

## **PLANNING**

Date: Monday 27 January 2025

Time: 5.30 pm

Venue: Rennes Room, Civic Centre, Paris Street, Exeter

Members are invited to attend the above meeting to consider the items of business.

If you have an enquiry regarding any items on this agenda, please contact Mark Devin, Democratic Services Manager on 01392 265477.

Entry to the Civic Centre can be gained through the Customer Service Centre, Paris Street.

### *Membership -*

Councillors Knott (Chair), Patrick (Deputy Chair), Asvachin, Atkinson, Banyard, Bennett, Hughes, Hussain, Jobson, Ketchin, Miller-Boam, Mitchell, M, Pole and Rolstone

## **UPDATE SHEET**

### **Part I: Items suggested for discussion with the press and public present**

8 **Update Sheet**

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**Individual reports on this agenda can be produced in large print on request to Democratic Services (Committees) on 01392 265107.**

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## PLANNING COMMITTEE

27<sup>th</sup> January 2025

### ADDITIONAL INFORMATION

#### Correspondence received and matters arising following preparation of the Agenda

**Item 5:** Planning Application 23/1007/OUT land at Water Lane (South), Exeter, EX2 8BZ

Further correspondence has been received from Ward Cllrs Moore and Read which is appended to this sheet.

Further correspondence has been received from Devon County Council:

- Re **flood risk**, confirmed that objection withdrawn.
- With regards **Extra Care Housing**, this application for 900-980 homes, does not identify any Extra Care Housing provision. There is therefore uncertainty about whether the necessary extra care housing will be delivered at Water Lane and the requirement of Policy SBA1 of the emerging local plan will be met. However, we look forward to there being ongoing discussions between Exeter City Council and Devon County Council in relation to helping to secure the provision of Extra Care Housing at the Water Lane site.
- **Waste Planning**, we would ask that the suggested condition #39 is amended to include the bold highlighted text.

*Condition 39: 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. New development should help to mitigate any existing adverse impacts elsewhere, for example by acting as a barrier between noisy infrastructure **and surrounding waste uses**, 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.*

*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.*

***Reason: In the interests of the living conditions of future occupiers and to protect the operation of existing or permitted waste management facilities adjacent or close to the development in accordance with Policy W10 (Protection of Waste Management Capacity) of the Devon Waste Plan 2011-2031.***

**RDUH NHS Trust** have submitted an additional representation which is appended to full with this sheet. In relation to the proposed S106 Agreement, the City Council will further explore with the RDUH how funding aimed at reducing both future demand for health care and health inequalities can be 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 thus meeting the tests set out in Regulation 122. ECC will also continue to work with the RDUH regarding healthcare and the aims of promoting healthy communities through emerging planning policy and the delivery of development in Water Lane and city wide.

**The reference on recommended Condition 6 (Phasing) should be amended to be to Condition 33 (Flood Risk Assessment and Site Levels).**

**An additional Condition 16 (Construction Method Statement) is recommended to be amended to explicitly refer to demolition for the avoidance of doubt.**

**An additional Condition 68 is recommended as amended here in the interest of making the requirement for future management and maintenance of new communal and public spaces explicit and to have a condition specific to Gabriel's Wharf.**

Condition 68 (Management and maintenance of public spaces at Gabriel's Wharf). Prior to the occupation or bringing into use of any part of any phase including or adjacent to Gabriel's Wharf, details of the arrangements that have been put in place for the ongoing management and maintenance of the space shall have been submitted to and approved in writing by the local planning authority and these arrangements shall have been secured on an ongoing basis.

Reason: To ensure the communal and public spaces are managed and maintained and continue to serve and protecting the amenity to the residential occupiers and in the interests of facilitating water and canal related activities in that space.

### **Section 106 Contributions**

For the avoidance of doubt, the total education presented in the listed S106 matters are maximums and will be secured on a per family type dwelling basis as set out in detail in DCC representation dated 5 October 2023:

- The primary contribution sought would be £4,855,331 (based on the DfE new build rate of £20,305 per pupil). This equates to a per dwelling rate for primary provision of £4,974.72

- The request sought is £634,749 (based on the SEN extension rate of £81,274 per pupil) equivalent to 4.88 primary pupils and 2.93 secondary pupils. This equates to a per dwelling rate for SEN of £650.36.
- 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 (based on £250 per dwelling).

For the avoidance of doubt, the total GP Surgeries expansions contributions presented in the listed S106 matters is a maximum and will be secured on a population increase basis as set out in detail in Devon NHS representation dated 18 October 2023 with a total of £599,434 based on a dwelling equivalent of £612 per dwelling.

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## CIlrs Moore & Read: Further Formal Objection Water Land 23-100- OUT

This is further objection to the above planning application and recommendation now that the Planning Report has been published. We believe there are a number of improvements to conditions which are required which would provide important clarification for both the development partnership, future planning committees and the committee:

### 1. Affordable Housing.

**Additional recommendation:** to include policy compliant affordable housing as a reserved matters stage issue “to ensure policy compliance and optimal public benefits through economic cycles”. [1]

**Reason:** Policy CP7 of the Exeter City Council Core Strategy (adopted 2012) sets a target of 35% housing provision to be affordable, stipulating at least 70% should be social rented. The Policy notes that the overall percentage of affordable housing and the tenure split will be subject to considerations of viability and feasibility.

The report says “Whilst affordable housing will not be secured through the planning system it **may** be delivered by other mechanisms.” This completely removes the obligations from the developer.

The removal of any requirement to provide affordable housing (including social housing) should not be included at this outline stage and should be included as a ‘reserved matter (see condition 1). If the nill requirement for affordable housing is approved now therefore it will not be a matter the committee will be able to require further consideration or condition as the detailed development comes forward, at which points viability may change.

The addendum to the Councils review of the viability report says “*At a meeting held with Water Lane DMC on 11th December, it was suggested that the viability gap might only be in the order of £10 million; and that there should be a reasonable prospect of bridging that gap with grant funding. Although BHL has not been involved in any discussions about possible sources of external funding, that assumption does not appear unreasonable. However, grant aid at that sort of level is still unlikely on its own to deliver affordable housing on site.*” [1]

Therefore it is reasonable to require a presumption that affordable housing should be included, and then this will ensure that options for funding this remain open - be it through S106 as reserved matters come forward or through a combination of grant funding or S106 or otherwise. At his point when and if grant aid is a more developed and realistic possibility only then should the conditions be reconsidered.

The full viability assessment, and the council review and addendum should be sent to the planning committee.

[1] FVA & ADDENDUM to a PRELIMINARY REPORT dated September 2024 undertaken by Burrows-Hutchinson Ltd for Exeter City Council concerning the Financial Viability of Development proposed under Planning Ref: 23/1007/OUT

### 2. Condition 3: Plans List (parameters plans):

Noting that the recommendation says (emphasis mine) that 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.**

[RE: Building Height Parameter Plan ref. 18155-NP-00 00-DR-A-10010-6 received 9 December 2024](#)

**Amendment to recommendation:** To require a building height of no more than 5 storeys (approx 17.5m) along the whole canal (southern section).



**Reason:** tall and uninterrupted building heights along the canal are not in keeping with the SPD and will cause harm to heritage views, the Canal the the nature of the canal and biodiversity. SPD L13: *“Proposals must not create a continuous ground floor building line but should provide varied setbacks or gaps between blocks. This will help create a varied built form and Canal frontage.”* and the further policy S13 (Canal) says *“The Canal edge must be predominantly natural to give plenty of space for wildlife and retain the natural character of the Canal.”* See box with additional red line showing very approximate continuation of heights along canal.

**Amendment of recommendation to include:** The maximum heights should not exceed that set out in the SPD: up to 4 storeys (approximately 14.5m) Up to 5 storeys (approximately 17.5m) Up to 6 storeys (approximately 20.5m)

**Reason:** There is a significant difference between the parameter plans set out in the height Building Height Parameter Plan (see Building Height box from plan) and the [Water Lane SPD](#). Maximum heights (in meters of the buildings should comply with the SPD above. The blocks shown are indicative and there are many way to achieve the expected density.

## Building Height

### Parameter Plan

Up to 5 storeys	If Residential above Non-Residential Use: Maximum Building Height = 22.2m If all Non-Residential Use: Maximum Building Height = 27m
Up to 7 storeys	If Residential above Non-Residential Use: Maximum Building Height = 28.8m If all Non-Residential Use: Maximum Building Height = 36m
Up to 8 storeys	If Residential above Non-Residential Use: Maximum Building Height = 32.1m If all Non-Residential Use: Maximum Building Height = 40.5m

**RE Access parameter plan:** [AS\\_PDF\\_FILE](#)

**Additional recommendation:** The reserved matters design should take account of a future linkage to a bridge across the canal. The bridge should link to route E22 in the Exeter Local Cycling and Walking Infrastructure Plan.

**Reason:** The expectation for a bridge (most appropriately a swing bring) across the canal is to ensure the sustainability of the site and ability to require the high levels of active travel expected from the development and access to the valley park. SPD policy A27. This additional recommendation would not commit the develop to tis construction, merely ensure that future plans incorporate access to this into the layout.

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

## 3. Transport

**Additional recommendations in relation to transport** (see conditions 5 & 55 travel plan)

1. To contribute to a transport strategy across the wider Haven Banks area to sustain the viability of the local neighbourhood transport network and consider options for relieving pressure on the junction at Riverside.
2. To secure the evening and weekend extension to the C Bus service before the first dwellings occupied.
3. To actively engage with the improvement of the Gabriels Wharf underpass and the reopening of the railway arches on Alphington road
4. To ensure the main route through the site from the craning point to the main road is capable of carrying heavy (20 ton) and wide loads
5. To ensure the TRO's relating to parking cover the Haven Banks, Marsh Baton and Alphington areas.
6. To ensure design layout to ensure connectivity with a bridge over the canal.

**Reasons:** To improve compliance and enable active travel in line with the with the SPD section 4.5 movement and connectivity, and site connections. To design active travel with personal and community safety in mind and



enable access to important offsite services. To enable the new and existing transport network can meld together and enable use of the roads through the development for boats and equipment to sustain the viability of the canal.

The developer has confirmed via email in relation to the underpass near Gabriel's Wharf: *"Answer: The applicant is happy to work with ECC to coordinate an appropriate solution to this area"* What action will the Council take to secure this.

### **In relation ot condition 50 Transport hub**

**Amendment to condition:** to ensure strategy AND phasing of the delivery of the transport hub is **before first occupancy** .

**Reason:** the condition requires the delivery of a strategy, not the actual mobility hub before occupation. If the hub is not provided before any residents move in thie will create unsustainable travel habits due to lack of access to the hub.

### **Flooding**

The report does not make clear what the Strategic Flood egress route is for the whole development and arrangements for its agreement. This should be clarified at this outline stage including the infrastructure requirements to enable this. Two routes seem to be being prompose - one along and over the railway bridge and another over a new bridge over the 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".

"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." - the scope of this needs to be confirmed as covering the whole Haven Banks area.

### **Phasing**

A requirement should be added to ensure the phasing plan for infrastructure is bought forward before the commencement of any development and that essential elements including S106 payments, transport and active travel, flood egress and healthcare as a minimum are delivered before occupancy.

### **Community Infrastructure**

The following conditions are welcome:

£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).

**Amendment to condition** However these should be conditioned to be provided early in the development, onsite, especially the play areas and within visible sight or 5 minutes walk of the development.  
The sports pitches and supporting infrastructure should be tied to Bromhams Field and towards the development of the dilapidated former building.

**Reason:** to make the place liveable!

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## Howard Smith

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**From:** TARBET, Dave (ROYAL DEVON UNIVERSITY HEALTHCARE NHS FOUNDATION TRUST)  
**Sent:** 23 January 2025 11:27  
**To:** Howard Smith  
**Cc:** Ian Collinson  
**Subject:** RDUH s106 claim: 5-23-1007-OUT, Water Lane development; supplementary information

Dear Howard,

The Royal Devon University Healthcare NHS FT (RDUH, the "Trust") would like to add further information to its section 106 claim for 5-23-1007-OUT, Water Lane development.

The Trust maintains that under the s106 regulations there is a legitimate CIL compliant claim for a contribution to health services arising from the increased population that will occur following this housing development. Extensive information relating to the cost of our Exeter acute patient services, including predictions of service attendances made at ward level, have been produced and shared and the Court question of demonstrating that a funding gap exists has been answered through a signed document by the Trust's CFO. We have also engaged with senior management and executives at the Council to discuss the strategic nature of the deployment of s106 funds.

We would like to provide supplementary information on this strategic nature of our work relating to this claim. Money will be specifically allocated to service development aimed at reducing both future demand for health care and also health inequalities. The Health Secretary announced<sup>1</sup> in November 2024 a new 10 year plan for the NHS underpinned by 3 big shifts:

- from hospital to community
- from analogue to digital
- from sickness to prevention

The RDUH is already investing in and developing new services underpinned by these 3 strategic objectives. Through our Hospital at Home service<sup>2</sup> (known nationally as virtual wards) we offer some patients a safe and efficient alternative to an acute hospital bed. We are also trialling increased use of new technologies such as health-data monitoring wearables linked to our Hospital at Home Service. We wish to invest further in developing capacity and scope for these important new services.

Other examples of a move from hospital to home, using new technologies, include our novel home based blood diagnostics tests<sup>3</sup>. Rolled out already for relevant paediatric services, and further trialled with prostate cancer monitoring, we expect more of this type of technology to reduce the need for patient travel to hospital sites for outpatient services.

Pioneering research work to enable the adoption of new health technologies is being delivered through the Trust hosted, NIHR Health Technology Research Centre in Sustainable Innovation<sup>4</sup>. This joint venture with the University of Exeter has core themes focused on frailty and rehabilitation, new digital and AI tools, and developing new diagnostics.

All of this work is supported by the major investment the Trust has made in its electronic patient record system (EPIC). This digital system enables patients and clinical staff from all the health care providers supporting the patient, to share information from the same health care record. Integration of new technologies into this EPR will be supported through contributions received by new community developments.

In summary, we will use funds from this development to continue to support the design and development of new home-based services helping people to prevent ill health, manage existing conditions and to make progress on closing the gap where health equalities currently exist.

**Notes:**

1. <https://www.gov.uk/government/speeches/our-ambition-to-reform-the-nhs>
2. <https://www.royaldevon.nhs.uk/services/acute-hospital-at-home-ahah/>
3. <https://www.royaldevon.nhs.uk/news/innovative-home-blood-testing-service-wins-coveted-impact-award/>
4. <https://www.royaldevon.nhs.uk/about-us/research-and-development/nih-healthtech-research-centre/>

Regards,  
Dave Tarbet

RDUH Director for Business Development, Innovation and Sustainability

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