company (WLDMC), one of the major land promoters in the area, approached Exeter City Council to use Compulsory Purchase Order (CPO) powers to assemble two strategic land parcels needed to facilitate servicing to the Water Lane site to enable redevelopment. In July 2023 Full Council delegated authority to the Director of City Development to enter into a Compulsory Purchase Order Indemnity Agreement (CPOIA) and take all necessary steps to secure the making, submission, confirmation and implementation of a Compulsory Purchase Order to acquire the third-party property interests subject to the full cost of the CPO being underwritten by the land promoter. Since the decision WLDMC have been able to agree the acquisition of one of the parcels (Casting House) via commercial negotiation. The Council also agreed to dedicate a part of Exton Road depot to Devon County Council to open up the Tan Lane railway arch, at which time WLDMC are able to secure the requisite consents required to do so.

ECC Environmental Health

Further to environmental Health response of 12 September 2023 and the submission of additional supporting information received (regarding air quality, acoustics, and contaminated land) we are now happy that the outline planning application can be approved subject to recommended conditions being attached to any consent.

Conditions regarding: Contamination Site Characterisation, Contamination Remediation Scheme, Contamination Remediation Strategy, Implementation of Approved Contamination Remediation Scheme, Air Quality monitoring, Air Quality Commencement of Residential Construction Restriction, No penetrative piling or boring without consent, Unexpected Contamination Remediation, Verification of Unexpected Contamination Remediation, Monitoring and Maintenance of Contamination Remediation, Commercial kitchen extraction, Environmental

Management during demolition and construction, lighting, and plant noise are required.

ECC Heritage

Archaeological records for the area are scarce and the 19th and 20th century industrial development of this part of the city will have inevitably truncated any previously unknown archaeological deposits. The potential for survival of archaeological deposits however cannot be dismissed, I therefore advise that where each parcel of redevelopment comes forward a programme of archaeological investigation is secured by condition; each investigation is informed by the results of the previous and by this means a final report and archive drawing together the conclusions of investigations be made available to the community and in doing so engender a sense of place and continuity.

The proposed development consists of significant scale residential blocks, with a maximum height of 8 storeys; this would represent a significant departure from the historic grain of the city and would visually challenge the hierarchy of the city on a bluff surrounded by long views to the green hills beyond; a rural Cathedral City with its genesis in a Roman defensive position. The later Georgian gentrification of the City reflects the increase in commerce and socially hierarchical developments such as Colleton Crescent reflect that period of expansion and as Historic England note, are designed to encounter the long views to the green hills beyond as an indicator of social status; I would also add that the crescent is also designed to visually encounter the industrial activity centred on the river below as the source of the prosperity that enabled its wealth and social mobility.

Historic mapping indicates that this part of the city has been the location for marshalling yards, gas towers and wood yards for the better part of 150 years as reflected in the results of the borehole survey, a busy hub of industry rather than a pristine green hinterland and as such the level of harm to the designated heritage asset affected by the proposed changes to that landscape must be considered less than significant.

The proposed development would represent a significant departure from the current low level nature of this part of the City and would include some of the largest residential buildings proposed in Exeter. I advise that with careful, thoughtful and elegant design a new community could be constructed in this location which is informed by the past to create a unique and authentic addition to the city.

ECC Waste and Recycling

The Waste Operations Team look forward to commenting at the reserved matters stage.

ECC Public and Green Space Team

ECC bases its assessment of development play provision on the Fields in Trust (FIT) guidance “Beyond the Six-Acre Standard”, and submissions are assessed against the recommendations of this guidance. LAP LEAP and NEAP play facilities and a MUGA should be provided on site as part of the development. Public Open Space on site appears below ECC standards and a contribution towards POS maintenance would be appropriate. NEAP and MUGA could be provided off site through a contribution of £799 for NEAP and £217 for MUGA per bedroom (beyond the first) per dwelling provided suitable off-site space can be made available.

ECC Place Partnership Manager

The ECC Playing Pitch Strategy highlights a shortage of football pitches and the need for improved quality across the city. The policy key objective is to develop a range of community sports hubs offering high quality sports provision to local residents. This new development would create demand and laying out of new pitches, enhancing existing pitches to allow greater usage, or ancillary facilities to allow greater usage of existing pitches and recommend improving the Bromhams Farm Playing Pitch site. A contribution of £634 per dwelling for the provision and/or upgrade of off-site outdoor sports facilities is sought.

A contribution to provision for community facilities is also sought as part of the development at £747 per dwelling, such contribution will not be payable if a suitable community centre is delivered as part of the development.

Community Groups

Devon Wildlife Trust

We object to the planning application because we consider that the proposals do not provide sufficient evidence to satisfy the requirements relating to biodiversity in paragraphs 174d, 180d and 185c of the National Planning Policy Framework or the requirements of paragraph 99 of ODPM Circular 06/2005 Biodiversity and Geological Conservation. Furthermore, the Environment Act 2021 and National Planning Practice Guidance requirements relating to biodiversity net gain have not been addressed.

Exeter Civic Society

The Exeter Civic Society responded offering constructive feedback while supporting the overall regeneration of the area.

Key Recommendations and Concerns:

- Traffic and Access; Insufficient consideration of wider area traffic flow, Concerns about traffic impact on existing road infrastructure, Recommend comprehensive travel assessment for the entire area, and Request second primary access point to alleviate potential congestion.
- Development Density and Scale; Object to proposed building heights exceeding 5-6 storeys, Argue that proposed massing is inappropriate for semi-rural river valley location, and Recommend stepped building approach respecting existing residential heights.
- Land Use and Mix; Positively acknowledge mixed-use concept, Question hotel location's appropriateness, and Suggest innovative mixed-age residential approach.
- Specific Recommendations; Condition building heights and distances between habitable rooms, Preserve existing hybrid black poplar trees, Clarify public and private space definitions, and Ensure clear access and circulation arrangements.

Overall, the Civic Society supports regeneration but seeks modifications to ensure sensitive integration with the existing urban and natural landscape.

Exeter Cycling Campaign

This is a significant project, which has the potential to be an exemplar sustainable urban development for Exeter. The Exeter Cycle Campaign is supportive of the approach to mobility within the scheme, and we have highlighted some of the key aspects; Embedding 15 minute neighbourhood principles with access to a good range of services and amenities within easy walking and cycling distance; The ambition for a low-car scheme, with restricted vehicle access streets, and future adaptability of parking spaces to reduce reliance on the private car; Proposals for a mobility hub for e-bike, cargo bike and electric car hire to reduce reliance on the private car, the ambition for people focused streets which are pleasant to walk and cycle through with less space for vehicles and more opportunities for planting, social and community space. Proposed 20mph speed limit. Comments have therefore focused on the proposed access arrangements with high-level comments where further detail will be provided at the reserved matters stage. Recommendations (in blue below) about this development centre on wider connectivity, cycling and walking within the site, and the provision of cycle parking. We would ask that these concerns are seriously considered and addressed.

Friend of Exeter Ship Canal

Object raising four primary areas of concern:

Application Process Objection The organisation argues that the outline application, while nominally reserving most matters for future consideration, effectively predetermines critical aspects of the development through its detailed Planning, Design & Access Statement.

Access Proposals Impact on Gabriel's Wharf would; Compromise the canal's functionality and safety, prevent essential maritime operations, remove the only location capable of handling larger vessels, and restrict vehicular access crucial for maritime services.

Shipyards use restrictions The development would transform the existing shipyard into a public square, eliminate the area's maritime and boat-building capabilities, close off potential for future maritime-related economic activities.

Heritage Harbour Implications The proposals risk, reducing boatyard space at the Canal Basin, compromising Exeter's Heritage Harbour designation, limiting maritime destination potential.

Friends of Exeter Ship Canal also object to a proposed new canal bridge which would unnecessarily obstruct canal navigation.

Inland Waterways Association

Inland Waterways Association (IWA) objects to proposed changes to Gabriel's Wharf will no longer be available for commercial boating activities but instead replaced by residential housing and should be retained for use by waterborne freight. Gabriel's Wharf should be developed and expanded to include a suitable slipway and boat launching/recovery facility at the Wharf, provide for craneage, and for suitable access by road and ensure it has the ability to handle vessels that are able to use the canal by appropriate length, beam and air draught and can also pass through the King's Arms Flood Gate. The land adjacent to Gabriel's Wharf up to the railway line should be retained for the exclusive use of maritime activities and Exeter City Council should encourage and support these which will bring new skills and jobs to Exeter. IWA notes the Greenwood Projects report "Exeter Ship Canal and Heritage Harbour Route Map" commissioned by Exeter Canal and Quay Trust which sets out, on pages 10 to 17 inclusive, a series of proposals for the development of the Exeter Ship Canal and Basin. The Inland Waterways Association objects to the proposal to build a new swing bridge across the canal because of the potential constraints on the operation of the canal in general, and Gabriel's Wharf in particular, for both commercial and leisure boating use. If the Council is minded to grant permission, consideration should be given to the design and construction of the proposed new swing bridge having regard to the relevant requirements for new bridges and their impact, as set out in the "Code of Conduct for Works affecting the Canal and River Trust"; The proposed new swing bridge must have a headroom above water level of at least 3.2 metres, suitably designed access paths; width sufficient to accommodate the expected peak usage of the bridge by pedestrians and cyclists, must not interfere with the right of navigation on the canal and must not act to reduce the width of the canal at the potential location of the bridge; must be capable of electrical and manual operation and boater operation, that there will be no restrictions on opening other than maintenance.

ECC St. Davids Ward Councillors Moore and Read

Section 106 obligations should be required for: A fully accessible sports and community hub on the corner of Bromhams Field. A primary care facility including a GP surgery, but also dentist and local pharmacy. Maintenance requirements for the Valley Park. A new swing bridge across the canal.

The scope of the decision at outline stage must be clear: which are 'reserved matters', which are parameter plans and which matters are illustrative.

The proposed triggers for completion of each section of infrastructure and what will be adopted by DCC and or ECC. Infrastructure must be complete ahead of need. The maximum m2 of each use type should be agreed at outline stage, in conjunction with maximum heights and required densities in each area.

A long-term construction and logistics management plan for all the sites must be agreed ahead of determination of this application. Make use of the canal and Marsh Barton, protect Valley Park.

The site boundary does not accord with the Liveable Water Lane and excludes Bromhams Farm, Canal Bridge and underpass.

The indicative building layouts should be removed and not presented for approval. Include provision of local plan policy compliant 35% affordable housing including social housing for each class use.

Green Infrastructure and biodiversity actions from mitigation and BNG do not seem to reflect the importance of the current biodiversity on the site for bats, reptiles including slow worms and common lizards. Should the semi-mature hybrid black poplar trees have TPOs placed on them or be conditioned to protect them during the construction. A Landscape and Ecological Management Plan (LEMP) should be made a condition.

Building orientation, airtightness, insulation, natural light, ventilation and energy generation should be made a condition.

To be respectful to the existing residents around the edges of the application site. The proposed co-living student blocks on Tan Lane are disproportionate to the surrounding houses. Heights - should not be more than the SPD and the approved maximum height should be set.

Scheme to contribute to the flood mitigation and emergency egress of residents in the Haven Banks area must be set out.

How close are blocks to the canal - light and ecological impact on the Canal questioned.

There is no regard shown to the impact of motor vehicle access on the Haven Banks area which must be a coordinated resolution to avoid 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. Active travel targets should be conditioned as one of the key parameters. A swing bridge over the canal should be included to achieve active travel objectives. All cycle routes must be LTN 1/20 compliant. All pedestrian routes must be wheelchair and sight impaired accessible. Tan Lane bus route will be open to abuse as it is and must prioritise active travel. Off site improvements to Walking/Wheeling routes are required.

Ecology buffer from the railway needs to be meaningful and planned. Primary open space along the canal will be mainly taken up with a cycle/walking path.

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. PBSA and co-living should be capped at no more than 10% across the site in order to achieve a balanced community.

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 and the site is also noisy.

There should be a maximum height and massing indicated and approved for each part of the plan. Visualisations are required from key city locations, proposals will have significant impact on surrounding views.

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. Disposing of surface water runoff to a surface water body (have been discounted this should be conditioned. Combined overflow sewers into a surface water body must not be allowed and exceedances should not allow foul water to flow into SUDS.

11.0 Representations

The application has been advertised by sites notices, press notice and neighbour letters. The application was advertised in September 2023 when received, and in May 2024 when substantially revised plans and additional and revised supporting information was submitted.

A total of 30 public representations have been received in objection to the public consultations in September 2023 and May 2024.

28 Public objections were received giving the following reasons:

- Excessive height of proposed buildings, up to 12 stories, out of character with area
- High density development will alter the nature of neighbourhood and Exeter
- Overshadowing and loss of light to existing residents
- Loss of privacy and overlooking for existing residents
- Making buildings a little lower will make all the difference
- Development here should reflect Quayside
- Lack of affordable housing/concern over high rents
- Buildings too close to canal, impacting atmosphere and towpath
- Insufficient parking provision leading to overspill parking problems
- Need to protect existing parking for residents
- Lack of detail on size of properties and dwelling mix
- Flood risk and surface water issues not adequately addressed
- Impact on wildlife habitats along canal
- Strain on already stretched public services like NHS, schools etc with influx of new residents.
- Road infrastructure insufficient to handle additional traffic
- Construction disruption over a long timeframe (up to 10 years)
- Loss of boat yard facility/industrial heritage of area
- Buildings ugly and lacking design quality/creativity
- Noise and light pollution impacts
- Don't need additional hotel in this location
- Avoid development in the Flood Plan as in Exeter Plan.
- All high rise flats with no gardens unsuitable for families.
- Infrastructure needed before development starts
- Only one road into area
- Railway bridge is not suitable for fire engines.
- Carbon footprint not offset.
- All tree should be protected
- Short term rental of these units should be restricted
- Currently used as overspill parking for quay and Marsh Barton – where will cars go?
- Give consideration to bird nesting sites
- Proposals look like former industrial city

3 representations received gave the following reasons;

- Support for maximizing building heights and densities near public transport hubs, particularly the new Marsh Barton train station.
- Positive sustainability aspirations but a desire for better utilization of rainwater resources in grey-water systems.

- Advocacy for fitting a slipway and providing adequate space for craning boats at Gabriel's Wharf, highlighting its critical role in the functioning of the heritage Ship Canal.
- Suggestions for developer-funded enhancements to the flood escape route and the conversion of the disused railway line into a high-speed cycle lane.
- Advocacy for opening the second railway arch at Tan Lane for those with a class M parking permit to ease congestion.
- Emphasis on the need for high architectural standards in this beautiful part of the city.

A representation has also been received from Marks and Spencer: The site lies in close proximity to Exebridges Retail Park. Extending the transport assessment beyond the Water Lane site will provide a robust analysis of the potential impact of the proposals on the surrounding road network to ensure the appropriate infrastructure improvements.

12.0 Relevant policies

National Planning Policies

National Planning Policy Framework (NPPF) (2024) – 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

Liveable Water Lane SPD: Development Framework and Design Code.

M01 - Contextual analysis
M02 - Local engagement
M03 - Character and cultural identity
M04 - Relationship with the River and Canal
M05 - Key views
M06 - Historic and existing features
Q01 - Global city qualities
Q02 - Zero Carbon
Q03 - Site analysis and community engagement
Q04 - Energy hierarchy
Q05 - Passive and climate responsive design
Q06 - Local clean energy networks
Q07 - SMART grid and infrastructure
Q08 - Renewable energy
Q09 - Air quality and pollution
Q10 - Water hierarchy
Q11 - Materials and waste hierarchy
Q12 - Embodied carbon
Q13 - Resilience

Q14 - Building performance standards
Q15 - Flood risk
Q16 - Development coordination
Q17 - Stewardship and governance
W01 - General land use and activity
W02 - Land use plan
W03 - Neighbourhood Centre
W04 - Primary school
W05 - Water related uses
W06 - Housing mix
W07 - Employment opportunities
W08 - Existing uses
W11 - Gabriel's Wharf
W12 – Clapperbrook Hub
L01 - Building density
L02 - Street ratio
L03 - Building heights
L08 - Central area, height and massing
L09 - Central area, frontages
L10 - Central area, Water Lane frontages
L11 - Central area, Water Lane building line
L12 - Central area, Water Lane height
L13 - Southern area, height and massing
L14 - Southern area, frontage
L15 - Housing space standards
L16 - Daylight
L17 - Ventilation and dual aspect
L18 - Relationship with existing buildings
L19 - Noise
L20 - Accessible homes
L22 - Flexible homes
L23 - Ground Floor Heights
L24 - Storage
L25 - Raised ground floors
L26 - Public, private thresholds
L27 - Non-residential ground floors
L28 - Designing out crime
L29 - Facade Design
A01 - Mobility strategy
A02 - Active travel plan
A03 - Vehicle access plan

- A04 - Public transport
- A05 - General requirements for design of streets and junctions
- A06 - Walking and cycling requirements for design of streets and junctions
- A07 - Target vehicle thresholds
- A08 - Primary mobility hub
- A09 - Primary mobility hub functions
- A10 - Secondary mobility hubs
- A11 - Car parking
- A12 - Cycle and mobility parking
- A13 - Safe access and egress
- A14 - Mobility coding plan
- A15 - Water Lane, role and function
- A16 - Water Lane, managing level change
- A17 - Water Lane, access and movement
- A18 - Water Lane, access options
- A19 - Neighbourhood Street
- A21 - Foundry Lane
- A22 - Tan Lane
- A24 - Main site access
- A25 - Green Streets
- A26 - Green Lanes
- A27 - Canal crossings
- A28 - Canal tow path
- A29 - Railway crossings
- A30 - Off-site connectivity and improvements
- S01 - Green infrastructure plan
- S02 - Open space
- S03 - Green and blue infrastructure
- S04 - Biodiversity
- S05 - Urban Greening Factor (UGF)
- S06 - Sustainable Drainage Systems (SuDS)
- S07 - Trees
- S08 - Planting
- S09 - Play
- S10 - Food growing
- S11 - Residential open space
- S13 - Canal
- S14 - Railway embankment
- C01 - Culture led development
- C02 - Public realm placemaking
- C03 - Creative industries

C04 - Meanwhile uses
C05 - City Cultural Hub

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 Regulation 19 Publication 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 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 there will be some residual impact which can be mitigated by conditions. 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 public benefits of the scheme.

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

Provision of up to 980 dwellings, and up to 320 bedspaces of Student Accommodation

2 Play areas LAP and LEAP

Contributions to health care, sustainable Transport, education and other matters listed in the report.

Job creation

Non-material considerations

CIL contributions

The adopted CIL charging schedule applies a levy on proposals that create additional new floor space over and above what is already on a site. The residential and retail development included withing the proposal are in part CIL liable.

Exeter City Council's revised CIL Charging Schedule indexed to 1 January 2025 will apply. CIL will be chargeable on out-of-centre retail (£218.19/sqm) and co-living/Build-to-rent (£51.31sqm). Flatted market dwellings are rated at £0/sqm. Hotel and Education uses are not CIL liable. CIL contributions are calculated at Reserved Matters Stage but is estimated at £1.7M at 2025 charging rates based on the illustrative scheme.

Confirmation of the final CIL charge calculations will be provided to the applicant in a CIL liability notice issued prior to the commencement of the development. All liability notices will be adjusted in accordance with the national All-in-Tender Price Index of construction costs published by the Building Cost Information Service (BCIS) of the Royal Institute of Chartered Surveyors for the year when planning permission is granted for the development. Full details of current charges are on the Council's website.

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

16.0 Planning assessment

The assessment addresses the key planning issues in the following order:

1. Principle of development
2. EIA
3. Flood Risk
4. Pollution - Noise, AQ, Land, Substation
5. Gas Infrastructure and risk
6. Access and movement
7. Scale and layout
8. Impact on Heritage Assets

9. Impact on landscape
10. Impact on existing residential amenity
11. Affordable Housing
12. Mixed Communities
13. Impact on Ecology, Trees and Biodiversity
14. Surface Water Management
15. Sustainable Construction and Energy Conservation
16. Economic benefits
17. Housing supply
18. Viability
19. CIL and S106 contributions
20. Planning Balance

1. Principle of development

Policies EN2 of the Exeter Local Plan First Review and CP2 of the Core Strategy guide against the loss of employment floorspace and land. Liveable Water Lane Design Code W07 guides re-provision of employment use, and Code W08 encourages applicants to consult with existing business and organisations, and explore opportunities to provide space to cater for their needs. The site includes employment buildings which have been made vacant for the purposes of redevelopment with the operations relocating elsewhere. Other parts of the site remain in employment, or storage and distribution uses. There have been objections to the loss of water related industrial uses. Water Lane is not one of the key employment areas identified and protected by Core Strategy Policy CP2. This policy acknowledges that alternative uses are acceptable in certain circumstances for example where there are unacceptable amenity impacts for local residents. The Exeter Employment Land Review concluded that the area was a poor quality location for employment use and the Core Strategy policy CP3 identifies the area as a Regeneration Area with the potential for circa 800 dwellings, without defining a boundary. In total around 11,734 square metres of existing floorspace would be demolished, and the application includes for up to 40,000 square metres of commercial floorspace including offices, research and development and industrial processes and other uses that can be carried out in a residential area. A condition can be attached to any consent to secure a minimum quantum of commercial floorspace, and ensure no overall loss of employment floorspace. Loss of Class B2 industrial use floorspace including the canal and river related industrial floorspace is a harm that needs to be weighed in the balance in determining this application.

The Exeter Core Strategy adopted 2012 identifies 1048 dwellings as being delivered in the Regeneration Areas during the lifetime of that plan, but does not define the Water Lane Regeneration Area boundaries. The Draft Exeter Plan carries very little weight in decision making at this stage, however it is a material consideration and provides a demonstration of the emerging spatial strategy. Draft Exeter Plan

(publication draft) 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 1861 homes. The Draft Exeter Plan Water Lane allocation policy includes requirements for a housing mix built at optimum densities. The Haven Banks Retail Park redevelopment scheme includes 239 dwellings and 184 co-living beds spaces. The Liveable Water Lane SPD Land Use Plan (Code W02) identifies the Haven Banks Retail Park and this application site as primarily for residential development, with the only other major residential use area being the former gas holders site. The latter site is also identified to provide a local green space and neighbourhood centre which reduce its residential development capacity.

The site is previously developed land in a sustainable and accessible location. The principal of redevelopment for residential led mixed use is strongly supported in national and local policy and follows the development hierarchy set out in Local Plan First 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 proposed development includes the loss of 4 existing dwellings, the provision of up to 980 new dwellings and up to 320 bedspaces of student accommodation. The development therefore makes a very substantial contribution towards housing delivery targets in Exeter. The illustrative scheme is for a flatted multi-storey development above non-residential ground floors for flood risk reasons. Dwellings are likely to be one, two and some larger flats and will include a mix of built to rent and market sale dwellings, including a proportion of age restricted older persons accommodation.

Whilst a broader mix of residential tenure types on site would be preferable, the mix does address an identified need for smaller units, and the mix is shaped by the interest of making best use of the site, and responding to flood risk, noise and land contamination. As such the proposals are considered to accord with the aims of policies H2 and H5 of the Exeter Local Plan First Review and CP5 of the Exeter Core Strategy. Exeter Local Plan First Review policy H5 supports specialist accommodation such as purpose built student accommodation and co-living in accessible locations.

Whilst the site is not within a 'centre' as identified in the Exeter Local Plan First Review, the Gabriel's Wharf area is identified in the Liveable Water Lane SPD as a retained craning point and a suitable location for water related uses including commercial uses and modest provision of commercial in this location is not considered to be in conflict with Core Strategy policy CP8. The application is not accompanied by a Retail Impact Assessment and hence it is recommended that any

consent limits retail floorspace to a maximum provision of 2500 square metres, this being the threshold level for Retail Impact Assessment.

2. Environmental Impact Assessment

Environmental Impact Assessment (EIA) Screening carried out in 2022 concluded that the proposed development is EIA Development likely to have significant effects on the environment and hence requiring the submission of an Environmental Statement (ES). Following submission of the application an ES has been provided and the development has been advertised and consulted on as EIA development in accordance with the EIA Regulations.

The Environmental Statement (ES) has looked at Ecology and Biodiversity, Contamination, Flood Risk and the Water Environment, Waste, Noise and Vibration, Transportation and Access, impact interactions and considered cumulative impacts with consented development.

Potential significant adverse effects on bats, birds reptiles and water quality can be avoided, mitigated or offset. A potential major adverse effect of noise on the development can be mitigated and impacts of transport arising of the development can also be mitigated. The ES identifies a schedule of monitoring and mitigation measures on which the EIA relies, and which should be secured by planning conditions and which are discussed on a topic basis below.

3. Flood Risk.

The application site is at risk of flooding from the River Exe and is predominantly within, and is surrounded by, Flood Risk Zone 3. The application is accompanied by a Flood Risk Assessment and a Sequential Site Search for alternative sites at lower risk of flooding.

The implementation of the recent Exeter flood defence improvements significantly lessens the risk of flooding, but cannot be relied upon when considering flood risk in planning decisions given the potential for failure, breach or overtopping of the improved flood defence scheme.

The sequential site search has not identified any alternative sites with lower flood risk that could accommodate the development proposed. Having reviewed the site search and having conducted a site search for the Exeter Plan, officers consider it to be robust in its analysis.

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

that such development is only acceptable in areas of flood risk if the Sequential Test, but also the Exception Test is passed.

Paragraph 178 of the NPPF (2024) set out the two parts of the exception test that; a) wider sustainability benefits to the community which outweigh the flood risk, and b) the development is safe for its lifetime taking account the vulnerability of its users without increasing the risk of flooding elsewhere - it should be demonstrated that both parts have been satisfied.

Residential (more vulnerable) uses will have a finished floor level set no less than 300mm above the Design Flood Level, and ground floor level with less vulnerable uses shall be designed so as that flooding is no deeper than 500mm in the Design Flood. Finished floor levels will be set site wide prior to commencement of development in accordance with a further detailed Flood Risk Assessment addendum as set out in the Environment Agency response and this shall be secured by condition. Further detailed guidance of the Environment Agency with regards the design of buildings, disposition of uses, acceptable ground floor uses and flood compensation are noted and will be addressed in discharging conditions and in detailed design at Reserved Matters stage. In this manner buildings as well as raised areas of land will act as refuge in the event of a flood. Detailed building design will incorporate flood resilience measures to reduce risk to buildings and to occupiers in a flood situation. A flood warning and emergency evacuation plan for the development is secured by planning condition.

The detailed site Flood Risk Assessment submitted identifies an area of raised ground, former railway land, alongside and level with the main rail line centrally positioned in the site. This area can provide refuge within the site as part of the emergency flood escape plan for the site. The Liveable Water Lane SPD identifies strategies for providing safe routes within the site. The Flood Risk Assessment also identifies this raised area as potentially part of a flood egress route using the former rail line. A flood access/egress route is considered to be necessary to ensure safe access to the site during the one hundred year design life of the development, as flood risk increases with climate change during this period. The Environment Agency is satisfied that ECC has commissioned a study as a part of the Strategic Flood Risk Assessment to look at detailed options for the provision of alternative safe access and egress route for the whole of the development's design life. The Strategic Flood Risk Assessment carried out by ECC in support of the emerging Exeter Plan has identified that an alternative route to the former rail line, this being across the river valley towards the east bank, may be preferable and may be easier to deliver.

The flood access/egress route will need to accord with the Liveable Water Lane SPD Code A13, and will necessarily be agreed and delivered in collaboration with the relevant bodies that have a responsibility for mobility, flood risk and emergency planning. Individual phases of this development site, and the wider Water Lane development area, will be designed to link to this egress route. A developer

contribution towards the strategic flood access route (or other agreed emergency planning solution that ECC as Local Planning Authority considers an acceptable alternative) delivered in a timely manner to ensure that the development is safe during the design life of the development will be secured through the S106 legal agreement.

The proposals include the creation of compensatory flood storage at the southern end of the site which will need to be designed to avoid an increase in surface water flood risk locally.

The remediation and regeneration of this prominent and underused brownfield site for residential led mixed use development including up to 980 dwellings in a highly sustainable location is considered to outweigh the harm of the risk of flooding of the development, taking into account the mitigation measures discussed above. The applicant's Flood Risk Assessment has shown that the development can be laid out to not increase the risk of flooding elsewhere and the Environment Agency is satisfied by that assessment. As such the development is considered to have passed the Sequential and Exception tests.

The site will be required to have a Flood Warning and Emergency Plan secured by condition attached to any planning consent.

The provision of access to raised area of ground, the raised development platforms created in buildings, and the contribution towards a strategic flood access/egress route are of benefit to the existing residential population in the Water Lane area reducing risk to occupiers of existing properties as well as the future residents of the site in a flood event. This should be accorded some weight in determining this application.

4.1 Pollution – Noise

The acoustic environment of the application site has been assessed by the applicant, with further analysis being carried out at the request of ECC Environmental Health. Key noise sources are within the Marsh Barton Industrial estate, the waste processing sites immediately west of the rail line (Materials Reclamation Facility (MRF), Energy Recovery Facility (ErF) and the Recycling Centre. The rail line itself is also a source of noise. The waste related activities in the above locations create industrial noise and operate weekdays but with some weekend operation in addition. The MRF was assessed as having a major adverse impact. The measured noise environment will need to be considered in the detailed design of buildings at Reserved Matters stage. Building design can use layout so that buildings are arranged a buffer to the noise sources with open areas on the opposite side of the building from the noise source. Building internal layout can position stair core, bathrooms and other less noise sensitive elements on the façade facing the noise source, and use a greater ratio of solid to void in these facades to reduce noise

impact on residents. Appropriate façade insulation treatment can be incorporated, including ventilation and or cooling where necessary, to allow required internal noise criteria to be met. The consent for residential development is not therefore considered to impact on the continued current operation of the MRF, ErF or Recycling Centre. The flatted form of development with communal open space proposed is better suited to the measured noise environment than dwelling houses with private gardens would be. The proximity of the site to the Valley Park, which offers a tranquil outdoor space, is a mitigating factor for future residents. The proposed building will have some effect in blocking noise from Marsh Barton towards the Valley Park, though this is likely to be only of very marginal benefit. The proposals are considered capable of providing an acceptable level of amenity for future residents and as such are considered to accord with the aims of Water Lane Design Code SPD Codes L19 and W08, Exeter Local Plan First Review policy EN5 and Policy W10 of the Devon Waste Plan.

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 existing and future residential 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 First Review policy EN5.

4.2 Pollution - Air Quality

Air Quality analysis submitted with the application shows that in the area of the site south of Gabriel's Wharf air quality is current unsuitable for residential development due to emissions from the Conrad Energy Peaking Plant immediately south of the site when that is in operation. This peaking plant provides resilience to the electricity supply network but operates infrequently. Whilst long term average thresholds for air quality are not exceeded, the hourly threshold can be exceeded on the southern part of the application site when the plant is in operation.

Conditions worded in a negative form are known as 'Grampian' conditions, and can prohibit development authorised by a planning permission or other aspects linked to a planning permission until a specified action has been taken. A Grampian condition is proposed to restrict commencement of construction of residential buildings in the areas affected by the identified air quality issues until such time as a reduction of the air quality impact is achieved. This could be achieved by relocation of the facility, cessation of the use, physical changes to the facility (such as high level flues) or changes to the operating characteristics of the facility. Without a residential consent there would be no impetus for any party to pursue such changes. However the significant impetus that would exist, the City Council ownership of that site, the potential for the facility to operate in a modified mode, and to deliver the same benefit

for another site give considerable assurance that a solution is likely to be possible in the timeframe of the consent if it is granted. Subject to a Grampian condition as described the development is considered to accord with the aims of Policy EN3 of the Exeter Local Plan First Review and the guidance regarding the use of planning conditions.

Achieving the predicted traffic movements in the peak hours as forecasted will ensure that the scheme does not impact negatively on the Air Quality Management Area which includes Alphington Street where exceedance occur. Achievement of the sustainable and active travel measures and low vehicle movements discussed in the Access and Movement section are hence required to achieve this Air Quality objective, and to accord with the aims of Code Q09 of the Water Lane Design Code SPD and Policy EN3 of the Exeter Local Plan First Review.

4.3 Pollution – Contaminated Land

The site has a history of contaminative uses. The application has submitted a desk based assessment of potential contamination and a further intrusive investigation has been carried out to verify the Desk Based Assessment. On the basis of the development proposed, with residential development being flatted and without private garden spaces, and the information submitted regarding contamination it is considered acceptable for the further investigation of contamination to be carried out in accordance with the scheme of investigation post consent. A remediation Strategy and provision for the verification of the remediation will be secured by planning condition attached to any consent. Subject to those conditions the development is considered to accord with the aims of Policy EN2 of the Exeter Local Plan First Review

4.4 Electricity Substation

The noise environment, and the means of ensuring the adequate internal comfort for future residents of the proposed development have been discussed above and this also relates to the approach to noise from the Electricity Sub-Station in Water Lane.

Concerns have been raised regarding the proximity of the proposed development to the electricity supply infrastructure in Water Lane. The proposed development includes non-residential development adjacent to the boundary and buildings will provide a visual and acoustic buffer to other parts of the site. National Grid have been consulted and raise no concerns regarding the development proposed, other than precautions during construction phase. The following standing advice is also given: *Due to the design of the equipment that substations contain, they don't produce a significant external electric field. However, they do generate a magnetic field. Magnetic field levels at the boundary of a substation are typically at a level of 1 or 2 μT , but this decreases very quickly as you move away. At approximately 1-2 metres*

from the substation, the magnetic field is usually lower than the field found in your home.'

5. Gas infrastructure

The application site is within the hazard zone of a high-pressure gas pipeline serving parts of the city, which runs northwards through the site towards the former gas holders site. The applicants propose a re-alignment with a new pipeline parallel to the rail line and crossing the application site to re-join the existing gas pipeline in Water Lane. The new pipeline would link to the Pressure Reduction Station consented on the Gas Holder Site as Planning Permission ref. 23/1489/FUL. The new pipeline would be constructed using thicker walled pipe, to reduce the risk to future occupiers. Wales and West Utilities have not objected to the proposal, and the Health and Safety Executive have responded that they would not object to the application subject to the gas pipeline being revised as proposed, and this being secured by condition.

The City Council has made the Hazardous Substances Consent Revocation Order No.1 2024 to revoke the consents for gas storage on the former Gas Holders site and is not objected to by Wales and West Utilities. This is subject to confirmation by the Secretary of State. The withdrawal of the Health and Safety Executives objection is also dependent on that Order being confirmed by the Secretary of State. Confirmation of the Order has not been received at the time of writing, and hence the issue of consent is conditional on the Order being confirmed.

6. Access and movement

The location is an allocated brownfield site in an accessible in close proximity to the city centre and key infrastructure, but with vehicular access constraints of both capacity and strategic linkage. Identified strategic sustainable and active travel routes cross and bound the site. NPPF (2024) Section 9 strongly promotes development in sustainable accessible locations such as this.

The application is submitted as an outline planning application with access being the only matter submitted in detail for approval. The access at Tan Lane is the primary access point with those development works being submitted in detail. Other, non-vehicular, access improvements would need to be secured by conditions attached to any consent. The application is accompanied by detailed Transport Assessment, Access Strategy and an Access Parameter Plan.

The Liveable Water Lane DPD Code W02 Land Use Plan shows the area of the application site as residential development. The application includes a vehicular access strategy that accords with code A03 with vehicles routed from Tan Lane south alongside the rail line on a new road, Foundry Lane, to access the central and

southern zones of the Water Lane Area as defined in the Liveable Water Lane SPD. This vehicular access strategy has been subject of consultation and agreement with the Highway Authority and is embedded in the Liveable Water Lane SPD Codes A03 Vehicular Access and A04 Public Transport Access.

The application site includes the Tan Lane rail underpass and makes provision for the opening up the adjacent second railway underpass to allow active travel and public transport to use separate underpasses, this is in accordance with Liveable Water Lane SPD Codes A29 and A30. Sustainable and active travel modes are prioritised within the site in accordance with the aims of the mobility strategy in Liveable Water Lane SPD Code A01.

Whilst the proposals include provision for retail and community facilities alongside residential and commercial floorspace, if developed in isolation of the wider Liveable Water Lane community facilities it would not achieve the targets for accessibility for walking or public transport set out in Exeter Local Plan First Review Policy T2 Schedule 1. The provision of leisure, medical and education facilities within the Water Lane area in accordance with the Liveable Water Lane SPD and the public transport routes will need to be facilitated by the wider development to achieve this. Contributions to the delivery of off-site amenities such as a primary school and medical facilities will therefore be required, and those facilities subsequently delivered in order to achieve the accessibility criteria in Policy T2 are achieved, and that the development accords with Codes W01, W03 and W04 of the Liveable Water Lane Design Code.

6.1 Rail

The site is close to the newly opened Marsh Barton Rail Station with existing level active travel links. The proposals allow for at grade access to the Rail Line immediately south of Tan Lans in accordance with Exeter Local Plan First Review T8 and representations made by Network regarding their right of vehicular access that must be maintained and safeguarded.

6.2 Vehicular Access

The safeguarded highway scheme set out in the Exeter Local Plan First Review policy T14, vehicular link to Grace Road, has not been pursued in the Water Lane Design Code SPD mobility strategy or the Publication Draft Exeter Plan. That said, there is nothing in these proposals that would prejudice the delivery of that route.

The access strategy is to reduce vehicular use in accordance with Liveable Water Lane Code A01 Mobility Strategy and Policies T1, and T3 of the Exeter Local Plan First Review, which promote walking, cycling and public transport over car share and above private car use. A number of measures, such as reduced car parking, improved active

travel provision including a mobility hub and the provision of bespoke travel plans are proposed.

Vehicular circulation within the site is proposed to be via a new route parallel to the rail line connecting to Tan Lane at its northern end. This road known as Foundry Lane. This has been subject of consultation and agreement with the Highway Authority and is embedded in the Liveable Water Lane SPD Codes A03 and A04 providing vehicular access and public transport access.

At Gabriel's Wharf the application includes for the existing canal side hardstanding to be retained. The access proposed would allow re-routing of most vehicular traffic for the site and to serve existing residential properties away from Water Lane. Access for emergency vehicles, servicing and public service vehicles, and access to Gabriel's Wharf for large vehicles would remain via Water Lane. The access proposals reduce vehicular circulation within the development areas. As such the proposals for vehicular access accord with Code A03 – Vehicle Access set out in the Water Lane Design Code SPD

The site red line includes the Tan Lane underpass and proposals include the opening up of the unused second underpass to segregate restricted vehicles and active travel. The proposals would improve public service vehicle infrastructure in this location to the benefit not just of access to the application site but in support of the delivery of the transport vision for Water Lane regeneration area and wider city public transport services including the Park and Ride bus route. As such the development accords with Codes A03 – Vehicle Access, A04, A14 and A22 Tan Lane set out in the Water Lane Design Code SPD and T6 of the Exeter Local Plan First Review

Water Lane Design Code SPD Code A11 provides an indicative target that across the Water Lane area an average ratio of 1 parking space per 5 dwelling should be sought. This is a reduced standard from that set out in the Sustainable Transport SPD. The Transport Assessment sets out a hybrid car-free and low-car approach with parking standards by use, in which residential development meets or is within the standard set by Code A11. Standards for Student Accommodation, Hotel and education facilities are also set at a low level which is considered to accord with the aims of mobility strategy set out in the Liveable Water Lane SPD. A shared parking allowance is included in the application for other uses.

Liveable Water Lane SPD Code A11 further guides that car parking should be in building through undercroft or multistorey solutions, which will need to be secured through the Reserved Matters approvals for buildings and landscaping design with accommodation for delivery vehicles and other very short stay vehicles provided. Existing on public highway parking controls in Cotfield Street and Water Lane can be made residents only parking, or otherwise restricted to prevent use by the development, with the costs of implementing the necessary Traffic Orders secured as

a developer contribution as part of any consent. Eligibility of new residents for on street permits can be restricted by DCC.

The design and layout of vehicular access routes can be secured by through reserved matters to ensure the design supports the Liveable Water Lane Design Code SPD mobility and coding of street design. This to ensure street design supports and encourages reduced vehicle movements. Water Lane Design Code SPD Code A07 sets Target Vehicle Thresholds for individual streets to ensure that appropriate cycle infrastructure for the vehicle volume is provided, segregated if required where vehicle movements are higher.

The proposed mobility hub (and delivery hub) is shown within the Uses Parameter Plan as accommodated close to Gabriel's Wharf, in a location accessible to visitors, both new and existing residents, and on the public transport circulation route. The mobility hub includes up to 15 electric cars and up to 100 e-bikes (incl. cargo bikes). This location is supported by the Water Lane Design Code SPD and the provision and design of the Mobility Hub can be secured by condition, legal agreement and through the approval of Reserved Matters.

NPPF (2024) paragraph 116 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network, following mitigation, would be severe, "taking into account all reasonable future scenarios".

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 considered to be severe. Hence it is not considered that there are any grounds for refusal of the application for highways impact reasons.

6.3 Sustainable and active Travel

The proposals include for a mobility hub at Gabriels Wharf in accordance with Water Lane Design Code SPD Codes A02, A03, A04, and A10. This is a secondary hub and modal interchange which is located in accordance with the code and provides up to 100 electric cycles (including cargo bikes) to support the active travel strategy.

The application includes provision for cycle parking in accordance with Exeter Local Plan First Review Policy T3 Schedule 2, and the Sustainable Transport SPD. These are considered to be minimum standards for a low car / car free development. The Water Lane Design Code SPD Code A12 requires that cycle and mobility parking is provided in accordance with government best practice. Cycle and mobility parking should be provided in a timely manner and integrated with building and landscape design. Planning conditions attached to any consent can secure cycle and mobility

parking details as part of building design, that it is available at first occupation, and retained as such.

The low car / car free development will need to achieve a significant proportion of active travel trips to on five Local Cycling and Walking Infrastructure Plan (LCWIP) routes, these being E22, E12, E14, E7 and E15 which are identified in Liveable Water Lane Design Code A02 Active Travel Plan. Devon County Council have requested funding to help deliver improvements, in combination with other anticipated developments in the Water Lane area to support and encourage the increase in movements. Such contributions could be secured by legal agreement.

Measures for which a funding contribution are sought include; improvements to the rail underpass close to Gabriel's Wharf, the canal towpath route (E14), the routes linking toward s the city centre, University, hospitals, secondary schools and major employment areas (E7, E12, E15, E22).

Canal Bridge was initially included in the application drawing on an illustrative basis, this was subsequently removed from the re-submitted drawings as any bridge would be outside the application site and not delivered by the developer. The delivery of a new bridge is a key sustainable transport infrastructure component to provide direct sustainable and active travel access from Water Lane across the canal reducing reliance on the existing crossings which are narrow and require a detour away from the travel desire line. Any bridge would need to be openable to not hinder the current larger vessel and tall mast capacity of the Exeter Ship Canal. A new Canal Bridge will potentially also be part of the Flood Egress Route required for future flood escape if a route towards height ground on the east bank of the River Exe is adopted. The new Canal Bridge is identified in the Liveable Water Lane SPD and the emerging Exeter Plan. It is also identified in the Infrastructure Delivery Plan that accompanies the emerging Exeter Plan, which identifies potential additional funding sources and delivery partners for this key infrastructure project.

Detailed design of streets and buildings to accommodate and encourage sustainable travel will be secured through Reserved Matters submission of Layout and Landscape and to discharge of conditions. Subject to provision being made for off-site sustainable and active travel infrastructure improvements the proposals are considered to accord with the aims of the Exeter Local Plan First Review and Liveable Water Lane in terms of sustainable and active transport.

7. Scale, and layout

The application seeks to comprehensively redevelop the site, demolishing existing medium and low rise commercial buildings and hardstandings, and four flats, to replace them with a residential-led mixed-use development with associated landscape, and public realm.

The application is submitted in Outline with the matters of landscape, scale, layout, and appearance being Reserved Matters to be subject of further applications for approval.

Six parameters plans including a building heights Parameter Plan has been submitted that includes upper height limits for buildings expressed in metres but also numbers of storeys. A Framework Parameter plan establishes a framework of buildings identifying blocks and frontages.

The Building Heights Parameter Plan has been amended since first submitted to remove the references to landmark buildings of up to 12 storeys. Maximum building heights are five (22.2m), seven storey (28.8m) and eight storey (32.1m) and this includes an allowance for pitched roofs. The arrangement of building heights increases from five storey adjacent Water Lane, with the taller building heights shown adjacent the rail line, and at the southern end of the site.

Applications for Reserved Matters approvals would need to be within the building envelopes established by the parameters plans. These Parameters Plans are considered to accord with the aims of Liveable Water Lane Design Code, but include the potential for buildings up to 5 storeys at the junction of Tan Lane and Water Lane where it is considered detailed design may allow buildings to satisfactorily achieve five storeys in part. At the southern end of the site the Design Code allows for occasional buildings up to 9 storeys, whilst the Building Heights Parameter Plan restricts height to a maximum of 8 storeys. The Parameters Plans do not by themselves set out in detail a solution that satisfies the Design Code, the scale of buildings in Reserved Matters details submissions will need to accord with the Liveable Water Lane SPD and the Heights Parameter Plan itself is explicit in this regard.

The Water Lane Design Code sets out detailed guidance regarding density, built form, height, design and massing and other design matters. The application site spans the Central and Southern Zones set out in the Design Code, and includes Gabriel's Wharf, each of which have specific Design Codes. Policy CP4 of the Exeter Core Strategy guides that density should achieve the highest appropriate density. Paragraph 134 of the NPPF (2024) 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, this guidance will apply to consideration of the Reserved Matters applications.

An arrangement for the buildings, uses and space at Gabriels Wharf is submitted as illustrative only, it will not form part of the outline consent. The arrangement and function of Gabriels Wharf space needs to accommodate the retention of the hardstanding and access for craning out, as well as delivering an important point of connection, and a public open space, new water related uses and focal space as set

out in the Liveable Water Lane Design Code SPD Code W11. The design and layout of the space will be a key consideration at Reserved Matters detail stages and the management of this space for all users is secured by condition.

The Exeter Design Quality Partnership which reviewed the proposals at pre-outline application stage and welcomed the vision to create a distinctive low-carbon and low-car, waterside neighbourhood that is well connected to its surroundings and the City Centre, they commended the design work undertaken at that stage and the ambition. They cautioned that the bold aims of a scheme should not be diluted are diluted towards implementation stage; and made a series of recommendations and invited further and ongoing design review following determination of the outline planning application. They noted the intention of the Liveable Water Lane Design Code to establish and protect important matters of height, scale, material, and detail.

The application is also accompanied by an illustrative arrangement and massing of buildings, but this is not submitted for approval.

8. Impact on Heritage Assets

The development site does not include or adjoin any Conservation Area, Listed Building or Locally Listed Buildings or other designated Heritage Assets. The site does not include any of the 'historic and existing features' listed in the Water Lane Design Code M06. The site is outside the Area of Archaeological Importance and archaeological records for the area are scarce and deposits will have been truncated by industrial development.

A Written Scheme of Investigation of further archaeological investigation can be secured by condition attached to any consent.

Historic England has raised concerns regarding the scale, massing and proportion of development being out of keeping with the character and predominant scale of in southern portion of Exeter and in particular, views from Colleton Crescent, which is Grade II* listed, and towards the city centre from the railway line.

The Liveable Water Lane SPD Design Code adopted July 2024 sets out the Local Planning Authorities detailed vision for development in the Water Lane Area, and establishes a policy to support taller buildings, with variations in height and massing, and the creation of a higher density and taller than existing residential district. Whilst this will involve change to character of the area, and will be visible in views from Colleton Crescent, it will not disrupt the views towards Haldon and the hills to the southwest of Exeter identified as key views in the Liveable Water Lane SPD Design Code M05. It is considered that the development will be legible as an area of new development within the framework of the city, in a view within which many different phases of expansion and development seen together. The impact is not considered

to constitute substantial harm to the setting of the city or of designated Heritage Assets and this less than substantial harm will need to be considered against the public benefits of the development.

The application is submitted in outline with means of access only being approved at this stage. A number of Parameters Plans, including building heights, are submitted which can be bound to any consent by condition. Building heights have been reduced by revision of the application and are limited to a maximum of five storeys around Water Lane, and rise to a maximum of eight storeys adjacent the rail line. The Heights Parameter Plan includes specific reference to building height and massing being required to comply with the Liveable Water Lane SPD Design Code in the interests of creating a variation in height and massing in the interests of, amongst other factors, ensure that the setting of the city and Heritage Assets are adequately protected. Approval of Reserved Matters would need to accord with these Parameters Plans. Reserved Matters Applications would be required to be in accordance with the Parameters Plan and would be determined still giving appropriate weight to the Development Plan Policies and the Liveable Water Lane Design Code.

The applicant has assessed the baseline views of the Cathedral, and other significant heritage landmarks from the railway line approach to the city from the south. The proposals will reduce glimpsed views of the Cathedral and St Leonards Church on the approach passing the site. These views are glimpsed views moving at speed and these views, together with views of St Michaels church become more consistent on the approach to Alphington Steet Bridge and become continuous over roof tops after passing St Thomas Station. The quantum of views would be reduced by the proposed development, though some glimpsed views retained, however this is not considered to be a significant detriment to the arrival in Exeter by train, this is not identified as a key view in the Liveable Water Lane SPD Code M05. The current industrial uses on the site are considered detrimental to that arrival experience. Overall, the impact on views from the rail line is considered to be neutral.

For the reasons set out above the proposals are not considered to conflict with section 16 of the NPPF (2024) or policies C21, C2 or LS1 of the Exeter Local Plan First Review or Code M05 and M06 of the Liveable Water Lane Design Code when having special regards for the desirability of preserving Listed Buildings or their setting. The revisions to the application have reduced the impact of the scheme on the historic environment to acceptable degree, and whilst there will be some change to the context of the historic city centre and designated heritage assets, that change is not considered to equate to significant harm. This should be given weight in decision making.

9. Impact on landscape

A Landscape and Townscape Visual Impact Assessment (LTVIA) has been undertaken and this Assessment was subsequently amended to reflect the revised Heights Parameter Plan and updated to assess the impact on dynamic views from the Rail Line at the request of Historic England. The Urban Design and Landscape Officer has advised that assessment is broadly accurate.

Less than substantial heritage harm will be caused in the outlook from Colleton Crescent, as has been discussed above. The proposed development is located considerably further to the south in relation to the natural and expected prospect out from Colleton Crescent and its associated gardens towards Haldon Hill. The Water Lane redevelopment will introduce a taller area of modern development in the middle ground of that view. However, this is consistent with the adopted Water Lane Design Code SPD. The industrial appearance of the area does not currently make a positive contribution in local views.

The impacts of the proposed development are pronounced in terms of the visual enclosure of the canal on its western side, but with a 12m (minimum) offset, the considerable increase in scale of the built form here is considered to be acceptable, and can be further mitigated by landscape and detailed design. Views out from Marsh Barton will also become enclosed by taller development, which is not considered harmful.

The development of the site will form a stronger urban edge to the Valley Park. The three dimensional visual representation of the Building Heights Parameters Plan used in the LTVIA shows a vertical extrusion of the height limits across the whole site. It is not based on likely building footprints or realistic building massing. The impacts of the proposed development are pronounced in terms of the visual enclosure of the canal and Valley Park on its western side, but this can be mitigated by landscape and detailed design. Reserved Matters applications will further test and finesse relationships between the development and the bank of the canal and the Valley Park, and will themselves be subject to further LTVIA assessment.

The application site is a brownfield industrial site and not part of the designated landscape setting of the city. Whilst new buildings will be visible in many views including from the Valley Park, Marsh Barton and Colleton Crescent, the site is allocated for redevelopment by policy K6 of the Exeter Local Plan First Review and has a detailed Design Code which has been subject of consultation and formally adopted as a Supplementary Planning Document in July 2024. A high degree of change on the site itself has been accepted in principle through local planning policy adoption, and the proposed development as detailed at this outline planning application is considered to accord with the aims of National and Local Policy.

10. Impact on existing uses and residential amenity

The outline planning application is submitted with only matters of access being determined at this stage. The application is accompanied by parameters plans for which approval is sought and which will limit the consent, these include building heights and the disposition of uses which will influence the impact on neighbouring occupiers.

The uses proposed (residential, office/education with commercial ground floor uses and an element of retail use classes at Gabriel Wharf) are all in principle considered acceptable in a residential area. Sui Generis residential student accommodation would be required to be subject of a Management Plan which can be secured by condition so that impacts of this type of residential use are controlled. Commercial kitchens can be secured to have odour and noise abatement by conditions attached to any consent.

Whilst the Parameters Plan allow for taller buildings than the existing built form, the impact of the development on existing residential amenity (through for example, overlooking, loss of in-building privacy, or overbearing impact) remains a material planning consideration when in determining future Reserved Matters planning applications for the layout, scale and appearance of buildings. Applications for Reserved Matters will be considered against the design guidance policies of the Development Plan including Exeter Plan First Review policy DG4 and the Liveable Water Lane SPD Design Code which makes provision in policy for the protection of the amenity of neighbours. Construction management can also be subject of a management plan secured by condition to reduce disruption during construction phase, which it is acknowledged will take place over an extended period increasing the impact on residents.

Exeter Water Lane Design Code SPD Code L18 set out a policy guidance that proposals must respect the setting of daylight and amenity of existing residents. Further that back to back distances and the position of windows should be considered on a case by case basis. Buildings it guides should generally be no more than two storeys higher than existing development but that a greater difference than two storey may be acceptable. The heights parameters plan, which sets a limit on building heights, includes for buildings up to five storeys in the area fronting Water Lane in the vicinity of Gabriel's Wharf and River Meadows, and up to 5 storeys in the area of Casting House and the Sports Club. In both areas there are residential development of two and more storeys and the acceptability of building layouts, design and height is a matter to be considered in detail at Reserved Matters stage. Consideration of any loss of light and overshadowing of existing solar panels is also a matter to be considered at detailed Reserved Matters Stage.

The industrial, employment and storage uses impact negatively on residential amenity principally through odour, noise, and operations continuing at antisocial hours. The animal rendering plant in particular has given rise to complaints regarding

nuisance. Cessation of these uses and redevelopment for residential use will have some positive impacts on existing residential amenity.

Whilst outside an established centre, the Gabriels Wharf area by the Water Lane Design Code SPD Code W11 as a suitable location for a new water orientated public space including retail and food and drink, and leisure function of the area by policy S5 of the Exeter Local Plan First 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 First Review policy EN5.

The proposals will introduce new public amenities and improve sustainable travel infrastructure in the area for existing residents. The contribution that the development makes to local healthcare and education amenities will benefit existing residents. The facilitation of access to raised ground and the contributions made by development to future flood egress will impact positively on existing residents in the event of a flood.

The provision of a decentralised energy network within the development areas may give existing residents access to alternative low carbon energy source through a retrofit programme.

The development will lead to significant change in the area of Water Lane. This is acknowledged to have some negative impacts which can be subject of planning control, but will also result in some positive impacts and improvements in residential amenity. The layout, external appearance and height of buildings is subject of further Reserved Matters applications and the impact on the amenity of existing residents will be a consideration in determining these applications.

11. Affordable Housing

The Development Plan Policy relating to Affordable Housing Delivery is Core Strategy Policy CP7 (H6 of the Exeter Local Plan First Review is not a saved policy), and the Affordable Housing SPD and Planning Obligations SPD give supplementary guidance. These set out that the provision of Affordable Housing is subject to consideration of viability. The proposed development consists of up to 980 dwellings as flats, with build to rent, market sale and age restrict dwellings. The development also provides up to 320 beds of purposed build student. Core Strategy Policy CP7 requires 35 % of market dwellings to be secured as affordable housing, and national policy requires 20% of build to rent accommodation to be affordable private rent, subject to viability.

The Financial Viability Appraisal (FVA) submitted with the application sets out the costs and value of the development. The FVA has been reviewed by an external consultant on behalf of the Local Planning Authority.

There are significant abnormal costs associated with development of the site for residential led mixed use, including ground remediation, high pressure gas main diversion, and access improvements. There are also significant build costs that come from raising buildings on a podium for flood risk reduction and some cost associated with responding to the noise environment. There are also significant infrastructure funding asks which are listed elsewhere in the report but include education, healthcare, sustainable transport infrastructure, and improvements to access during a future flood event which impose an abnormal cost on the development.

The review of the Financial Viability Appraisal concludes that the development would not be able to deliver all the infrastructure funding required to make it acceptable in planning terms and provide policy compliant affordable housing. The proposal therefore would not secure affordable housing through a S106 agreement. A S106 agreement can however include a mechanism to review the viability of the development at the Reserved Matters application stages and other key milestones. The aim of such a mechanism is to secure Affordable Housing if the development's viability improves over time, given the anticipated extended development period and the extensive enabling works required.

Whilst affordable housing will not at this stage be secured to be delivered through the planning system, it may still be delivered by other mechanisms such as parts of the site being brought forward by or for registered providers, or if grant for affordable housing delivery was secured.

12. Mixed Communities

The area surrounding the site contains residential and commercial uses. Residential uses are a mix of houses and flats. Residential development around the site is predominantly privately owned or rented, with some Housing Association units.

Policy H5 of the Exeter Local Plan First 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.

Core Strategy policy CP5 requires all major developments to include a mix of housing informed by context, local housing need and the most up to date Housing Market Assessment. The supporting text to Core Strategy policy CP7 indicates that the mix

of affordable housing on site should reflect local need. Local Housing Needs Assessment demonstrates a need for 50% of Affordable Housing and 35% of market housing to be one and two bedroom, with the remaining need being for larger units.

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. NPPF (2024 para 69) requires Local Planning Authorities to take a positive approach to development proposals that have a mix of tenures and types, through both plans and decisions. Mixed tenure sites can provide a range of benefits “including creating diverse communities and supporting timely build out rates”. 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 student accommodation and older persons age restricted housing in a part of the city where to date no other such accommodation has been permitted. The layout also makes provision for two on site plan areas of LAP and LEAP standard which will support family occupation of flats.

As discussed above the site is also subject of significantly adverse noise levels from the rail line and Marsh Barton area, which add additional build cost in providing an attenuating building envelope and ventilation. This is more economically achieved in a flatted development form. Denser development adjacent the rail line will attenuate noise from the west to the wider area and better allow internal layout to orientate the most sensitive rooms and windows away from noise sources. Target noise levels for enjoyment of private gardens would not be achieved in this location currently. Ground conditions are also less suitable for private spaces and growing. As such there are environmental factors that make this site, and these parts of the wider Water Lane area, more suitable for a flatted form of development.

NPPF (2024) Section 11 is concerned with the need to make effective use of land and make as much use as possible of previously developed land. Guidance in the Water Lane Design Code SPD Code L01 is that for the area of the applications 75-220 dwellings per hectare and plot ratios of up to 2.2. The coding therefore drives higher density forms of development, and the application site would, in achieving the coded densities in this area, be biased towards smaller units.

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. As such it is not considered that this should be given significant weight in decision making.

The application makes provision for up to 2500 sqm of retail space and for Local Community Uses, the Uses Parameter Plan includes this in the Gabriel's Wharf location to support the activity of that space, and serve the new community but also the existing community. This level of retail and community use provision is

considered acceptable given the needs of the community and lack of existing provision in the area and to accord with the aims of Policy CP8 of the Exeter Core Strategy and the Design Code SPD Code W01, W02, W11. The amount of retail floor space and size of units can be controlled by condition attached to any consent.

13. Impact on Ecology, Trees and Biodiversity

The site currently is of low biodiversity value with some established tree planting but little green landscaping within the site. The railway embankment on the western edge of the site is an important wildlife corridor, and the canal adjacent the site to the East is again an important wildlife corridor, and a designated County Wildlife Site with botanical, bat, otter and dragonfly interest. Liveable Water Lane SPD Code S03 requires Green Infrastructure (GI) to link between existing GI networks and the site. The Green Infrastructure Parameter Plan identifies links between the railway line and canal corridors in the southern part of the site which will need to be realised through detailed site layout and landscaping which are both Reserved Matters

None of the trees on site are currently subject of Tree Preservation Orders. The Arboricultural Assessment has identified that the row of sixteen Black Poplar Trees on the grass verge alongside the canal are category B and C trees, but these mature trees make a positive contribution to the site and to the wider landscape and it is considered they should be retained. These can be protected during construction stage through a Tree Protection condition being attached to any consent. These mature trees will need management to ensure their health and in the interests of public safety. Consideration regarding the long-term health of these trees will be given in determining applications for Reserved Matters details of landscaping and the layout of development. Loss of other trees on site may be acceptable, but should be compensated on site through replacement planting. Landscaping is expected to be fully integrated into the layout as guided by Policy DG1 of the Exeter Local Plan First Review and meet the Codes S07 and S08 of the Liveable Water Lane Design Code. This mixed-use development is not considered to be a family housing scheme envisaged by policy DG5 of the Exeter Local Plan First Review and the Guidance set out in the Liveable Water Lane Design Code and, National Design Guidance are considered more up to date and relevant to the form of the development and location.

Landscaping is a Reserved Matter which can be secured for approval by condition. The site currently provides a very low level of tree planting. This can be enhanced through the redevelopment of the site. Code S05 of the Liveable Water Lane Design Code seeks an urban greening factor of 0.4 for non-greenfield residential development, compared with a factor 0.1 currently. Ongoing management of landscaping can be secured by condition.

The application was submitted in August 2023 prior to the introduction of mandatory Biodiversity Net Gain however a BNG Assessment has been completed and an increase of 280% is shown as being achieved on the basis of an indicative scheme of

development. This is in part due to the low biodiversity baseline of the site but also the range of measures included in that assessment of the indicative scheme. The Liveable Water Lane Code S04 guides that development should be ambitious in delivering BNG and a condition is therefore proposed to secure BNG through conditions. These conditions are worded to secure all mitigation, compensation and enhancement measures set out in the Ecological Impact Assessment Report v2 (Richard Green Ecology, February 2023), including bird box provision.

The impact on the Canal CWS through overshadowing is not considered unacceptable given that the degree of overshadowing is low, affecting a small section of the Canal, and unlikely to result in any significant ecological impact. The lighting of the development, internally and externally, has the potential to impact on bats. The submitted external lighting strategy is considered acceptable in the interests of their protection. The impact of internal lighting cannot be assessed in detail at outline planning consent stage, and a condition requiring automatic shuttering of windows must be attached to any consent unless it is demonstrated at Reserved Matters stage that the internal lighting impact is also acceptable. As such the proposals are considered acceptable pursuant to the requirements of Code S13, Policy LS4 and the NPPF (2024).

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 that site, the adverse impacts of increased visitor pressure arising from the development can be mitigated by a contribution to the Southeast Devon European Sites Mitigation Strategy. These can be taken from 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 pursuant to the requirements of Exeter Local Plan First Review Policy LS2 and Exeter Core Strategy Policy CP16.

Conditions securing non-statutory Biodiversity Net Gain and a Landscape and Ecological Management Plan (LEMP) can be attached to any consent. Environmental and Ecological Management during construction and occupation phases should be secured by conditions; Construction Management Statement (CMS).

For the reason given above, and taking into account the mitigation listed, the proposals are considered to accord with the aims of Exeter Local Plan First Review Policies LS2 and LS4, Core Strategy Policies CP16 and CP17, the aims of Codes S04-8 of the Liveable Water Lane Design Code, and Section 15 of the NPPF (2024).

14. Surface Water Management

The site is previously developed land with buildings and impermeable hard standing covering significant areas of the site. There are existing systems of drainage including combined sewers.

The application is submitted in outline with only access details being determined at this stage. Development will include additional impermeable areas and will be required to accommodate and attenuate surface water in accordance with the surface water drainage hierarchy. The submitted Drainage Strategy includes features such as green and blue roofs, underground water storage in geo-cellular structures, tree pits, rain gardens, and infiltration or bioretention systems.

Surface Water Drainage for the site will be delivered in phases, with the earliest phases of site wide infrastructure delivery followed by the development of buildings on a phased basis. The infrastructure delivery phases will need to accommodate surface water drainage systems sized to serve the later development phases on a precautionary basis. The drainage system will also need to ensure flood risk to the rail line does not increase.

Arrangements for the ongoing maintenance of surface water drainage features will also need to be considered for each Reserved Matters application. Shared drainage infrastructure needs to have identified long term management arrangements either by a management company or adoption by South West Water for every part of the drainage system.

The delivery of the surface water drainage strategy for the site can be secured by conditions attached to the outline consent. A condition regarding surface water management during construction is also proposed. The Lead Local Flood Authority have confirmed that they have no in-principle objections on that basis.

On this basis the proposed development is considered to accord with the aims of saved Policy EN4 of the Exeter Local Plan First Review, Code S06 and Q17 of the Water Lane Design Code SPD, and Section 14 of the NPPF.

15. Sustainable Construction and Energy Conservation

This application is made in outline with the detailed design of buildings, their appearance layout and scale being Reserved Matters. The construction of buildings is largely a matter to be considered as Reserved Matters stage or secured by condition of the outline consent.

The proposed development includes provisions for a District Energy Network and locates an Energy Centre between the Electricity Bulk Supply Point on Water Lane and the railway line. The S106 agreement that would be attached to any consent shall secure best endeavours on behalf of the developer to connect the on-site

network to the wider District Heating Network proposed, and specifically to take heat from the Energy from Waste plant at Grace Road South. In the absence of off-site connection, the network would rely on Air Source Heat Pumps as its primary source of Heat. As such the proposals is considered to accord with Code Q11 of the Liveable Water Lane Design Code, Core Strategy policies CP13 and CP17, and NPPF paragraph 157.

The development would be required to meet current Building Regulation (Part L 2021) as a minimum energy performance and are anticipated to be developed under the Future Building Standard due to be introduced in 2025. BREEAM Excellent standard is required by the Core Strategy for the non-residential elements of the development which can be secured by condition. As such the outline application is considered to accord with the aims of policy CP15 and of the Exeter Core Strategy and Code Q14 of the Liveable Water Lane Design Code.

Sustainable waste strategies built around a waste hierarchy, cascading from waste minimisation, then to reuse and recycling before allowing removal to landfill, can be secured by a condition as can a demolition and construction phase Waste Audit Statement, in accordance with Devon Waste Plan policy W4 and Code Q11 of the Liveable Water Lane Design Code. Proposals at Reserved Matters stage will be encouraged to adopt the water hierarchy to support the conservation of water supplies in the interests of sustainable development in accordance with Code Q10 of the SPD.

None of the buildings proposed for demolition are considered suitable to be refurbished or in other ways retained as part of the comprehensive redevelopment of the site and would prejudice the best use of the land and the Vision set out in the Liveable Water Lane. Submission of an embodied carbon assessment in the interests of minimising embodied carbon in accordance with Code Q12 of the Liveable Water Lane Design Code can be secured by condition to be submitted with applications for Reserved Matters.

16. Economic Benefits

The proposed development will provide up to 40,000 sqm of commercial and non-residential floorspace, and can be required to deliver not less than 11,734 square metres of this as replacement for existing employment floorspace in Use Classes Ec(i-iii) and Eg(i-iii) predominantly as ground floor uses, but also around an enhanced public space at Gabriel's Wharf. It is considered that the development will replace existing commercial floorspace and extend the commercial offer (in terms of unit numbers and geographic spread) and will provide street level activity on the site. The commercial units, co-locating with residential development, will also provide employment opportunities for the residents of the development as well as the wider area. These employment opportunities will be well located on the sustainable travel network.

Redevelopment will involve the loss of existing employment uses in the B2 use category. These were in part connected with the canal they were not historic areas of water related industry and were potentially poor neighbours to both existing and proposed residential uses. Whilst industrial uses related to the waterways would not be accommodated in the new development other water related uses could be accommodated. The proposed development includes provision for education floorspace supporting the workforce skill levels and the local economy as well as providing direct employment.

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 additional residential units will help support the labour supply in the local economy.

As such the proposals are considered to accord with the aims of Policies CP1 and CP2 and CP17 of the Exeter Core Strategy, E3, CS5, and DG3 of the Exeter Local Plan First Review, Code W07 of the Liveable Water Lane Design Code, and section 6 of the NPPF (2024).

17. Housing supply

The application includes for a net gain of up to 976 dwellings and up to 320 beds of purpose built student accommodation (PBSA). Using the Housing Delivery Test methodology the maximum student accommodation element would equate to 133 dwellings. The development proposed therefore represents a very significant quantum of housing compared to the total housing delivery targets for Exeter. The quantum, combined with the sustainable location and current brownfield status of the site the delivery of housing as proposed should be given very significant weight in decision making.

The Council's latest Five Year Housing Land Supply Statement was published in May 2024. The Statement was prepared in accordance with the December 2023 version of the National Planning Policy Framework (NPPF). It concludes that the Council can currently demonstrate a housing land supply of five years and one month (i.e. just exceeding the Five Year Housing Land Supply requirement). In December 2024, the Government published a new version of the NPPF which has altered the way that local authorities must calculate their Five Year Housing Land Supply requirement. The alteration means that the Council's requirement has increased by 5% (through the addition of a 5% 'buffer'). Based on the housing supply position on 1 April 2024, the alteration means that the Council can now only demonstrate a housing land supply of four years and ten months. Due to a High Court Judgment made in 2015, the Council currently does not count Purpose Built Student Accommodation (PBSA)

in the housing land supply. However, If PBSA were to be counted, the Council would now be able to demonstrate a housing land supply of five years and four months, taking the 5% buffer into account.

The Council will publish a new Five Year Housing Land Supply Statement in the Spring, containing a revised assessment of the housing land requirement and supply.

The current housing land supply position is that the council cannot demonstrate a Five Year Housing Land Supply when PBSA is not counted.

In the absence of a Five Year Housing Land Supply the application should be considered in accordance with the 'tilted balance' set out in paragraph 11d of the NPPF (2024)

Applying the tilted balance means approving applications for development where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF (2024) taken as a whole, having particular regards to key policies directing development to sustainable locations, making effective use of land, securing well designed places, and providing affordable homes.

18. Viability

A Financial Viability Appraisal (FVA) has been submitted in support of the application. This has been assessed by an independent consultant appointed to act on behalf of the Local Planning Authority. The FVA methodology is considered to be consistent with the RICS Practice Statement and Guidance. Whilst scrutiny of the FVA has verified the report and reduced the viability gap this remains substantial.

It being the case that the development is considered unviable Affordable Housing cannot be required to be secured through planning agreement. The development itself it is concluded is unlikely to proceed without external subsidy or other intervention. The grant of outline planning consent would provide a more robust basis for additional development funding to be explored.

It is considered that the proposed development would be unacceptable without those contributions listed below and these have been included in consideration of viability.

Any consent should only be granted subject of a mechanism within a legal agreement to review viability at key stages as the development progresses and to secure Affordable Housing if the viability of the development, or individual phases of development, can be demonstrated in future.

19. 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 and will work with the NHS regarding how this is spent. 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 2024 section 58.

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 Section 106 legal agreement can secure:

- £599,434 for local GP surgeries expansion or the provision of healthcare facilities within the Water Lane Area.
- £4,855,331 to Devon County Council Education towards the provision of primary school infrastructure
- £634,749 to Devon County Council Education towards SEN provision
- £244,000 to Devon County Council Education towards Early Years education to ensure delivery of provision for 2, 3 and 4-year olds
- £3,430,000 to Devon County Council towards the provision of off-site sustainable travel infrastructure and public transport improvements
- £250 per dwelling to Devon County Council towards the provision of a Travel Plan
- £50,000 to Devon County Council towards the making of Traffic Orders
- £634 per dwelling to Exeter City Council towards the provision of sports pitches and supporting infrastructure
- £747 per dwelling to Exeter City Council towards the provision of community facility (if facility not provided on site)
- Contributions to Exeter City Council towards the provision of £799 for NEAP and £217 for MUGA per additional bedroom (if not provided on site).
- Contribution (in combination with other developments in the Water Lane Area) to the delivery of a Strategic Flood Egress Route for Water Lane Area in a timely manner or other flood risk reduction measures. Sum to be confirmed.
- Mobility Hub delivered on site with provision of 15 electric car club vehicles with parking spaces and charging infrastructure, and provision of 100 electric hire cycles (including cargo bikes), parking and charging infrastructure
- Management Plan (sui generis residential)
- Pedestrian rights of way through development.
- Habitats Mitigation for dwellings where CIL is not payable (currently £1035.23 per dwelling)

- On-site Affordable Housing of up to 35% for market dwellings and 20% of units for Build to Rent dwellings subject to viability being demonstrated.
- Access to the site for a District Energy provider to connect buildings to a wider energy network.
- Best endeavours to connect an on-site energy network to a supply of heat from the Energy from Waste Facility at Marsh Green Road.

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. Exeter City Council's revised CIL Charging Schedule indexed to 1 January 2025 will apply. CIL will be chargeable on out-of-centre retail (£218.19/sqm) and co-living/Build-to-rent (£51.31/sqm). Flatted market dwellings are rated at £0/sqm. Hotel and Education uses are not CIL liable. CIL contributions are calculated at Reserved Matters Stage but is estimated at £1.7M at 2025 charging rates based on the illustrative scheme.

Habitats Regulations contributions are taken from CIL for dwellings that are CIL chargeable and will be secured separately on dwellings that are exempt.

20. Planning Balance

The public benefits of development are considered to include:

- Remediation and regeneration of a sustainable brownfield site that is currently underused
- Provision of a net gain of up to 976 dwellings, and 320 beds of student accommodation
- Provision of age restricted dwellings
- Provision of commercial units, hotel, and education floorspace generating vitality and economic activity
- Creation of an attractive network of public pedestrian and cycle routes through the site
- Development 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 the development but also the existing resident population.
- Biodiversity net gain on site

Identified harms include:

- Development in an area subject of flood risk
- Minor heritage harm to views from Colleton Crescent
- Loss of industrial floorspace

- Absence of affordable housing
- Generation of additional vehicle movements

The public benefits of redevelopment are considered to outweigh the residual flood risk and all other harms.

17.0 Conclusion

The NPPF guides vulnerable development is only acceptable in areas of flood risk if the Sequential Test and also the Exception Test are passed. The applicant has submitted a sequential site search that has not identified any alternative sites with lower flood risk that could accommodate the development proposed. The Flood Risk Assessment has demonstrated that the development can be delivered without increasing flood risk elsewhere and the public benefits of redevelopment are considered to outweigh the residual flood risk and all other harms.

The development is allocated in the Exeter Plan First Review and Policy KP6 is considered to benefit from full weight in decision making. The Exeter Core Strategy Policy CP17 designates Water Lane as a Regeneration Area and again is considered to carry full weight in decision making. The Water Lane Design Code SPD was adopted in July 2024 giving detailed planning guidance regarding the manner in which the wider area should be developed. The proposal, subject to the imposition of conditions and completion of the legal agreement, is considered to accord with the Development Plan as a whole.

However, the Council cannot currently demonstrate a five-year housing land supply with a 20% buffer when not taking into account purpose built student housing. As such the 'tilted balance' in favour of granting consent set out in paragraph 11d of the NPPF (2024) should be applied when determining the application.

Applying the tilted balance means approving applications for development where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF (2024) taken as a whole, having particular regards to key policies directing development to sustainable locations, making effective use of land, securing well designed places, and providing affordable homes. These matters have been discussed in detail in this report. Whilst the development cannot provide affordable housing secured by the planning system this may be delivered on site through other mechanisms. The site is in a very sustainable location and, subject to consideration of matters of detail, has the potential to make effective use of land through increasing densities of development. Supported by the Codes set out in the Liveable Water Lane SPD securing delivery of a well-designed new low car neighbourhood as part of the regeneration of an existing underutilised brownfield site. The identified harms are considered to be limited, and to be comfortably outweighed by the benefits of the proposal when judged against the Development Plan policies or the policies in the NPPF(2024). As such it has been

concluded that the recommendation for approval would have been reached regardless for whether the presumption in favour of sustainable development at paragraph 11c of the NPPF or the tilted balance set out in paragraph 11d was applied to the planning balance.

18.0 Recommendations

Dual recommendation to APPROVE subject to conditions and a S106 Legal Agreement, or REFUSE if that Legal Agreement is not finalised in timely manner.

A) DELEGATE TO THE SERVICE LEAD (CITY DEVELOPMENT) TO GRANT PERMISSION SUBJECT TO; THE CONFIRMATION OF THE HAZARDDOUS SUSBTANCES REVOCATION ORDER BY THE SECRETARY OF STATE, AND COMPLETION OF A LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) TO SECURE THE FOLLOWING:

- £599,434 for local GP surgeries expansion or the provision of healthcare facilities within the Water Lane Area.
- £4,855,331 to Devon County Council Education towards the provision of primary school infrastructure
- £634,749 to Devon County Council Education towards SEN provision
- £244,000 to Devon County Council Education towards Early Years education to ensure delivery of provision for 2, 3 and 4-year olds
- £3,430,000 to Devon County Council towards the provision of off-site sustainable travel infrastructure and public transport improvements
- £250 per dwelling to Devon County Council towards the provision of a Travel Plan
- £50,000 to Devon County Council towards the making of Traffic Orders
- £634 per dwelling to Exeter City Council towards the provision of sports pitches and supporting infrastructure
- £747 per dwelling to Exeter City Council towards the provision of community facility (if facility not provided on site)
- Contributions to Exeter City Council towards the provision of £799 for NEAP and £217 for MUGA per additional bedroom (if not provided on site).
- Contribution (in combination with other developments in the Water Lane Area) to the delivery of a Strategic Flood Egress Route for Water Lane Area in a timely manner or other flood risk reduction measures. Sum to be confirmed.
- Mobility Hub delivered on site with provision of 15 electric car club vehicles with parking spaces and charging infrastructure, and provision of 100 electric hire cycles (including cargo bikes), parking and charging infrastructure
- Management Plan (sui generis residential)

- Pedestrian rights of way through development.
- Habitats Mitigation for dwellings where CIL is not payable (currently £1035.23 per dwelling)
- Viability Review
- Access to the site for a District Energy provider to connect buildings to a wider energy network.
- Best endeavours to connect an on-site energy network to a supply of heat from the Energy from Waste Facility at Marsh Green Road.

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.

Standard Conditions

1. Reserved matters
2. Time Limit - Outline
3. Parameters Plans List (parameters plans)
4. Access Details Plans
5. Approved Supporting documents
6. Phasing Plan
7. Floor space limit Class C, E and F)
8. Floor space limits Class E
9. Dwellings Maximum
10. Student Accommodation Maximum
11. Age Restricted Housing Minimum
12. Community Uses Minimum
13. No amalgamation, subdivision or mezzanine in E(a) Uses
14. Internal arrangement details
15. Hotel (C1) maximum

Pre-commencement (including demolition) in any phase

16. Construction Method Statement (CMS),
17. Demolition and Construction Ecological Management Plan.
18. Construction Phase Drainage
19. Tree Retention
20. Tree Protection

Pre-commencement (excluding demolition) in any phase

21. Contamination Site Characterisation
22. Contamination Remediation Scheme
23. Contamination Remediation Strategy
24. Implementation of Approved Contamination Remediation Scheme
25. Archaeological watching brief.
26. BREEAM design stage assessment

27. Sustainability
28. Embodied Carbon Assessment
29. District Energy Network
30. Landscape & Ecological Enhancement & Management Plan
31. Biodiversity Net Gain Plan
32. Biodiversity Net Gain Management and Monitoring
33. Flood Risk Assessment and site levels
34. Safe Access Routes
35. Flood Resilience
36. Flood conveyance routing
37. Permitted Development Restriction
38. Unexploded Ordnance
39. Noise insulation and thermal comfort
40. Surface Water Drainage Strategy – infrastructure roads and shared spaces
41. Surface Water Drainage Strategy – other development phases
42. External materials
43. External Lighting
44. Air Quality monitoring
45. Air Quality Commencement of Residential Restriction
46. Gas Infrastructure re-alignment
47. Hazardous Substances Consents Revocation
48. Water Lane, Tan Lane and Foundry Lane details

Pre-occupation

49. S278
50. Transport Hub
51. Signage and Wayfinding
52. Bus stops
53. Cycle Parking
54. Car Parking
55. Travel Plans
56. Commercial kitchens (extract and ventilation)
57. Flood Emergency Plan
58. Management of communal spaces
59. Student Accommodation Management plans

Other conditions

60. No penetrative piling or boring without consent
61. Unexpected Contamination Remediation
62. Verification of Unexpected Contamination Remediation
63. Monitoring and Maintenance of Contamination Remediation.
64. Failure of Landscaping
65. Plant Noise Limits
66. High level discharge from kitchens
67. Site Waste Management Plan

1	Reserved matters	Pre-commencement condition: Details of the access (other than access to the site at Tan Lane & Water Lane), appearance, landscaping, layout, and scale, (hereinafter called the Reserved Matters) shall be submitted to and approved in writing by the local planning authority for each development phase prior to commencement of development in that phase and the development shall thereafter be carried out as approved. Reason for pre-commencement condition: To safeguard the rights of the local planning authority in respect of the reserved matters. This information is required before development commences to ensure that the development is properly planned with appropriate regard to the reserved matters.
2	Time Limit - Outline	Application for the approval of the first reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission, and all reserved matters in all phases within ten years of the date of this permission, and the development of every phase of the development hereby permitted must be begun not later than the expiration of two years from the final approval of the reserved matters for that phase. Reason: To comply with Section 92 of the Town and Country Planning Act 1990 as amended.
3	Plans List (parameters plans)	The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted Parameter Plans received by the Local Planning Authority (as listed below), as modified by other conditions of this consent. Building Height Parameter Plan ref. 18155-NP-00-00-DR-A-10010-6 received 9 December 2024 Disposition of Uses Parameter Plan ref. 18155-NP-00-00-DR-A-10011-6 received 9 December 2024 Green and Blue Infrastructure Parameter Plan ref. 18155-NP-00-00-DR-A-10012-4 received 16 May 2024

		Access Parameter Plan ref. 18155-NP-00-00-DR-A-10013-4 received 16 May 2024 Demolition and Retention Parameter Plan ref. 18155-NP-00-00-DR-A-10014-3 received 16 May 2024 Framework Parameter Plan ref. 18155-NP-00-00-DR-A-10015-4 received 16 May 2024 Reason: In order to ensure compliance with the approved drawings.
4	Plans Access Tan Lane	The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details of access at Tan Lane received by the Local Planning Authority on 16 May 2024 (including drawings listed below) as modified by other conditions of this consent. Proposed vertical alignment and clearance through Tan Lane Tunnels ref. 332310057-5503-004_A Proposed Tan Lane Concept Site Access_332310057-5503-001 Reason: In order to ensure compliance with the approved drawings.
5	Approved supporting documents	The development shall only be carried out in accordance with the following supporting application documents received by the Local Planning Authority (as listed below) as modified by other conditions of this consent. Planning Design Access Statement 21 August 2023, as amended by the Design Access Statement Addendum received 16 May 2024 and the Design and Access Statement Appendix 2 received 10 September 2024. Landscape Townscape Visual Impact Assessment (LTVIA) 196-G109_P2 received 16 May 2024, Addendum with Appendix A received 12 September 2024, and Appendix B received 19 September 2024 Transport Assessment Rev A received 21 August 2023 Framework Travel Plan - rev A received 21 August 2023

		Sustainability Statement v1 received 11 October 2023 Environmental Statement received 20 October 2023 Health Impact Assessment received 20 October 2023 EIA Compliance Note Final for Amendment Submission and EIA Addendum both received 16 May 2024 Outline Surface Water & Foul Drainage Strategy received 26 July 2024. Reason: In order to ensure compliance with the approved documents.
6	Phasing	The development (excluding demolition) shall be carried out in accordance with a phasing strategy that shall have been submitted to and approved in writing by the Local Planning Authority. The phasing shall be compliant with the revised flood modelling (see condition 32) and all necessary flood mitigation/conveyance elements built within each phase. The distribution of uses within Classes E(a), E(b), Ec(i-iii) and Eg(i-iii) across the development phases shall be shown on any phasing plan secured by condition 6. Reason: To ensure redevelopment is carried out in a co-ordinated manner and the development is delivered on a comprehensive basis.
7	Total Commercial maximum	The gross internal area of the development approved used for C1, E and F uses shall not exceed 40,000sqm in total. Reason: In order to ensure compliance with the application documents.
8	Class E maximum and minimum.	Uses within Classes Ec(i-iii) and Eg(i-iii) shall not total less than 11,734 square metres GIA. Uses within Classes E(a) and E(b) uses shall not exceed 2500 sqm GIA in total floorspace. The distribution of these uses across the development phases shall be shown on a phasing plan secured by condition 6.

		Reason: In order to ensure compliance with the application documents and protect employment floorspace on site, to provide a mix of shops to meet the needs of the community and to respect the retail hierarchy of the city.
9	Maximum Dwellings	The total number of new dwellings shall not exceed 980 units. Reason: In order to ensure compliance with the approved documents.
10	Maximum Student	Student Housing (Sui Generis) residential use shall not exceed 320 bedspaces and shall be arranged in blocks of no less than 100 units. Reason: In order to ensure compliance with the approved documents and in the interests of the proper management of such uses.
11	Older persons Housing minimum	No less than 100 units of older persons age restricted housing, within Use Class C3, shall be delivered which shall be identified within the Phasing Plan required by condition 6. Reason: In order to ensure compliance with the approved documents and in the interests of meeting identified need for specialist housing.
12	Community Uses (F2) minimum	No less than 500 Square meters (GIA) of Local Community Uses shall be delivered which shall be identified within the Phasing Plan required by condition 6. Reason: In order to ensure compliance with the approved documents.
13	No amalgamation, subdivision or mezzanine in E(a) Uses	Further to any approval of reserved matters pursuant to this planning permission, notwithstanding Section 55(2) of the Town and Country Planning Act 1990 as amended, there shall be no subsequent amalgamation or sub-division of units or the installation of additional mezzanine floorspace within use Class E(a) without the prior approval in writing of the Local Planning Authority. Reason: Any changes to the approved reserved matters will require further consideration by the Local

		Planning Authority to ensure that the impacts are acceptable.
14	Hotel (C1) maximum	The proposed Hotel (C1) use shall not exceed 5165 sqm Gross External Area. Reason: In order to ensure compliance with the approved documents.
15	Internal Layout	Applications for approval of Reserved Matters of External Appearance and Layout shall be accompanied by the internal arrangement details of all buildings for the approval of the Local Planning Authority. Reason: For the avoidance of doubt and in the interest of appropriate design response to flood risk, noise attenuation, minimum spaces standards, accessible buildings and dwelling mix in accordance with the Water Lane Design Code SPD.
16	Construction Method Statement	No development (including ground works) or vegetation clearance works shall take place within any phase 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 survey 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 prior written agreement has been given by the Local Planning Authority; e) Details of wheel washing facilities.

		f) The layout of the site including site compound (and identification of how power will be provided to the compound), storage areas of plant and materials used in constructing the development g) The means of enclosure of the site during construction works; and h) 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. i) A detailed proactive and reactive dust management plan, including details of quantitative monitoring of dust emissions. j) No burning on site during construction or site preparation works. k) 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; l) No driven piling shall take place without prior consent from the LPA. 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 CMS. n) No burning on site during construction or site preparation works. o) All 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 CMS. p) 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 phase development. Reason: In the interests of protecting amenity and the environment.
17	Demolition and Construction	No development shall take place (including any demolition, ground works, site clearance) until a

	Ecological Management Plan.	Construction Ecological Management Plan (CEcMP) has been submitted to and approved in writing by the local planning authority. The CEcMP 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 protecting and enhancing the natural environment.
18	Construction Phase Drainage	Pre-Commencement Condition: No part of the development (excluding demolition, site clearance or site investigation) hereby permitted within either Phase of development as set out in the approved Phasing Strategy until the detailed design of the proposed surface water drainage management system which will serve that phase of 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.
19	Tree Retention	Any trees, shrubs and/or hedges on or around the site, other than those shown as being removed on the Arboricultural Statement and Tree Survey for Land at Water Lane Exeter received 21 August 2023 shall not be felled, lopped or removed without the prior written consent of 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.
20	Tree Protection	Pre-commencement condition: No materials shall be brought onto any phase of the development site or any development commenced in any phase, until the developer has erected tree protective fencing around all trees or shrubs to be retained, (including Black Poplar trees T1-16 as shown in the Arboricultural Statement and Tree Survey received 21August 2023) in accordance with a plan that shall previously have been submitted to and approved in writing by the Local Planning Authority. This plan shall be produced in accordance with BS 5837:2012 - Trees in Relation to Design, demolition and construction. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment. 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.
21	Contamination Site Characterisation	Development works (other than demolition) in any phase of the development hereby permitted, as identified in a Phasing Plan that has been submitted to and approved by the Local Planning Authority, must not commence until: Further site investigations and a Detailed Quantitative Risk Assessment (as recommended by the <i>Cilldara Group (Exeter) Ltd. Water Lane, Exeter – Site investigation Interpretative Report Dated November 2024</i>) including a pre-agreed and updated scope of works must be completed prior to

		commencement development (not including demolition), in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include: (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to: • human health, • property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, • adjoining land, • groundwaters and surface waters, • ecological systems, • archeological sites and ancient monuments; (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's <i>'Model Procedures for the Management of Land Contamination, CLR 11'</i>. Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in
--	--	--

		accordance with policy EN2 of the Exeter Local Plan First Review.
22	Contamination Remediation Scheme	Development works (other than demolition) in any phase of the development hereby permitted, as identified in a Phasing Plan that has been submitted to and approved by the Local Planning Authority, must not commence until: A detailed remediation scheme to bring the site or phase to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site or phase will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors in accordance with policy EN2 of the Exeter Local Plan First Review.
23	Contamination Remediation Strategy	Development works (other than demolition) in any phase of the development hereby permitted, as identified in a Phasing Plan that has been submitted to and approved by the Local Planning Authority, must not commence until: A detailed remediation scheme to bring the site or phase to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is

		subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site or phase will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN2 of the Exeter Local Plan First Review.
24	Implementation of Approved Contamination Remediation Scheme	Development works (other than demolition) in any phase of the development hereby permitted, as identified in a Phasing Plan that has been submitted to and approved by the Local Planning Authority, must not commence until: The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN2 of the Exeter Local Plan First Review.

25	Archaeological Investigation WSI	No development, other than the demolition or stripping-out of the existing buildings, shall take place within a phase until a written scheme of archaeological work for that phase 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: To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development. This information is required before development commences in any phase to ensure that historic remains are not damaged during the construction process.
26	BREEAM	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.
27	Delivery of Sustainability Statement.	Unless otherwise agreed in writing prior to construction of the development hereby approved shall only be carried out in accordance with the standards and technologies described in the Sustainability Statement v1 231004 Water Lane Exeter received 11 October 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.
28	Embodied Carbon Assessment	Each application for the approval of reserved matters relating shall be accompanied by an Embodied Carbon Assessment using a nationally recognised carbon assessment method. Reason: In the interests of sustainable development and to ensure that the proposal complies with Code Q12 of the Liveable Water Lane Design Code.
29	District Heating	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 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.

30	Landscape and Ecological Management	Prior to commencement of the development (with the exception of demolition and clearance) a Landscape and Ecological Management Strategy shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation or first use of any phase of the development hereby permitted, a Landscape and Ecological Management Plan (LEMP) for that phase (as identified in a Phasing Plan that has been approved by the Local Planning Authority), shall be submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall be prepared in accordance with the specifications in clause 11.1 of BS 42020:2013 (or any superseding British Standard) and shall include the following: a) Description and evaluation of features to be managed. b) Ecological trends and constraints on site that might influence management. c) Aims and objectives of management. d) Appropriate management options for achieving aims and objectives. e) Prescriptions for management actions. f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period). g) Details of the body or organisation responsible for implementation of the plan. h) On-going monitoring and remedial measures for biodiversity features included in the LEMP. The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(s) responsible for its delivery. All post-construction site management shall be undertaken in accordance with the LEMP. Reason: In the interests of biodiversity and good design in accordance with Policy CP16 of the Core Strategy, Policies LS4 and DG1 of the Local Plan
----	-------------------------------------	--

		First Review and paragraphs 58, 109 and 118 of the NPPF.
31	BNG Gain Plan	Development in any phase may not be begun unless: a) An Overall Biodiversity Gain Plan has been submitted to the planning authority; and b) A Phase Biodiversity Gain Plan been submitted to the planning authority; and c) The planning authority has approved the plans. The Biodiversity Gain Plan shall be prepared in substantial accordance with the recommendations contained in the Biodiversity Net Gain Assessment received 20 October 2023 dated September 2023 prepared by Richard Green Ecology. Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990.
32	BNG On Site Management and Monitoring	The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan and including: (a) a non-technical summary; (b) the roles and responsibilities of the people or organisation(s) delivering the HMMP; (c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan; (d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and (e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority, has been submitted to, and approved in writing by, the local planning authority. Notice in writing shall be given to the Council when the: (a) HMMP has been implemented; and

		(b) habitat creation and enhancement works as set out in the HMMP have been completed. The HMMP can be set out in phases, even if the development is not phased, so there may be different completion dates for different habitat types or phases. This condition is drafted to require notification when all the habitat creation and enhancement has been completed. Local authorities should consider whether notification on completion of each HMMP phase or habitat type is needed. No occupation shall take place in any phase until: (a) the habitat creation and enhancement works set out in the approved HMMP have been completed; and (b) a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority. The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP. Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP. Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990.
33	Flood Risk Assessment and site levels (EA-A)	Prior to submission or with the first Reserved Matters Application an updated site wide Flood Risk Assessment (FRA) and flood modelling shall be submitted to and approved in writing by the LPA in consultation with the Environment Agency. The updated FRA and flood modelling will need to show no increase in flood risks to third parties by providing fully designed flood conveyance routes and compensatory flood storage area(s). This will show

		building positions, their shapes, exact locations, and the design of surrounding roads and spaces (including pavements, street furniture and means of enclosure etc). The detailed design of the buildings and spaces shall accord with the updated approved FRA and flood modelling, and not conflict with the flood risk principles. The revised modelling will set the Design Flood Level (DFL), finished site ground levels, and minimum finished floor levels (FFLs) for all buildings, based on their vulnerability (in line with NPPF annex 3) with an updated table similar to Table 6-1 & 7-1 in the FRA (rev B 15/05/24). More Vulnerable uses will need to be at least 300mm above the DFL, Less Vulnerable uses will have a maximum of 500mm flooding (with flood resistant and resilience measures up to the DFL plus 300mm), and Water Compatible uses will be as high as possible (with justification for the proposed FFLs) and full appropriate flood resistant/resilience measures up to the DFL. The 3 proposed compensatory flood storage area (southern area) must not increase the frequency of surface flooding to the nearby buildings and must be suitable drained for rainfall events. The revised modelling and FRA will need to fully consider phasing of the construction works. Each 'phase' of the site will need to demonstrate that appropriate mitigation measures can be put in place to resolve flood risk. Development in any phase will identify linkage to the site's overall Safe Access and egress routes, which will be above the updated flood modelling levels. Reason: In the interests of the reduction in risk to people and property from flooding.
34	Safe Access Routes – Phased (EA – B)	Prior to any earth works or submission of the first reserved matters application a detailed site wide development phasing strategy that shall have been submitted to and approved in writing by the Local Planning Authority. The phasing of the development (excluding demolition) shall only be carried out in accordance with an approved Phasing Strategy.

		The phasing will need to be compliant with the revised flood modelling (see updated FRA condition) and all necessary flood mitigation/conveyance elements shall be built within each phase and be completed prior to the occupation of any building within that phase. Reason: To ensure redevelopment is carried out in a coordinated manner and the development, including flood mitigation, is delivered on a comprehensive basis.
35	Flood Resilience (EA – C)	Each Reserved Matters Application shall demonstrate that all Flood Resistance and Resilience measures for each building and vulnerability type have been designed in accordance with the current recommendations from the Defra/EA document 'Improving the Flood Performance of New Buildings – Flood Resilient Construction'. The development shall only be carried out in accordance with the approved details which shall have been implemented prior to the building to which they relate being first brought into use. Reason: In the interests of the reduction in risk to people and property from flooding.
36	Flood Conveyance Routing	No street furniture or other impediment to flood flow shall be constructed within the Flood Conveyance Routes identified in the approved updated FRA and flood modelling without the prior approval of the Local Authority. Reason: In the interests of the reduction in risk to people and property from flooding.
37	Permitted Development Restriction	Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, and any Order revoking and re-enacting that Order with or without modification, no development of the types described in the Classes of Schedule 2 listed below shall be undertaken in the Flood Conveyance Routes

		identified in the approved updated FRA without the express consent in writing of the Local Planning Authority. Part 2, Class A, D & E Part 12 Class A Part 16 Reason: In the interests of the reduction in risk to people and property from flooding.
38	Unexploded Ordnance	No construction within any phase of the development shall take place until a Desk Top Study has taken place to determine the risk posed by Unexploded Ordnance relating to that phase and the results, together with any recommendations, have been agreed in writing by the Local Planning Authority. The approved development shall only be carried out in accordance with the recommendations in the approved Explosive Ordnance Desk Top Study. Reason: In the interests of public safety.
39	Noise Insulation and thermal comfort.	Submission of Reserved Matters applications for Layout and External Appearance of buildings in any phase of the development shall be accompanied by an Acoustic Design Statement, including assessment of overheating conditions. The Acoustic Design Statement should demonstrate good acoustic design, including achieving both sustainable acoustic comfort and sustainable thermal comfort. 'Ideally new development should help to mitigate any existing adverse impacts elsewhere, for example by acting as a barrier between noisy infrastructure and any existing noise-sensitive uses that do not benefit from incorporated mitigation.' The design statement should also address external amenity noise levels and recommend further mitigation if required. Any mitigation measures required shall be implemented in full prior to occupation of the phase

		of development to which those details relate, and maintained thereafter. <i>The Professional Practice Guidance Note (ProPG): Planning and Noise for New Residential Development May 2017 (ANC, IoA and CIEH) describes the expected content and approach of an Acoustic Design Statement. The ANC/IoA guidance 'Acoustics Ventilation and Overheating: Residential Design Guide' provides methods by which the overheating assessment can be conducted.</i> Reason: In the interests of the living conditions of future occupiers.
40	Surface Water Drainage Strategy – infrastructure roads and shared spaces	Prior to or as part of the first submission of Reserved Matters the detailed design for the surface water drainage systems which will serve all access roads, as well as any shared areas or infrastructure which need draining, within that shall be submitted to the Local Planning Authority. No development (excluding demolition or works related to site investigation) shall commence until approval of the submitted details has been made in writing by the Local Planning Authority. The approved details shall be implemented on site prior to the development to which that drainage relates being first brought into use. These details shall include, but are not limited to: (a) Detailed design of the permanent surface water drainage system. Based on the submitted scheme, these details will need to demonstrate that the pipework within the access roads are of a sufficient size to accommodate restricted flows from each plot or phase -this will require detailed modelling. These details will also need to confirm whether any pipework connections (e.g. spurs) will be formed within each plot or phase to connect into – this should be confirmed on a plan, annotations should also be included on the plan to confirm the maximum discharge rates for each plot or phase; (b) Details of source control features. Source control features must be included. The current proposals are for tree pits bioretention areas (rain gardens) within

		shared spaces (such as adjacent to roads and footpaths). (c) Should contamination not prevent infiltration, then soakaway tests should be completed (in accordance with BRE 365). If infiltration is viable, then this should be assessed as a method for managing surface water (either partly or wholly, if possible); (d) Detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted. (e) Proposals for the adoption and maintenance of the permanent surface water drainage system. (f) A plan indicating how exceedance flows will be safely managed at the site. (g) Evidence there is agreement in principle from the landowner/DCC highways/SWW. Reason: In the interests of sustainable drainage, to avoid the risk of flooding and in the interests of protecting the safety of the operational railway.
41	Surface Water Drainage Strategy – other development phases	As part of the submission of Reserved Matters for any phase set out in the approve phasing strategy, the detailed design for the surface water drainage systems within that phase shall be submitted to the Local Planning Authority. No development (excluding demolition or works related to site investigation) shall commence until an approval of the submitted details has been made in writing by the Local Planning Authority. The approve details shall be implemented on site prior to the occupation of any building in that phase. These details shall include, but are not limited to: (a) Detailed design of the permanent surface water drainage system. Based on the current proposals, this will require each plot to attenuate and store surface water within its boundary. However, the details submitted for condition 40 (the above condition) might alter this;

		(b) Should contamination not prevent infiltration, then soakaway tests should be completed (in accordance with BRE 365). If infiltration is viable, then this should be assessed as a method for managing surface water (either partly or wholly, if possible); (c) Detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted. (d) Proposals for the adoption and maintenance of the permanent surface water drainage system. (e) A plan indicating how exceedance flows will be safely managed at the site. (f) If required, evidence there is agreement in principle from the landowner/DCC highways/South West Water. Reason: In the interests of sustainable drainage, avoid the risk of flooding, and in the interests of protecting the safety of the operational railway.
42	External materials	No construction within any phase of the development shall take place until an External Materials Schedule for that phase has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing samples of the external 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 materials in all respects. Reason: To ensure that the final materials conform with the application.
43	External Lighting	All external lighting installed on the site shall accord with the Lighting Strategy received 16 May 2024.

		Reserved matters applications shall be accompanied by details of lights, lighting, blinds and the operation and automation thereof. Lighting and blinds shall be installed on site and will be maintained accordance with the approved details. Reason: In the interest of visual amenity, highway safety and the protection of the natural environment.
44	Air Quality Monitoring	A scheme of Air Quality monitoring and modelling, together with any mitigation measures necessary, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include provision for reporting of the results to the LPA. The approved scheme shall be implemented in full and shall have been in operation for a minimum period of 36 months prior to the commencement of construction of any buildings in Phases 2, 3a or 4 as identified on the Phasing Plan received 21 August 2023. Reason: In the interests of human health and the living conditions of future occupiers.
45	Air Quality Commencement of Residential Restriction	Construction (including foundations) of buildings in any part of phases 2, 3a and 4 as identified on the Phasing Plan received 21 August 2023 shall not commence until the results of the air quality monitoring and modelling scheme have been submitted to and approved by the LPA demonstrating that air pollution concentrations in those parts of the site do not exceed the National Air Quality Objectives of the UK Air Quality Strategy published by DEFRA 2024, or such revised and updated National Objectives as may subsequently be adopted, unless other measures agreed in writing by the City Council to achieve the above required air quality objectives in those phases have been undertaken to the satisfaction of the LPA. Reason: In the interests of human health and the living conditions of future occupiers.
46	Gas Infrastructure re-alignment (HSE)	No building will be occupied until the diversion and upgrade of the Transco Ref:1512 pipeline has occurred as proposed by the applicant and as assessed by the HSE (HSE customer reference D2217). The diversion route is shown in document

		WTL-STN-PU-XX-DR-C-003 dated 21/05/2024, Revision P01. The upgraded pipeline details are in the applicant's design study document (2102-RPT-001 Water Lane dated 31/01/22, Revision 0, page 35): pipeline details: MOP - 24.1 barg, Outside diameter - 323.9 mm, Wall thickness - 12.7 mm, Material grade - L360, minimum depth of cover - 1.2 m. Reason: In the interest of public safety and the protection of the Environment.
47	Hazardous Substances Consents Revocation	No building will be occupied on the site until the Hazardous Substances Consents ref. 92/0978/HSD, 00/0681/HSC, 00/0661/HSC relating to Isca House and land at Haven Banks have been revoked. Reason: In the interest of public safety and the protection of the Environment.
48	Water Lane, Tan Lane and Foundry Lane details	No development shall commence until general arrangement plan(s) to a scale of 1:200 showing works to Water Lane, Tan Lane and Foundry Lane have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority. The details shall be submitted in accordance with the approved drawings ("Proposed Tan Lane Concept Site Access" 332310057-5503-001-003, and 2Proposed vertical alignment and clearance through Tan Lane Tunnels" 332310057-5503-004_A both received 16 May 2024) and guidance contained in LTN 1/20 on Cycle Infrastructure Design and Manual for Streets and where applicable indicate proposals for: • Existing levels of the finished highway tying into building threshold levels • Alterations to waiting restrictions or other Traffic Regulation Orders to enable works • Signing, street furniture, street trees and pits • Structures on or adjacent to the highway • Extent of any stopping up, diversion or dedication of new highway (including all public rights of way shown on the definitive map and statement) The development or any relevant phase of the development, whichever is the sooner, shall not be

		occupied until the above infrastructure has been constructed and completed in accordance with the approved details. Reason: In the interest of highway safety and encouraging sustainable travel.
49	S278 Agreement	No part of the development hereby approved shall be occupied or brought into use until a Section 278 agreement pursuant to all highways works within the application boundary including at Water Lane, Tan Lane Foundry Lane and the Canal Embankment area has been entered into. Reason: In the interest of highway safety and encouraging sustainable travel.
50	Transport Hub	Prior to the occupation of any building a strategy for the delivery of the Transport Hub, in accordance with the facility set out in the Transport Statement shall have been agree with the Local Planning Authority. These facilities shall thereafter be implemented in accordance with the approved Strategy. Reason: In the interest of highway safety and encouraging sustainable travel.
51	Signage and Wayfinding	Details of wayfinding signage to support routing to and from the following destinations - including, but not limited to: - Exeter City Centre, Exeter Quay, Exeter St David's railway station, Marsh Barton Industrial estate and rail station, Royal Devon & Exeter Hospital, County Hall and St Thomas Railway Station shall be submitted to and approved in writing by the local planning authority. The signage shall be constructed in accordance with the approved details and installed prior to first occupation, and shall be permanently retained as such thereafter. Reason: In the interest of highway safety and encouraging sustainable travel.
52	Bus Stops	Prior to occupation of any building a strategy for the provision of Bus Stops, shall have been agreed in writing by the Local Planning Authority (in consultation with the Local Highway authority). The bus stops shall thereafter be provided in accordance with the details of the agreed strategy.

		Reason: To ensure delivery of essential public transport infrastructure in accordance with paragraph 36 of the NPPF.
53	Cycle Parking	No building hereby approved shall be occupied or brought into use until the secure cycle parking facilities for that building have been provided in accordance with the approved plans. Cycle parking levels must accord with Sustainable Transport SPD and LTN 1/20 on Cycle infrastructure Design as a minimum and shall make provision for all types of cycles. Thereafter the said cycle parking facilities shall be kept free of obstruction and retained for that purpose at all times. Reason: To ensure that cycle parking is provided, in accordance with Exeter Local Plan Policy T3 and Water Lane Design Code SPD Code A12.
54	Car Parking	The provision of car parking shall be in accordance with the limits and standards set out in Table 5-2 of the Transport Assessment, identified within the reserved matters details and shall be provided in accordance with the approved details prior to the occupation of the first building in any phase. Reason: To ensure car parking is delivered in a timely manner and to ensure the development is realised as a low car/no car development in accordance with the application documents and Water Lane Design Code SPD Code A11.
55	Travel Plan	A Travel Plan for each phase shall be submitted to and approved in writing by the Local Planning Authority in advance of occupation of the development. Travel Plans shall include immediate, continuing and long-term measures to promote and prioritise alternatives to private vehicular use, which shall include clear objectives and modal share targets, together with a time-bound programme of implementation, monitoring, regular review and physical / financial interventions (in the event of a failure to meet modal share targets)

		The approved Travel Plan shall be implemented, monitored and reviewed in accordance with the agreed Travel Plan measures and targets to the satisfaction of the council. Reason: To ensure that the development promotes all travel modes to reduce reliance on the private car, in accordance with paragraph 36 of the NPPF.
56	Commercial kitchen extracts	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.
57	Flood Emergency plan	No building hereby approved shall be occupied or brought into use until a Flood Emergency Plan for that building 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.
58	Management of communal spaces	Prior to the occupation or bringing into use of any part of any phase 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 (including landscaping, surfaces, street furniture, play spaces, means of enclosure, access controls, car and cycle parking) in that phase, shall have been submitted to and approved in writing by the local planning authority and these arrangement 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.
59	Student Accommodation Management Plan	Prior to occupation of any building for the purposes of Student Accommodation (or any other sui-generis housing type) a management plan shall have been submitted to and approved in writing by the Local Planning Authority. This shall include due consideration for staffing (including on site staffing), management of ASB, security and incident management, vetting of residents, tenancy agreements, unacceptable behaviour etc. Reason: In order to reduce the likelihood of crime, conflict, disorder and anti-social behaviour and to enhance the safety of residents of the scheme.
60	No piling without consent	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.
61	Unexpected contamination.	In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of

		condition 21, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 22 which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 62. Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the aims of policy EN2 of the Exeter Local Plan First Review and paragraph 174 of the National Planning Policy Framework.
62	Verification of Unexpected Contamination Remediation	Following completion of measures identified in an approved contamination remediation scheme for the site, any phase of development, or following the identification of unexpected contamination, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority. (a) Should remediation be required prior to construction an interim verification should be provided for approval prior to construction. (b) A final verification report must be provided prior to occupation of any building. Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to

		workers, neighbours and other offsite receptors in accordance with policy EN2 of the Exeter Local Plan First Review.
63	Monitoring and Maintenance of Contamination Remediation.	If required by the verification report, a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. The time period required for the monitoring/maintenance and the timeframe for completion (i.e. either prior to commencement or occupation of the development) will be dependent on the findings of other conditions attached to this consent and must be approved in writing by the Local Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's <i>'Model Procedures for the Management of Land Contamination, CLR 11'</i>. Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN2 of the Exeter Local Plan First Review.
64	Failure of landscaping	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.
65	Plant Noise	Prior to the installation of any plant on the site, details of the plant shall be submitted to and approved in writing by the Local Planning Authority. The details shall include location, design (including any compound) and noise specification. The plant shall not exceed 5dB below the existing background noise level at the site boundary. If the plant exceeds this level, mitigation measures shall be provided to achieve this in accordance with details to be submitted to and approved in writing by the Local Planning Authority. (All measurements shall be made in accordance with BS 4142:2014). Reason: In the interests of the amenity of the area, especially nearby residential uses. These details are required pre-commencement as specified to ensure that the plant will not give rise to significant adverse impacts on the amenity of neighbouring receptors.
66	High level discharge from kitchens	All commercial kitchens within the development shall be provided with a high level discharge point for their kitchen extraction system. 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.
67	Site Waste Management Plan	No part or phase of the development hereby approved shall be carried out other than in accordance with a Site Waste Management Plan, which has been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the phase or part of development to which it relates. 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.

Informatives

1. S106 attached to this consent
2. Conditional approval with negotiation
3. Appropriate Assessment Housing Exe Estuary
4. Protected Species Informative
5. CIL Informative
6. Flood conveyance routes

Alternative Recommendation:

- B) DELEGATE TO THE SERVICE LEAD (CITY DEVELOPMENT) TO REFUSE PERMISSION IF THE LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) IS NOT COMPLETED WITHIN (12 MONTHS FROM THE DATE OF COMMITTEE OR SUCH EXTENDED TIME AS AGREED IN WRITING BY THE SERVICE LEAD (CITY DEVELOPMENT) AS THE DEVELOPMENT WOULD BE UNACCEPTABLE IN THE ABSENCE OF THE MATTERS LISTED BEING SECURED.