

	Comments from residents' group	Applicants' response
	22/1145/FUL	
	<i>We are grateful for the hard work you and the Urban Design Officer have put in to help the developer shape their proposal into something more acceptable. It is a pity this burden falls completely on yourselves as the local community is receptive to direct engagement with the developer, as we have had with other developers who have brought forward plans in the neighbourhood.</i>	The applicant has undertaken a number of days of public consultation and has been engaging with local stakeholders and members of the community, but must also respond positively to the relevant planning policies for the area and formal design input from officers. As such, we believe the proposals have responded positively to the consultation undertaken. We have never declined a request for a meeting and would be happy to meet with representatives from the residents' group.
	<i>We believe the Retail Park site should be developed to provide much-needed housing stock and we are in favour of some form of residential development on this site. However, we do not believe the developer has properly considered the characteristics of this proposal and its impacts on the rest of Exeter.</i>	It is helpful that we all agree that residential use is appropriate. In terms of the form of residential use proposed, the Liveable Exeter vision is for high density development and this site is identified as part of the site allocation in the emerging Local Plan. The design proposals are in keeping with the vision and aspiration for Liveable Exeter for high density (virtually) car free development of a brownfield site that invites the wider community to move through and engage with.
1	<b>Heritage and Character</b>	
1.1	The proposed development is alongside the Riverside Conservation Area, close to two scheduled monuments, and many listed buildings. As such, together with Exeter Cathedral, it is considered one of Exeter's top heritage sites.	While we understand your concern, the site is not a heritage asset and cannot be treated as such. However, we have carefully considered the impact on nearby heritage assets. Although the site borders the Conservation Area, it sits predominantly outside it - with exception to the former electricity generating building FEGB which is within the Conservation Area. The FEGB is not statutorily listed but does appear on the list of Locally Important Buildings drawn up by ECC. Visually the development of the site has very little impact on the canal basin.
1.2	Exeter City Council's Core Strategy states: "CP4: Residential development should achieve the highest appropriate density compatible with the protection of heritage assets, local amenities, the character and quality of the local environment and the safety and convenience of the local and trunk road network."	We have considered this carefully and have therefore designed a scheme that responds positively to its context, creating a new area of public realm that connects with Piazza Terracina and the Canal basin to enhance the active areas of the site. The buildings themselves have been designed to reflect the findings of the detailed heritage and view analysis to protect and enhance the character and appearance of the Conservation Area and other heritage assets. It is important to note that Exeter is in desperate need of more homes and has limited opportunities to meet this need. Therefore all sites, especially those that are brownfield and in a sustainable location, need to do their best to contribute in a sustainable way.
1.3	The Quay's position as a Heritage Harbour, and one of Exeter's top Tourist Attractions, is dependent on protecting and enhancing its immediate surroundings. If the Quay and the Cathedral are not protected what is the value in adopting objective CP4?	The design proposal as supported by the submitted heritage statement has little impact on the immediate surroundings of the canal basin as it currently exists. Other more recent developments such as the Waterside have arguably had a far greater impact on the Conservation Area and the historic setting of the canal basin, the river edge and Quayside.

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1.4	The architecture around the Quay consists of a range of one-, two-, or three-story buildings with a variety of forms. These are presented with a range of pitched roofs, gables, brick and stone, pitched roofs, and many reflect the Quay's historic role in shipping, construction and warehousing.	There are a range of building heights within the immediate area, including four storeys at Piazza Terracina and Colleton Crescent, but the key principle has been to relate the scale of development within the site to its context. Historically, the site was the former power station and a home of largescale industry. Newer buildings in the locale are taller, for example the Waterside is in part four storeys high with the addition of gables and a substantive roof. Other developments along Haven Road are also four storeys, and The Coolings has five storeys of accommodation with one of those in the roof. The abseiling tower on the canal basin is a substantially taller intervention on the skyline.
1.5	The current proposal's density, height and massing are completely out of keeping with the existing structures. The proposals will erode, rather than enhance the unique character of this historically important part of Exeter.	The response received from the DRP, dated 25th of April, relating to height and architecture stated, <i>"we do not see height as a major issue"</i> and further added <i>"5-6 storeys is definitely more appropriate in this location and the scheme, in our view, is at the limit of what can be achieved in long views"</i> . Furthermore, in relation to the architectural approach, the DRP stated <i>"the strong contemporary architecture is promising, and we have no problem with the palette, except that the top storey appears lugubrious and heavy when something lighter might work better visually."</i> The latter point was addressed in the recent design workshops that were undertaken between the applicant and ECC design officers to achieve a more harmonious proposal. The verified views establish that at close quarters and in the immediate vicinity of the canal basin the height of the buildings proposed will not be generally apparent. Block A is the most visible and is set away from the older buildings around the canal basin adjacent to the large FEGB and opposite the Waterside development, which is itself a scale up from the older buildings adjacent the canal basin or on Exeter Quay on the opposite side of the River Exe.
1.6	The Quayside heritage is irreplaceable and must be conserved for present and future generations. This area is deserving of sensitive development, not the monstrosities proposed.	None of the heritage of the Canal Basin area will be lost nor access to it restricted by this development.
2	<b>Fire Safety</b>	
2.1	There is no REVISED Fire study despite the previous one being inadequate. The developer appears to have ignored the comments made with regards to fire safety. It is important this is addressed at an early stage in the planning process.	A Gateway One Fire Statement is not required to be issued for this development as none of the blocks meet the definition of a 'Relevant Building' (described as buildings which contain two or more dwellings or educational accommodation, and meet the height condition of 18m or 7 or more storeys) under the Town and Country Planning Order 2021. Therefore, while a Fire Statement was provided previously to support the planning application, it has not been reissued as all relevant fire safety information is included within the Pre-Planning Fire Strategy Report (OF-000521-PFS-01-C) issued by Orion on the 23rd February 2023, which should be referred to for all enquiries regarding fire safety considerations and compliance with Part B of the Building Regulations.

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		The revised Pre-Planning Fire Strategy produced by the project's fire consultants, Orion Fire Engineering, was submitted to ECC along with the revised planning application. This document fully explains the proposed design from a fire perspective. The report highlights a number of additional measures above those strictly required and it is the intent of developer and design team to include these in the developed design for construction. The Fire Brigade response as a Statutory Consultee to the original application made two observations which have both been addressed within the revised application. The plans include the provision of five new fire hydrants within the site. The Fire Brigade has responded to consultation on the revised application dated 22 February 2023 and has said that that the revised design "would appear (without prejudice) to satisfy the criteria we would require for B5 access under the building regulations."
2.2	There has yet to be any consultation with Devon and Somerset Fire and Rescue Service.	Statutory consultation with the local fire and rescue service would be expected to occur at RIBA Stage 3/4 by the Building Control Body (BCB) once the design has suitably progressed such that a Full Plans application is submitted. Areas where discussion with the local fire and rescue service is recommended to take place have been referenced where appropriate within the Pre-Planning Fire Strategy Report .
2.3	As an example, just three specific concerns raised about the original Fire statement form (27/06/22) and, which have not been taken on board are:	
2.4	The previous report referenced a gate at the end of Diamond Road, which is now proposed to be a fence. The Fire Service were unhappy with this as an access point, but no alternative access has been suggested in the revised plans.	Detailed descriptions of the fire service access provisions to each protected stair and to all ground floor occupancies within Blocks A-D have been provided within Section 4.1 of the Pre-Planning Fire Strategy Report. Although additional fire service vehicular access to the northwest elevation of Block D was previously proposed via Diamond Road, without this the designs still meets the functional requirements of Part 5 of the Building Regulations 2010, as is justified within Section 4.1.6. Therefore, no alternative access route to replace the Diamond Road entrance is determined to be required where the recommendations of the Pre-Planning Fire Strategy are implemented.
2.5	Section 8 of the previous Fire Statement highlights an issue in Block D where there is a stairway that is currently inaccessible for fire appliances. This fire safety issue has not been addressed in the revised plans.	This has been addressed in Section 4.1.6 of the Pre-Planning Fire Strategy Report as per the above comment. No updated Fire Statement is required to be issued as per comment 1.
		The Fire Brigade has responded to consultation on the revised application dated 22 February and has said that the revised design "would appear (without prejudice) to satisfy the criteria we would require for B5 Access under the building regulations."
2.6	Again, with regard to block D; Section 4 states there has not been any consultation with Building Control at this moment and Sections 7 and 8 highlight parking difficulties for fire appliances.	Fire Service access provisions have been detailed in Section 4.1 of the Pre-Planning Fire Strategy Report. Where the recommendations of the fire strategy are implemented within the architects' design, fire appliance parking positions and access provisions shall be compliant with the functional requirements of Part B5 of the Building Regulations.
		The document in Section 4 also stated that Orion had reviewed the designs and that the architect had incorporated the comments that would affect the land use planning of the scheme such as fire service access and space separation.
3	<b>Errors and Omissions in the revised submission</b>	
3.1	Specific key street-level views have been omitted. See section 12 for details.	Specific Verified View positions were agreed on site between the Council's Design Officer and the Applicant to reflect key views. Others are available in the DAS. It is not practical to model all views.

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3.2	The Daylight Study does not include the Skylight in the main bedroom of 78 Haven Road or the rear window of 8 Stream Court. It misses and several gardens, including those of the two properties listed above. Also omitted is an assessment of the impacts on solar panels.	Regarding the rooflight in 78 Haven Road, the proposals will have limited impacts to daylight and sunlight on this property, especially on the 1st floor. The retained daylight levels for the Vertical Sky Component were above a VSC of 27 meaning that reductions no longer needed to be considered. Therefore the rooflight for the storey above was not deemed necessary for review. As stated, we are not anticipating high impact on this property and any reduction would comfortably meet BRE Guide default target criteria. In regards to the rear windows at 8 No. Stream Court, as far as we are aware no windows have been missed for analysis. Whilst full analysis of No. 8 Stream Court was undertaken and submitted, we do note that for the various neighbouring properties reviewed, a window reference diagram had not been included for neighbouring properties 7-14 Stream Court within Appendix A of the application Daylight & Sunlight report dated Feb 2023; this is now provided for addition to those already within Appendix A. This is a visual reference only and does not affect the outcome of the analysis or narrative already within the submitted report. In response to the concern over several missed gardens including to 78 Haven Road and 8 Stream Court, we assume this is in reference to sunlight review to rear gardens. No gardens considered applicable for assessment are missed – please see response within Items 4.1 – 4.6 inclusive. Please see response 4.8. with regards to solar panels.
3.3	The developers describe the houses in Stream Court impacted by the loss of light criteria as being located "broadly southwest of Block A". This is incorrect, the building altering daylight and sunlight accessibility for these properties is Block D.	The statement that 7 to 14 Stream Court is 'located broadly south-west of Block A' is merely a reference to the locality of these properties. The statement is not meant as to which Block is affecting which neighbouring property since the entirety of the proposed development massing is applicable for consideration of the affect upon applicable neighbouring properties.
3.4	The original Fire Safety report (the only one available) is almost impossible to read with light green text on a white background and does not meet basic accessibility requirements. It refers to the Devon and Shropshire Fire Service, an error which was pointed out during the original public consultation. Why has a revised Fire Safety report been omitted, especially given Grenfell?	These comments have been noted, however as per Comment 1 regarding the decision not to re-issue an updated Fire Statement, the Pre-Planning Fire Strategy Report supersedes any previous Fire Statement and is dominantly composed of black text on a white background.
3.5	The Tree Report has not been revised and so still shows T19 as being scheduled to be removed. This tree has clearly been being misclassified and is at least in category B. We wonder whether the tree consultant made a visit to the site or simply went from photos as the image of this tree is of poor quality.	A Revised Arboricultural Development Report was submitted with the revised application material in February 2023 that shows T19 as being retained. Tree T19 has been assessed as Category C1 (low quality and value) by a suitably qualified and experienced professional based upon the methodology contained within Appendix 1 of the report and in accordance with British Standards 5387:(2012). The Photographic Records in Appendix 3 are intended as an illustrative record of the trees at the time the site visit was undertaken.
3.6	The artist's impression of the elevation of Block A shows a mature tree in the position of tree T19 and the 'Verified Views' document does show this mature, healthy, Class B tree in place. However, as there is no new tree report, it is still scheduled for removal. We struggle to see why this would be necessary to deliver the development, especially given a mature tree is promised for this location.	As stated above, the revised Arboricultural Development Report shows T19 as retained.
3.7	None of the REVISED documents make it clear what the revisions are. It is a requirement to cloud drawings for the changes on each revision. Not doing this makes it impossible for any consultation to be meaningful	The main design changes made as part of the recent revisions are highlighted in section 8.0 'Design Updates' within the Design & Access Statement (DAS) Addendum, as can be found on the planning portal. We are currently producing a 'before and after' for other views that are not shown here, however it would not be practical to put clouds on each revised plan as the number of changes and clouds required would make the drawings unreadable.
3.8	As you will know, there were initially issues with the planning portal, which were outside of your control. However, this has resulted in people assuming the original documents were the resubmission and so not commenting further as it appeared to them that nothing had changed, and they had made their views clear on that submission. The REVISED documents arrived after the notification came out.	All submission documents have been included on the ECC portal and have been available for review over an extensive consultation period.

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3.9	We cannot see a REVISED Flood Risk Assessment.	The final FRA is dated 22/12/22 Rev 03
4	<b>Sunlight &amp; Daylight</b>	
4.1	The shade study provided by the developer does not recognise the significant impact this development will have on neighbouring homes.	<p>The application Daylight &amp; Sunlight report, dated February 2023, has undertaken appropriate review in reference to the industry benchmark guidance on this matter, namely the BRE Guide 'Site layout planning for daylight and sunlight – a guide to good practice' (2022 – 3rd edition).</p> <p>Para. 3.3.17 sets the criteria for review of the effect of a proposal upon applicable neighbouring amenity areas, which for ease of reference, we extract as follows (courtesy of the BRE Guide);</p> <p><i>3.3.17 It is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least two hours of sunlight on 21 March. If as a result of new development an existing garden or amenity area does not meet the above, and the area that can receive two hours of sun on 21 March is less than 0.80 times its former value, then the loss of sunlight is likely to be noticeable. If a detailed calculation cannot be carried out, it is recommended that the centre of the area should receive at least two hours of sunlight on 21 March.</i></p> <p>The output of analysis for applicable neighbouring amenity areas is presented within Table A within section 3.6 of the application Daylight and Sunlight report. From Table A, 42 No. out of the 43 No. neighbouring amenity areas (thus 97.6%) applicable for review, would meet the BRE Guide default target criteria i.e. in the proposed scenario, at least half of the amenity area would be able to receive 2 hours or more on the 21 March or, where below this, that the reduction is less than 0.8 times its former value (thus not more than a 20% reduction). For the 1 No. isolated amenity area not meeting target, background on this has already been provided within the application Daylight and Sunlight report.</p>
		<p>To highlight, the aforementioned review is the only comparative analysis test for consideration. The 21st March is selected as this provides an average for the year and is set as the benchmark. Inevitably, throughout the year, shadowing / sun availability to a given area, will vary depending on the time of year, time of day and also local weather conditions (ie clear sky or cloud / overcast). That is why a suitable test date is referenced within the BRE Guide i.e. 21st March (equinox), for review of the ability to receive sunlight to an amenity areas under consideration.</p> <p>One of the main purposes of the transient shadow plots presented (again, ordinarily presented for 21st March), is to assist in determining which amenity areas should be reviewed for the BRE Guide analytical 2-hour sun amenity test as detailed. Accordingly, applicable amenity areas have been reviewed for the BRE Guide 2-hour sun amenity test that depicted some greater change in the shadow pattern on 21st March. Therefore it is not the case that some garden areas are 'missing' rather that based upon the transient shadow plots, it is not necessary to review such areas for the analytical 2-hour sun amenity test.</p>
4.2	In the Winter the development will cast shadow and deny sunlight to properties and gardens.	See response to 4.1 above.
4.3	Winter mornings impacts would most acutely be felt in – Water Lane (3-9, 17-19, including solar panels), Painters Court (all properties), Stream Court (all properties including solar panels at No 11), Haven Road (64-78) and Diamond Road (All properties)	See response to 4.1 above.
4.4	Winter afternoons – Maritime Court (1- ), Chandlers Walk (NW properties)	See response to 4.1 above.
4.5	On Summer mornings – Water Lane (17-19 including solar panels), Stream Court (81-13) and Diamond Road	See response to 4.1 above.

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4.6	Summer afternoon/Evening will impact – Maritime Court (1-19), Chandlers Walk (NW properties)	See response to 4.1 above.
4.7	Since the last consultation we have been requesting information from the developers regarding Daylight and Sunlight reports for the residential properties in the vicinity of the site. Reports have been submitted in February 2023 just prior to the presentation to a formal Planning Committee.	The application has not yet been decided.
4.8	There are at least two individual sets of neighbouring rooftop Photovoltaic panels in situ. Photovoltaic panels have a right to light. We have not yet received a report that shows what impact all of the buildings' shadowing levels will have on the panels nor if there is an impact on the panels' effectiveness leading to being able to put a value on any loss of efficiency. (William Ellis McLennan v Medway Council, High Court Ruling; BRE 209 2022 revision, good practice guidance on site layout planning for daylight and sunlight).	<p>We assume the 2 No. individual sets of rooftop photovoltaic panels is referring to the residential neighbouring properties of 17-19 Water Lane and 10 Stream Court. Given the height of the proposal (whole development ranging 2 to 6 storey) and given the set-off distance to these pitched-roof mounted photovoltaic panels (positioned above a 3 storey and 2 storey building respectively), along with overall context and orientation considerations, there was not anticipated to be any meaningful loss of sunlight capture to these photovoltaic panels. We refer to the BRE Guide and para. 4.5.7 which sets a preliminary analytical test for the effect of a proposal, extracted as follows (courtesy of the BRE Guide);</p> <p><i>4.5.7 As an initial check, the annual probable sunlight hours received at the centre of each panel should be calculated with and without the proposed development in place. Existing obstructions, even small ones like chimneys, should be included in both calculations.</i></p> <p>We confirm the following analytical review as follows;</p> <p>17-19 Water Lane (predominant pitched slope from horizontal taken as circa 20° with isolated section of circa 30°): losses in solar panel applicable sample points of Annual Probable Sunlight Hours would not exceed 3% so very limited.</p> <p>10 Stream Court (pitched slope from taken as circa 35°): losses in solar panel applicable sample points of Annual Probable Sunlight Hours would range 2% to a maximum of 9%, thus averaging circa 5.5% so again, limited.</p> <p>In consideration of both the applicable slope of the solar panel in degrees to horizontal and associated loss in APSH (BRE Guide Table 2 refers in section 4.5), then such losses to these properties are not considered significant (and comfortably within this initial guidance).</p>
4.9	Most of the residential buildings around the Haven Banks Retail site are older than 20 years old and should be assumed to have acquired a right to light under the Prescription Act 1832 (2.2.21BRE p18 Edition 3).	This is not a planning matter.
4.10	The BRE Guide also assumes that all development sites are 'urban' in nature. However, this site is incredibly open and, while not fields, the houses have had the best light possible over the full 12 months. If in the future anyone wanted to add solar panels to offset their energy use this would no longer be a viable working option. The loss of daylight/sunlight will be more noticeable from the current 100% to 66% on the nominal test day March 21st, the Spring equinox. The loss of sunlight will be greater in the Winter months as the orientation of Blocks A and D effectively masks early morning to noonday sun and afternoon sun. Our living rooms will no longer have the therapeutic, bright, cheerful health-giving effect. The gardens of these houses will be more overshadowed.	The BRE Guide does not assume that all development sites are 'urban' in nature and there is no reason or rational for suggesting that future solar panels to neighbours would no longer be a viable working option. The development massing is limited (2-6 storeys), with reasonably considered set-off distances to neighbouring properties, and in consideration of the 2 No. actual examples i.e. Nos. 17-19 Water Lane and No. 10 Stream Court, which are properties to the immediate north of Block D, suitable sunlight is still available. It is appreciated that No. 10 Stream Court is opposite the 'gap' within Block D but even in considering properties opposite the higher sections of Block D i.e. Nos. 8 and 13 Stream Court, from analysis review, similar results are found as for No. 10 Stream Court i.e. loss of any Annual Probable Sunlight Hours is not considered significant. Furthermore, properties to the south of the development proposal, by their very context with the proposal and orientation, would effectively have no loss to suitably positioned solar panels.

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4.11	<p>The Daylight and Sunlight reports submitted record the following Daylight Vertical Sky Components</p> <ul style="list-style-type: none"> <li>•7 Stream Court is impacted the most and will experience a gloomier living room area which will require additional lighting during the day. Result. 29% more significant loss</li> <li>•8 Stream Court. 21% 'minor adverse loss'</li> <li>•9 Stream Court. 21% 'minor adverse loss'</li> <li>•10-14 Stream Court no data supplied. Why was this data excluded?</li> </ul>	<p>Such losses quoted for daylight vertical Sky Component (VSC) are considered isolated, minor and still suitably close to target. The Daylight VSC for Nos. 10, 11, 12, 13 &amp; 14 Stream Court is presented within the application Daylight &amp; Sunlight report (see page 15 for narrative and Appendix B – Table 1 for full analysis).</p>
4.12	<p>We believe that better 'good practice' would be achieved if all results were reported rather than stating 'meeting default target criteria'.</p>	<p>Full analysis results are presented within the appendices of the application Daylight and Sunlight report. There is no benefit to repeat the complete analysis from the full analysis tables in the narrative when, for any applicable losses, these meet BRE Guide default target criteria. However, it is beneficial to know whether impacts to a particular property, window or room would meet BRE Guide default target criteria within the narrative for each property (or to expand upon where not); this is how the report is presented and considered meaningful on that basis.</p>
4.13	<p>When considering Daylight distribution BS EN 17037 recommends a minimum of 1.5 hours of direct sunlight at the equinox. If exceeding 20 % reduction of daylight, the occupants will notice the reduction of sunlight within the room</p>	<p>Please see response 4.1 for more information on sunlight recommendations at the equinox. Results for daylight do not dictate the outcome for sunlight - the two are separately considered and analysed with differing methodology and target criteria.</p>
4.14	<p>In Winter solar heat gain can be a valuable resource:</p>	<p>Winter solar heat gain is not a criterion for neighbouring review in reference to the BRE Guide, as too many factors and variables would be unknown for any meaningful review. However, sunlight losses have been reported upon within the application Daylight and Sunlight report.</p>
	<p>7 Stream Court - 23% minor adverse</p>	<p>Refer to response above.</p>
	<p>8 Stream Court: no data provided.</p>	<p>Refer to response above.</p>
	<p>9 Stream Court -30% moderately adverse</p>	<p>Refer to response above.</p>
	<p>10 Stream Court-32% moderately adverse</p>	<p>Refer to response above.</p>
	<p>11, 12, 13, and 14 have no data reported. Why was this data excluded?</p>	<p>Refer to response above.</p>
4.15	<p>Regarding Sun on the ground, the BRE Guide states that the garden of an existing property is adequately lit if at least half the garden receives 2 hours of sunlight on March 21st. The eastern gardens of nos. 11, 12, 13, and 14 Stream Court are more affected by losing sunlight on the ground and fall below the recommended amount (Table A p. 23. Developers report).</p>	<p>The eastern garden to Nos. 11, 12, 13 &amp; 14 Stream Court do not fall below the recommended amount – in the proposed scenario i.e. with the development in situ, 52%, 57%, 52% and 67% of the respective areas would be able to receive 2 or more hours of sunlight on 21 March. In reference to the BRE Guide, such levels of available sunlight would consider such amenity areas as 'adequately sun-lit throughout the year'.</p>
5	<p><b>Flooding</b></p>	
	<p>We are disturbed that, given the significant concerns raised by the 2022 Planning Application, the letter covering the revised application (16 February 2023) makes no mention of flooding or any changes made by the Developer to address these concerns. Our specific concerns are:</p>	<p>Please see following comments in this section.</p>
5.1	<p>Elevated Flood Risk: We understand that the Environment Agencies' latest modelling (August 2022) indicates that, despite the recent River Exe Flood Prevention Works, the site is now at greater risk than previously estimated. Flood levels are now estimated to be 0.25 metres higher. The Environment Agency consider that Blocks B, C and D are at risk of more than 1 in 100-year flooding events (with due allowance for climate change) and that the proposed levels of the commercial floors are unsafe.</p>	<p>The floor levels of the residential areas have been set above the predicted flood levels using the preliminary 2022 flood modelling provided by the EA. The commercial areas which are classed as less vulnerable to flooding will be provided with flood resilient and flood resistant construction. The FFLs have been set to allow easy access and avoid ramps into the buildings. This approach has been agreed with the LPA.</p>

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5.2	<p>Lack of Realistic Flood Evacuation Routes: Two routes have been suggested. One is southwest towards the old rail line in Marsh Barton. This would require a new bridge over the mainline railway (which is unplanned and unfunded) and necessitate evacuees walking in water 300 metres across the flood plain to reach the bridge. The other is northwards across Cricklepit Bridge and through the alleyway to Commercial Road and Quay Hill. This again involves crossing the flood plain, then traversing the, presumably flooded, riverbanks and navigating a narrow alley.</p>	<p>At the current time, the 'Design 1 in 100' year flood event is understood to not reach the level of the defences and hence if the defences perform as designed then no water will reach this site. Flood evacuation if required should be undertaken well before the flooding starts so all routes are dry at that time. Warnings for a major event on the Exe are likely to be raised several days in advance so the Emergency planners can take action early. As climate change unfolds in the future, the scale of the Design 1 in 100 year event will increase and the defences could be overtopped resulting in flooding in the Haven banks area. The strategic route from the Haven Banks area is a planned piece of infrastructure to be provided by the authorities to give a new route out of the area for all residents in addition to all the existing routes. It is important to note that if evacuation does not take place before the flood event and there is flooding on the evacuation route or any other route then residents and staff should take refuge in the buildings.</p>
5.3	<p>Practicality of Evacuation Routes: The indicated evacuation routes would be challenging for fit people in a flood emergency. However, for the less fit, the elderly or young children they would be totally impracticable. An additional problem is presented by gates around the development which may hinder an evacuation. Potentially 600 to 1000 extra people from the proposed development would add to existing residents evacuating the area thus making panic and chaos more likely. The internal design of the accommodation blocks, with long narrow corridors, would also hinder rapid evacuation.</p>	<p>See response above in 5.2. Please note that there are no gates proposed around the development that would prevent access to the safe escape routes. Internal corridor widths are generous and would not hinder escape, and all the corridors are above the anticipated flood levels. Residents following the early warning advice should not be required to leave in anything other than an orderly fashion. Ultimately if residents ignore advice to evacuate, the building does provide for a safe refuge above the anticipated flood level.</p>
5.4	<p>Raised Height of Ground Floor: In response to concerns about the lowest levels of the proposed buildings being at risk of flooding, the Developer has raised their level. This has the dual impact of making the already over-high buildings even higher, and it will make access for the disabled more challenging as the site appears to be unable to accommodate suitably inclined ramps.</p>	<p>The point about height is 'moot' as the ground floor is raised significantly less than a storey above the existing ground level. The design takes account of providing access for disabled in the way that the buildings and landscape are manipulated such that inclusive access is provided for all use, resulting in very limited inclusion of ramps that are obviously to provide access for disabled users. The raised height of the ground floor residential accommodation has not led to an increase in overall building height due to the floor to floor heights available for neighbouring commercial uses.</p>
5.5	<p>Impact on Surface Water Flooding: The physical presence of the buildings will mean that the impact of pluvial flooding will be worse. This may be made worse still by disturbing the course of the old stream (under Stream Court) and the water detected in British Geological Survey boreholes on the site.</p>	<p>The existing site is almost 100% impermeable, which the development seeks to reduce and improve. The FRA details the surface water outflow from the proposed development, which is less than the existing unrestricted flows and hence flood risk on and offsite will be reduced - not increased - by the development. The area now occupied by Stream Court is shown to have been a builder's yard since the late 1800's. The sewer records do not show any culverted stream in this area. Ground water will be present under the site and will not be impacted by the development process. The submitted design has substantially changed the context, providing gardens, green roofs and permeable paving areas - making it far more receptive to significant precipitation and increasing the site's resilience to Pluvial Flooding.</p>
5.6	<p>The following extract from the Developers Consultants' "Addendum to Flood Risk Assessment" says - Paragraph 9.10: "The EA has advised that the only solution in this area of Exeter is to be part of a wider Strategic solution to provide a Safe Access and Egress route toward the South East (the closest safe high ground)." This is an old railway embankment that has been identified as a possible solution to serve many development opportunities in the Haven Banks, Water Lane, Alphington Road and Marsh Barton Area. This site would need to access that route, via a new pedestrian bridge over the live railway line.</p>	<p>See 5.2 response.</p>
5.7	<p>This vital infrastructure needs to be in place prior to any other development commencing on-site.</p>	<p>See 5.2 response and not that this route is not currently required as the flood levels today are below the defence levels.</p>
6.0	<p><b>Infrastructure</b></p>	



	Comments from residents' group	Applicants' response
6.1	We feel VERY strongly that all infrastructure needs to be in place BEFORE any development commences on site. We believe there is a very real risk of promises of infrastructure delivery being reneged on later. Infrastructure delivery should be a pre-requisite to any other construction, not built later. Arguments are often made to descope infrastructure from development projects for all sorts of reasons, not least the costs involved. This has happened so many times in the past and must not be allowed to happen again here.	Any infrastructure to be provided by the development can be secured through conditions, planning obligations and contributions under CIL. These are regulated by Government criteria and need to be reasonable and directly related to the development. These are as a result enforceable by ECC and can be relied upon in making planning decisions. Not all infrastructure is required prior to commencement and is needed once occupation of the development occurs as it relates to the resident population. We have sought to agree the relevant trigger point for the provision of infrastructure, or related contributions where these are to be provided by the Council or others and this will be reflected in the conditions and s.106 agreement.
6.2	Royal Devon University Healthcare NHS Foundation Trust submitted their comments and objection to the previous submission of the planning application on 13th January 2023 emphasising that adequate health care cannot be provided under the current infrastructure and funding arrangements if the population of the area increased by the anticipated number of residents.	The NHS did not object - it asked for a financial contribution over and above the CIL contribution, which we have agreed to. The provision of healthcare infrastructure is a matter for general taxation a large part of which goes to the NHS according to specific formula. While this could potentially fall within CIL where the circumstances are appropriate, this would be a matter for ECC.
6.3	It is unclear whether the developer has considered the constraints of the mains water supply running along the site to the south edge of block A and whether they will seek to move Block A northwards towards its neighbours once outline planning has been granted. Moving the underground water main would be extremely problematic as the adjacent land is occupied by high voltage electricity cables on the ground owned by the electricity company.	This is a sewer, not water main, and it is to remain in place.
6.4	We would like to see the provision of a Community Centre. However, if this is not possible, could we at least ask for some of the Community Infrastructure Levy (CIL) to be put aside to provide much-needed public toilets on this side of the river?	There has been no policy or other requirement identifying the need for a community centre. Where such a need occurs, it is generally for CIL to contribute to meeting those needs as they do not stem from the development itself and hence we fear it would not meet the Government's criteria for being reasonably necessary or related to the development.
6.5	The flood escape bridge over the mainline railway will obviously need to cater for wheelchairs and pushchairs, so could it be built to accommodate cyclists as this will open up the opportunity for this railway siding to provide a traffic-free cycle route and a footpath into Exeter in future.	This statement is simply an observation.
6.6	We note the desire for a low car development, however, pedestrian and cycle access to Exeter City Centre is via an already busy bottleneck alleyway opposite the end of Cricklepit Bridge.	The A377 Exe Bridge forms a natural desire line for cyclists owing to the provision of segregated cycle lanes along this route across the river. Of particular note, for any cyclists travelling to / from Exeter St David's rail station, the A377 comprises the quickest route to most areas of the site. There would be no logical basis for cyclists to deviate from this route to cross the Cricklepit Footbridge. The A377 cycle lanes provide a direct link from the A377 onto Haven Road and accommodate a higher volume of cycle traffic, therefore diluting the number of cyclists passing the Cricklepit Footbridge. Cyclists would be required to dismount on approach to the footbridge during busy periods where a greater pedestrian footfall is generated locally. As it takes less than a minute longer to reach Exeter's commercial centre via the A377, many cyclists would prefer to utilise the cycle lanes across the Exe Bridge to avoid needing to navigate past high volumes of pedestrians and dismounting at the footbridge / alleyway. Notwithstanding the above, the Cricklepit Footbridge and adjacent alleyway comprise a designated cycle route on the Exeter cycle network. This cycle link is a tributary to National Cycle Route 34.
7	<b>Health</b>	

	Comments from residents' group	Applicants' response
7.1	The proposed development of 434 flats and potentially 600 to 1200 additional residents in the area poses a high risk to the existing health care provision for existing as well as the proposed new residents.	The proposal is for 246 flats and 188 co-living studios, meaning that the total population within the scheme is likely to be much lower than assumed in the public comments. The co-living homes are single occupancy studios and typical occupancy in the flats is likely to be closer to 1.5 people per flat given the mix of 1-3 bed accommodation proposed. Therefore, it is likely that the total population of the development will be closer to 550 people. All of those people will be likely to be tax payers and contribute to healthcare services in line with general taxation. Where additional healthcare capital spending is required, this is typically funded through CIL and s106.
7.2	All four surgeries in the catchment area, St. Thomas, Ide Lane, Southern hay House and Barnfield Hill are already extremely stretched (over 44,000 patients registered) with waiting times for appointments at an all-time high. St. Thomas surgery has a large catchment area and surgeries in this part of Exeter are oversubscribed. Ide Lane has recently been impacted by large new housing developments in Alphington with more under construction now.	As above. There is a contribution in the s106 to allow for local capital funding to expand GP provision. This is in addition to the general funding of ongoing services through general taxation.
7.3	Ide Lane is the only surgery taking new patients at this time and is a 33-minute walk or a 9- minute cycle ride each way to and from the site, which is less than ideal if one is sick.	Noted. A contribution will be made via s106 to enhance local provision.
7.4	We have noted NHS Devon's objection to the Haven Banks development (21.09.2022) as adequate primary care cannot be provided in the area with the proposed increase in residents.	As per 6.2 response, the NHS did not object. As mentioned in the above comment, broader healthcare funding is based on resident population and funded through taxation subject to comments on local services.
8	<b>Parking and Local Economy</b>	
8.1	We don't have any faith in the Developer's car park study on the Retail Park or the parameters within which it was made during the pandemic.	RGP's assessment of the existing car park usage examines 10 months' worth of detailed parking ticket sales data, between June 2021 and March 2022. At no time during this data collection period were any Covid-19 travel restrictions in place. All local businesses were open to trade for the duration of the assessment period, incorporating sufficient time since the previous Covid-related travel restrictions for visitor numbers to recover. This operational data is accepted by the County Highway Authority as providing the best representation of the current car park usage.
8.2	Post Pandemic the Canal Basin is seeing an increase in visitors to the area and this car park, at the weekends especially, is being used by these visitors more and more. (The council car parks on Michael Browning Way are seeing similar levels of use as well).	The existing car park is provided for the use of visitors to the Haven Banks Retail Park. Whilst a degree of parking activity associated with external visitor attractions may occur, it is clearly indicated on signage present at the car park entrances that the car park is provided for the retail park and comprises private land with no public right of way. Any car parking for any reason other than for customers of the retail park is therefore prohibited. The nearby Haven Banks Car Parks (1, 2 & 3) are operated by Exeter City Council and cater for public parking to the quayside visitor attractions. Surrounding commercial/industrial properties are provided with separate private parking provisions.
8.3	ECC promote the Canalside / Quayside as one of the areas to visit and explore, visitors will only do that if they can park their cars close to the area.	The assessments within the submitted Transport Assessment confirm that any displaced parking from the removal of the car park could be accommodated elsewhere on the network. However, since the car park is for the exclusive use of the retail park only, in reality the removal of the retail park would remove the demand for the use of the car park. Therefore, in practice the proposals would only displace a small proportion of cars that are parking within the car park indiscriminately and should already be parking elsewhere. The assessments in the Transport Assessment are therefore particularly robust.

	Comments from residents' group	Applicants' response
8.4	The charitable running events that take place from Haven Banks in 2023 have seen a big increase in participation levels compared to 2022. parkrun has seen an increase of 90% year on year, and the recently held Exeter Half Marathon and Exeter City 10k have both seen a 40% increase in entrants compared to the 2022 events.	The online event pages for the Exeter 10K and Exeter Half Marathon races advise participants that car parking facilities are not reserved and that participants should utilise the Council operated car parks at Haven Banks (Michael Browning Way) and Cathedral and Quay Car Park (Lower Coombe Street). Event attendees are not advised to park within the Retail Park. The 2022 events attracted 188 and 253 participant respectively and hence would not significantly impact local parking availability, with 2,430 public parking spaces available in 1km / 12-minute walking radius of Haven Banks. The Exeter Marathon, scheduled for May 2023, will commence at 08:45 hours and hence will not coincide with busy afternoon periods associated with local visitor / retail attractions.
8.5	This car park is used by the event participants because quite often the ECC Haven Banks car parks reach their capacity first. Not having adequate car parks for events will put the already under-pressure residential roads, particularly Chandlers Walk, under even more pressure, which could affect the ability of emergency vehicles to respond. There is already a precedent for this in Chandlers Walk.	The provision of a new public cycle hire hub within the site would further encourage participants to complete short trips to / from events on bike. As race participants would be physically active, this would present an attractive opportunity to make connecting trips between the event and Exeter St David's rail station by bike. Furthermore, as sections of the local road network may be closed during the scheduled events, organisers should instead encourage participants to utilise Exeter's park & ride services. If they wish to attract regional or national participation to a local event, park and ride, bussing and encouragement for both competitors and spectators to use public transport should be the norm.
8.6	We estimate the Haven Banks running events' economic footprint for Exeter is approximately worth £500,000, which could be lost to the city if the use of the big car parking areas were lost. This estimate does not include other events, such as the dragon boat racing, Exeter regatta, etc.	We would be grateful for an explanation of the basis of this estimated figure. The removal of the site's car park would not deter the hosting of future events, with significant parking provisions available in the city for participants choosing to arrive by car. There is no basis for these events being relocated or terminated as a result of the Retail Park's operation. Large-scale events are not held frequently, and it is therefore not considered appropriate to provide additional city centre parking facilities specifically for such events, particularly when there is good opportunities to arrive at Haven Banks via sustainable modes.
8.7	Put simply, if we lose parking, these events will go elsewhere and it will have a detrimental impact on Exeter's economy.	There is no suggestion that the Haven Banks running events could not continue within central Exeter and the application identifies a significant parking capacity within walking distance of the Haven Banks area. This is a private car park that served the retail park and would normally have more limited capacity when the retail units were operating. The loss to the economy of the vacant units and land is substantial. As an indication, using the HBF calculation tool for the economic impact of new housing developments, the investment represented by the development is the equivalent of 1354 people, 14 apprenticeships, generating £5.2m in tax revenue, nearly £0.5m in council tax revenue, new employment spaces for business and providing 437 new homes for people in the context of a serious housing shortage.
9	<b>Trees</b>	

	Comments from residents' group	Applicants' response
9.1	Trees in relation to development (Exeter City Council) says: "Increasing demand for housing in the city places more pressure on trees and the natural environment. We aim to ensure that housing growth is balanced and sustainable, but is also achieved without the loss of the city's character and biodiversity. Well-established trees are known to add great value to new developments. It is desirable to ensure they are retained and protected throughout the development process, and afterwards."	We have aimed to improve the city's character and natural environment by putting more green space into the site, resulting in substantive biodiversity net gain compared to its current state as an ecologically barren car park. Regrettably, some trees - predominantly of low quality - will have to be removed to facilitate the development. We have aimed to retain the higher quality specimen set within a scheme that proposes a significant increase in the number of trees on site, thereby offering further gains in biodiversity. It should be noted that the redesign has aimed to retain more of the existing trees around Block A and introduced a new landscaped garden to northern corner, which will receive plenty of sunlight from the south.
9.2	In response to this the developer is planning to remove 24 of the 27 trees on the site (although the report states that removal of hard surfacing and reinstatement to soft ground within RPA (T12, T13, T19 & T21)). Fifteen of these trees are covered by a Tree Preservation Order. On the boundary between the site and Stream Court/Diamond Road the existing mature trees are being removed and then replaced with new ones. It would appear the reason for removal is to facilitate the construction of Block D. We object to this.	Of the trees assessed on site, the majority were found to be of low quality (category C) with around a quarter being assessed as moderate quality (category B) and one tree was found to be unworthy of retention (category U). It is acknowledged that the proposed development on site will necessitate the removal of the majority of the existing trees. However, to mitigate for this, the submitted landscape scheme proposes around 100 new trees which will increase the overall canopy cover on site. The landscape scheme also proposes a significantly more diverse species range for the site that are suited to the urban environment and with future resilience in mind. This is reflected in the Biodiversity Net Gain Report that was submitted with the application which has identified a net gain of around 13%.
9.3	All trees are in good condition and not diseased or liable to fall. They were planted specifically to absorb carbon and pollutants from the atmosphere.	See above.
9.4	No new planting that the developers propose will compensate in carbon removal than that which these mature trees are providing now plus they are giving a home to millions of other small creatures/insects which provide food for the bat population. If true biodiversity in a healthy liveable Exeter is to be achieved cutting down trees of this age and type will be very counterproductive. It is clear that no trees will grow with the high levels of shade that would result from the development.	The scheme also offers further opportunities to increase the biodiversity of the site, such as through new hedgerow, shrub and herbaceous planting, green roofs, various bat/bird boxes and insect refuges. This is reflected in the Biodiversity Net Gain Report that was submitted with the application which has identified a net gain of around 13%.
10	<b>Damage to Existing Properties</b>	
10.1	Residents are concerned about the structural integrity of their homes and would wish a condition placed on the developer to make good, at the developer's cost, any damage caused to our properties by the developer's works. This condition must include but not be limited to, subsidence, for example, caused by disturbances to the leet under Stream court, discovery and disposal of any unexploded ordnance on site and problems caused by vibrations from building works including piling.	We appreciate the period of construction can cause some apprehension. We are an experienced professional developer who have successfully delivered many major urban projects. The whole team, technology and subsequent delivery partner will prioritise the safe delivery of this project. We believe in positive regular communication throughout the temporary delivery period and fully understand the legislation we must comply with. The construction process will also be controlled by conditions, including the requirement for a Construction Environment Management Plan (CEMP) which will set out the detailed day to day controls related to all amenity impacts and a construction method statement, which will be controlled by condition and enforceable by ECC, as well as compliance with other health and safety and party wall legislation. The Phase 2 investigation will also provide Geotechnical information about the ground conditions that will be used to design the foundation solutions and other aspects of the development that are below ground such as services and drainage. Before the Phase 2 investigations take place, investigations into UXO (unexploded ordnance) will also occur.
10.2	We would wish to have full structural surveys carried out to all neighbouring properties and drains, at the developer's cost to set a baseline. We wish for the developer to have a condition set on their application to put right any damage caused by building work disturbance for up to 25 years. The developer's public liability cover would have to be provided to all neighbouring residents.	See above.

	Comments from residents' group	Applicants' response
10.3	As you will know the WWII bomb found at the other end of St David's did serious damage to properties when it was disposed of and we want a condition set on the developer to make it clear they accept responsibility for any damage caused by this sort of situation and any other works on the site	See above.
10.4	As we are sure you are aware, the site constitutes Critical National Infrastructure and was targeted during the war, the ground is soft, not every bomb dropped has been accounted for and they didn't all detonate on impact. The developer must have a condition set that they will pay all costs associated with repairing or rebuilding neighbouring properties in the event of an explosion, controlled or otherwise.	See above.
10.5	We would wish for vibration monitors to be installed and all building work stopped if vibrations are outside of agreed tolerances.	It is not expected that any construction techniques employed here will produce unacceptable vibration.
10.6	Similarly, we would wish to know how the developer plans to ensure dust is managed, so as not to cause a nuisance to neighbours during construction.	Our delivery partner will be rigorously selected from a core of contractors which we hold positive relationships with. They will be part of the Considerate Contractors Scheme and will properly and effectively liaise with the local community alongside the developer. The development would be accompanied by a Construction Environment Management Plan, secured by planning condition, which would provide for the management of construction related environmental impacts according to a scheme to be submitted and approved by ECC. This accords with good practice and is proven to be effective in managing any environmental and amenity impacts.
10.7	The building foundations in the area are just 18" deep and the building of Stream Court resulted in subsidence to some of the properties. It is feared this would reoccur with the construction of these buildings.	See B2 response.
10.8	We are also concerned about what measures will be taken to ensure public health and safety when it is revealed the ground is in-fact contaminated.	The Phase 1 desk study report identifies that this site has been in industrial and commercial use for a long period of time and recommends a Phase 2 intrusive site investigation to include contamination testing. If the presence of contamination is confirmed then the design of the below ground structures will take this into consideration. The Stage 2 process will also recommend a remediation strategy if appropriate and any measures required to protect the work force and public during the works and residents / visitors after the works are completed.
11	<b>Accessibility /Adaptability</b>	
11.1	We welcome the provision of wheelchair-accessible parking spaces but cannot see any wheelchair-accessible accommodation, as all of the buildings have steps leading up to them and there is minimal ground-floor accommodation. We wonder whether this design meets the requirements of the Disability Discrimination Act.	All blocks provide a level or sloped access shallower than 1:21 to the main entrances to allow for unincumbered access for all including wheelchair users, in accordance with Building Regulations Part M4(1) VISIBLE Dwellings. To enable future flexibility, the majority of the flat types include provisions to achieve the requirements set out in Part M4(2), Accessible and Adaptable Dwellings. Should there be a requirement for a percentage of these dwellings to comply with M4(3) – Wheelchair User Dwellings, the current design is able to accommodate these. Access to all floors within the buildings is provided via lifts to all communal areas and upper level accommodation. We anticipate the exact provision will be conditioned.
11.2	If the intent is to house people with limited mobility above the ground floor, what provisions have been made in case of fire (or flood), as lifts will be out of action?	In line with the recommendation of the fire report, the lifts within the residential accommodation will be installed to meet evacuation lift standards and along with resilient design standards that should ensure lifts are operable at least during any early evacuation.
11.3	We are unable to find any reference to adaptations made for people with disability to live as equals within this development.	All areas of the proposed buildings have fully inclusive access for disabled residents and visitors including the amenity space at roof level. The only inaccessible areas will be plant areas and other roofs for maintenance purposes.

	Comments from residents' group	Applicants' response
11.4	We would like to find at least the simplest adaptations for people with hearing loss regarding smoke and fire alarms in all private rooms and public areas.	We have noted your comment.
12.0	<b>Views</b>	
12.1	The 'REVISED Verified Views' document prepared by The Visualiser Ltd (February 2023) only contains 12 views, predominantly from a long distance and missing many key close-up views requested by our group members. The most notable omissions are views from:	The verified views were identified in conjunction with ECC in order to assess a variety of long, medium and short range views that highlight any impact from key heritage assets or typical local townscape views. Not every view can be captured in this way, but the views agreed with ECC are considered to be fair and representative. Other modelled views are also contained in the DAS which supplement the verified views, together with all of the elevations and plans which should be used in any assessment of the scheme. It should be noted that views are only one aspect of assessing the design, and the landscape proposals, plans and elevations must all be considered together.
12.2	Stream Court from Haven Road looking south towards 9 and 10 Stream Court.	While there is not a view across Stream Court, there is a comparable view along Diamond Road.
12.3	Piazza Terracina capturing the Old Electricity Building, Waterside and the proposed development. It would be helpful to see what the proposals look like from the old Exe Bridge lamp currently sited on the Piazza.	The view from Piazza Terracina is one of the modelled views in the DAS. View 6 from the verified views shows the view across the piazza from the northeast, as the development would not be visible behind the old electricity building from within the piazza.
12.4	A pavement position near the road entrance to Waterside capturing 78 to 74 Haven Road to the right of the image and the full height, width and depth of Block A to the left.	It is not possible to capture every view referred to but view 4 in the verified views and views on page 11 of the DAS Addendum are close to where this is sought and represent public vantage points in the vicinity.
12.5	A similar position looking south along Haven Road captures the frontage of both block A and part of the electricity building on the right and the frontage of the Waterside flats on the left.	Similar views to this are covered on page 11 of the DAS Addendum.
12.6	We consider these views to be critically important. They were requested around 9 months ago, promised and then not delivered. We were promised all views submitted by residents would be rendered with views of the site. We will therefore continue to create our own impressions of likely views in the absence of the developer providing their own.	The visualisations were produced from viewpoints that were agreed with ECC and informed by a site visit. It is not feasible to create a visualisation for every view, and we have not promised to do that. These verified views were chosen as they best represent the relationship between the buildings and provide a mix of long, medium and short range views from different parts of the site that assess the key heritage assets or typical local townscape views.
12.7	Visualisation VP05 shows the treasured green strip being compromised. The roofline will completely obscure the closer hills to the west of Exeter. A Met Office visibility level of at least 'Good' will be needed in order to see the more distant hills at Haldon. Currently, the green strip might still be enjoyed with visibility levels as low as Moderate, as those green hills are much closer. This will change the character of Exeter.	The view demonstrates that the hills are still visible and that the buildings from this agreed location do not break the skyline of the distant hills. Visibility conditions will apply with or without the development. The hills are generally not visible from the site or around the Canal Basin.
12.8	Visualisation VP11 from Chamberlain Road shows the view of the Cathedral would be obscured by the proposed development. This Historic View needs to be preserved as it would otherwise alter the character of the area.	The view from Chamberlain Road is from a tertiary no through road that is not used by a significant proportion of the population and it is unlikely that tourists and visitors would seek to view the Cathedral from here, the view itself is only available on a limited length of the road. The loss of the limited view will not change the character of the street.
12.9	Visualisation VP12 serves no purpose as it does not show any views of the site.	This view was included at the request of the council's design officer and demonstrates that the development has no impact from this location.
12.10	Views of the historic canal will be obscured from several properties in Diamond Road and Haven Road.	For centuries there has not been any right to a view preserved in Common or Case Law (minor exceptions do exist but are not comparable or applicable to this development, applying more to nuisance caused by developments within an overall development).
13	<b>Community</b>	

	Comments from residents' group	Applicants' response
13.1	By the nature of the type of accommodation being provided, many of the residents will only stay for a relatively short space of time before moving on, so there will be little incentive to get involved or contribute to the local community.	A community environment will be promoted within the scheme and amongst residents to create a successful offer and it is envisaged that this will expand to benefit the wider Haven Banks community too.
13.2	If the developer genuinely wants the development to have “a meaningful and positive impact on the Haven Banks community”, then instead of building more cafes and shops, they could instead provide space for a much-needed Haven Banks Community Centre, as mentioned above.	As above, there has been no requirement for a community centre identified in policy or pre-application consultation. However, such public infrastructure falls within CIL as it relates to existing needs (should they exist in policy terms) rather than proposed scheme.
13.3	There are numerous cafes and shops up for sale within a one-mile radius of this site, and in these difficult times, one must question the need for and viability of extra cafes and shops.	The uses all fall within use class E and while they could be cafes, they equally could be a range of town centre uses, including workshops, offices, shops or other services that one would expect in town centre locations.
13.4	Such a centre could then be used for the whole of the Haven Banks community and could promote the reduction of isolation amongst are older population; support young families; provide a space for clubs and organisations to meet and grow their community; and improve the health and wellbeing for all who live in the Haven Banks neighbourhood.	The development proposes a number of active uses and meeting places where people in the new and existing communities can meet and integrate. This has been designed as a key part of the scheme, including a gym, workspace, cafes, shops, play and public spaces that encourage interaction and add to the public realm.
14	<b>Buildings in General</b>	
14.1	The development is not in keeping with the historic nature of the Quay area and reflects the failed ‘1960s’ thinking of how people should be housed in even smaller accommodations than from that era, with all the negative health consequences that will bring.	The impacts of the proposals on the Historic Quay, which lies across the river beyond the Waterside development, are relatively minor and the buildings and setting have little direct impact on the 'historic' Canalside buildings. The development seeks to provide modern residential accommodation with suitable amenity, that meets current design standards and will provide a range of housing types to contribute to identified housing needs and adding to the diversity of the area within an extremely sustainable low car development. The flats comply with recognised national space standards.
14.2	The development will have a detrimental impact on the skyline and will also impact the proposed residents' mental and physical health, living so close to such a monstrosity of a development.	There is no evidence of how development of the site could affect residents' mental and physical health. The verified views demonstrate the impacts of the development on the skyline from various locations agreed with council officers. In our view, the impacts do not cause any significant harm to the overall view perception.
14.3	(BRE 3.3.5) Poor sun-lighting of outdoor spaces only occurs with certain forms of layout. If a long face of a building faces close to due north, then there will be an area of the building that is permanently in shade at the equinox (and hence all Winter). Areas slightly farther from such a building will only receive sunlight for a limited time at the beginning and end of the day.	Respectfully, we do not understand the point seeking to be made here. The scheme has been fully reviewed in terms of daylight and sunlight for both the effect of the proposal upon applicable neighbouring properties and for the provision within the proposal for the future occupiers.
14.4	This also affects the amenity space provided at the north-eastern end of Block D for the co- living residences. This will make it less attractive for residents wanting to sit out.	Across all seasons, there will be various places to sit that will be attractive for residents and the community.
14.5	Please see the appendices for building specific concerns.	Noted.
15	<b>Other Concerns</b>	
15.1	There is no mention of people retaining their right of way across from Water Lane to Haven Road. We are concerned that the site will become a gated community like Waterside. It was originally intended the path through the middle of Waterside from Cricklepit Bridge to the Piazza would be open. We want to avoid big blocks of land being cut off making the whole are a less easy to navigate on foot or by bicycle.	The existing informal connection between Haven Road and Water Lane will be maintained through the development's new landscaped public realm as a key pedestrian route for the public. It is more purposefully defined and overlooked than the current route with play space and soft landscaping integrated into the overall design. No gates are introduced into the public realm although there will be gates that control access to the rear courtyards and service areas where access is limited to residents and for deliveries whose access will be controlled by the management company on site in the interests of the residents and for security.

	Comments from residents' group	Applicants' response
15.2	<p>We are concerned about the increase in Traffic, especially from deliveries. The developer's estimates of the numbers of delivery vehicles are wildly at odds with our own and we'd be interested to see the assumptions that have used.</p>	<p>The designs from the earliest sketches have been aware of the need to facilitate the increase in home deliveries alongside the established need to remove refuse, to provide fire brigade access and to enable 'removals'. The designs have incorporated specific provision for home van deliveries and provided space to manage these parcel deliveries. Not all of the blocks have these facilities as it is intended that for Blocks A&amp;B, deliveries will be managed from the central area of Block C, with the management company operating an App to advise residents when they have parcels to collect. Block D will have its own similar facility for the co-living residents. RGP's assessment of delivery frequencies generated by the proposed residential and commercial properties is derived from detailed traffic survey data obtained at comparable sites, held on the TRICS database. This is the industry standard tool for determining trip rates for any new development and the use of TRICS survey data is an accepted methodology by Devon County Council.</p> <p>The Transport Assessment submitted to the City Council does not factor the impact of delivery consolidation to large developments and is therefore considered to be robust. Freight consolidation refers to the number of goods that can be delivered by a vehicle in a single trip to multiple residences located within a wider development. Freight operators, including supermarkets and hot food delivery services, consolidate deliveries where possible to ensure the minimum number of delivery vehicles are dispatched to drop-off goods to as many households as possible on a single optimised delivery route. Therefore, the greater the number of residencies within a development, proportionately fewer delivery vehicle trips are required to service each household. RGP has since undertaken an extensive study of residential servicing requirements for urban developments, incorporating further independently commissioned traffic surveys. Whilst the study examines households in London, the principle of freight consolidation is applicable to cities across the UK and particularly where a high density of residential properties are located within a given development.</p>
		<p>Based on this study, RGP calculates that the proposed residential units at Haven Road would generate closer to 17 daily deliveries. The submitted Transport Assessment refers to 21 deliveries based on TRICS data in isolation and should therefore be considered a robust representation of residential freight activity.</p> <p>It is estimated that a maximum (worst-case) duration of delivery vehicles within the site would equate to 190 minutes per day. This duration of servicing activity would be spread across the 4 designated loading facilities, representing an average of 48 minutes per day within each loading area during periods of peak demand for household freight. This maximum proportion of servicing activity is not considered to be intensive.</p> <p>It should also be noted that the assessments of the Transport Assessment do not account for the type and size of delivery vehicles which currently travel to and from the site. Whilst the assessments confirm a small increase in daily deliveries, the majority of these deliveries would be from smaller light vans and in some cases cars and motorcycles/moped. In contrast, the nature of large retail units at a retail park attracts heavy laden articulated vehicles, often visiting the site as part of a wider route, with little potential for delivery consolidation. The use of the wider highway network by large freight vehicles would therefore be reduced.</p>



	Comments from residents' group	Applicants' response
	<b>Appendix A - Block A Specifics</b>	
A1	We welcome this block being moved further away from its neighbours, however, despair at the addition of extra stories to an already overly high building.	The building footprint has been significantly reduced from the original planning submission to improve the block's relationship to the Diamond Road properties. The increase in height is therefore on a limited part of the site and envisages only one storey more than the original application along the Haven Road frontage opposite to the substantive Waterside buildings. The inclusion of the additional height in this location was discussed with the council's design officer.
A2	With reference to the change in the design of building A, potential access (with permission from the land owner) to the rear of all of the properties backing onto the development would significantly impact building/maintenance/ scaffolding work that will be required in the future on an ongoing basis.	The maintenance requirements of the building influence the design to ensure this problem does not occur.
A3	If there is access to the rear of building A, who will have access?	At present this is restricted to the occupiers and tenants of Block A.
A4	If it is open and accessible to the general public, there is potential for antisocial behaviour and the threat of crime on the Diamond Road properties.	It is not envisaged that either the route along the Diamond Road boundary or the newly created open space at the north of the site will be open to the public. Access will be restricted to residents and tenants of Block A in order to discourage anti social behaviour.
A5	If it is gated, will the residents backing onto it have access for the maintenance of their properties?	It is not currently anticipated that residents of adjacent properties will have access.
A6	The overall height of the new structure will still significantly impact the overall natural available daylight to the rear of Diamond Rd properties and on the opposite side of the Waterside Development, especially through the winter months.	Please refer to responses in 4.1 and the Daylight & Sunlight Report.
A7	The air source plants at the rear of the structure are still a concern, with regard to the noise levels that will be emitted 24 hours a day. No provision for extractors from kitchens has been made.	Each of the Air Source Heat Pumps (ASHP's) are located on the respective roof / roof well within an acoustic louvred enclosure. The acoustic louvred enclosure will limit the noise emitted from the external plant to 10dB less than the background noise level for an urban environment as described within the Stage 2 Mechanical, Electrical & Sustainability Design Report. Kitchen extract has been allowed for as per the CBC Kitchen Ventilation System Report For Commercial Units which notes that melenex lined attenuators will be provided - again sized to limit the noise emitted from kitchen ventilation plant.
A8	There are still problems with potential noise issues in the surrounding area with regard to the proposed commercial developments being so close to existing residential properties.	A noise assessment was undertaken and informed site design. There will be strict planning conditions regarding noise levels and the development does not propose any noisy activities that would normally be unacceptable within a residential area.
A9	The overall re-design of the development has still not addressed the original vast majority of public objections, in regard to scale, mass, density and height.	The revised design has been developed following a number of meetings with the Planning Officer and Council Design Officer and numerous comments have been taken on board in the further development of the designs ahead of resubmission.
	<b>Appendix B - Block B Specifics</b>	

	Comments from residents' group	Applicants' response
B1	The resubmission concentrates on the visual aspects of the design and ignores the vast majority of the public objections regarding scale, mass, density and height. The redesigned Building B remains too large, too high, of poor design and a monolith totally out of keeping with the surrounding area. This new 'tenement building' will overwhelm the nationally acclaimed 'Exeter Power Station', which is a locally listed building, currently housing the Exeter Climbing Centre.	The massing of the original scheme was deemed to be broadly acceptable in terms of height by the Design Review Panel. The redesign has resulted from lengthy discussion and dialogue with council officers as noted above. While the FEGB is within the Conservation Area, it is not listed - and although it is noted as locally important building, we have not found any references to its being 'nationally acclaimed' in any context. The proposed Block B responds to the considerable bulk of the existing blank rear elevation of the building to screen this from view, the elevation has been simplified from the original application following discussions with officers. It is worth noting again that the FEGB was formerly three times its current size and was far larger than the block we are proposing. Furthermore, the developed designs have increased the amount of active frontage at the ground floor facing Block A.
B2	The close proximity of Building B has the potential to disturb the foundations and structural safety of the Climbing Centre, The Cooling's residential building and other adjacent residential buildings at 1 to 4 Maritime Court.	Foundation design will be undertaken with existing adjacent structures and their foundations as constraints. When required, party wall and temporary works agreements will be put in place.
B3	Whilst a minor design adaptation has been made to recess the windows of the eastern flank of the building, therefore reducing the view into the bedrooms of The Cooling's, an oblique view still allows a view into the bedrooms from a distance of approximately 5 metres. This remains clearly unacceptable and severely impacts the residents' privacy.	The proposed building falls within Exeter City Councils design guidance for this configuration at right angles. The design has set the window back within the reveal to further reduce and residual impact to nearby 'habitable' rooms.
B4	No mention is made of reinstating the blocked 'Fire Escape' route from The Cooling's.	Access to the gate can still be afforded via the passageway at the rear of the proposed building.
B5	Building B remains a building of overpowering brutalist design and as a whole, if allowed to proceed, the development will create an Exeter 'Gorbals' of the future.	This building is in-keeping with the scale of the adjacent FEGB and is deliberately located to screen the entirely blank brick rear elevation that currently faces the retail park. The new elevation proposed is much more active and well fenestrated than the previous iteration.
<b>Appendix C - Block C Specifics</b>		
C1	Whilst there may be improvements to the flats and internal circulation areas, nothing has been done to improve the external visual qualities of the block. The block still has the appearance of a utilitarian commercial building.	The building replaces a utilitarian commercial building with limited active frontage with new, interesting and active residential frontage. Enhancements have been made to the external fabric in line with design officer comments and workshops. Changes in materials reduce the apparent scale of the building and adaptations to the roof profile and feature bays help break up the roofline from both distant and near viewpoints. The building as a whole integrates well with its adjacent public realm and provides significant design enhancement at its public entrances.
C2	The scale, mass and height of the building are totally out of keeping with the surrounding area and it is overbearing and overshadows neighbouring properties the majority of which are two or three storeys.	The new building is largely within context of the development and has been mindful of its relationship to neighbours - stepping down to respect adjacent properties at its periphery. The massing along Water Lane has been adjusted following discussion with the council's design officer. During the design development stage, sunlight and daylight analysis has informed the massing of the building to respect neighbouring properties.
C3	There are numerous terraces around the building. The houses of Chandlers Walk and Maritime Court are going to lose privacy with terraces overlooking the houses and gardens from all levels of the building, including its roof garden.	Access to a number of roof terraces are restricted in terms of depth to respect privacy, with bio-diverse green roofs incorporated to significant areas of the remaining roofs. Others which have full access are a significant distance away from neighbours and meet ECC design guidance.

	Comments from residents' group	Applicants' response
C4	The roof garden will undoubtedly be a popular meeting area for residents, particularly in the summer and it is envisaged that it will become a party area. Late-night noise will carry across the neighbouring area disturbing residents.	We have never expressed a desire for this to become a 'party area' and expect it to be used for organised communal events which will be controlled and monitored by management. It is not in the development or site manager's interests for this to become an issue or nuisance to neighbours.
C5	The building will reduce daylight and will also shade gardens, in particular during the summer afternoons.	Please refer to responses in 4.1 and the Daylight & Sunlight Report.
C6	There does not appear to be a service area for Block C or a bin collection area shown. There is a parcel room that has an external access door shown but no drop-off point for delivery vehicles.	The service access to the south of the building is off Water Lane and the turning head for deliveries is clear on the plans and within transport statement.
C7	Providing the car park adjacent to the rear gardens of Chandlers Walk is going to increase pollution in the area, whereas when the retail units were operational, the traffic in the lane was no more than a bin lorry and 3 or 4 deliveries during the day. With the proposed car park, there is a potential for noise from vehicles 24/7.	The proposals significantly reduce parking availability on the site and therefore potential for vehicle born pollution compared to the existing site. If the existing retail terrace was fully occupied, deliveries from HGV's would be much greater than the proposed scenario. The designs envisage a limited number of cars on site and a significant proportion of these will be car club spaces. The car usage and parking will not have a significant impact on the adjacent residents.
C8	The tenants of the current retail units installed CCTV and lighting units along the lane with a total disregard for the fact the boundary wall is owned by the residents of Chandlers Walk. They did not even consult on the proposal and attached lights and cables to property that was not in their ownership. Would these installations be removed as the resulting light pollution affects bedrooms? There also used to be regular sightings of bats in this area but the lights have affected their routes.	It is anticipated these will be removed as the scheme will provide for its own lighting and CCTV without the need to be attached to neighbours property. Lighting design will be conditioned and will be designed not to unduly impact the neighbours while being compatible with wildlife.
C9	The residents will need assurance that access to the wall and garages backing onto the lane will be retained for maintenance, e.g. clearing guttering on the garages.	It is not intended that the new development will restrict access for adjoining residents to access their rear boundaries for maintenance purposes and we are happy to enter into further discussions with local residents to agree a solution.
C10	Two sub-stations are shown backing onto properties in Chandlers Walk. Some sub-stations emit disturbing noise and assurance would be needed that these would not cause noise issues.	We are following the guidance set out by Western Power Distribution who are the local Electrical Supply Authority in their publication NC1V/4 , and specifically: <i>1.7.3: Whilst transformer manufacturers endeavour to make their product as quiet as possible, a certain amount of noise emission is inevitable. Although the noise level does not present a hazard as such, it can give rise to complaints. Transformer noise is generally most noticeable during the night, when the background noise level abates. The risk can be mitigated by locating HV substations at least 5m away from dwellings in general, and from bedrooms in particular.</i>
	<b>Appendix D - Block D Specifics</b>	
D1	A lot of changes have been made during the resubmission of the plans for this building. We object to them as follows:	Noted.
D2	Whilst it is a positive move to improve the amenities, such as new lounges being placed into the curved corners of the ground floor, 1st, 2nd, 3rd and 4th floors and the increase in kitchen sizes on 1st, and 2nd floors, some rooms have become isolated between Private Dining areas and the kitchen. These rooms could be liable to neighbouring noise nuisance. The other lost rooms are now small rooms on the third floor increasing the likely congestion in the kitchens which have not been increased in size. Extra rooms have been placed in areas where Plant is no longer required.	We are unclear about your points which reference 'lost rooms'. Sufficient acoustic separation will be incorporated into wall construction between various uses. A further review of plant requirements has allowed for positive changes to the distribution of rooms at third floor and thus enhancing the elevational treatment, with amenity pressures still less than the floors and room numbers beneath. All Co-Living units will have their own kitchen in addition to the communal kitchens provided.
D3	We object to the high density of residents in this building and this design does not address the long corridor nature of the internal layout. It has been shown in the 1960 Greater London Council redevelopment areas that corridors were uncomfortable places to meet.	The context of the comments is not applicable to a building with this level of provision for shared ancillary space for residents to meet within. The corridors themselves are not deemed as meeting places albeit they are a generous 1.5m wide.
D4	Numerous fire safety concerns, some of which we've already mentioned in Section 2.	See earlier responses in Section 2.

	Comments from residents' group	Applicants' response
D5	Turning to the external features, the original objections made were against the mass and mono-block design of the building. The Urban Design Officer requested a more active and interesting rear elevation that would be seen by residents in Diamond Rd and Stream Court. This has resulted in a secondary frontage at a higher level on the rear of the elevation. It is claimed that the top floor now has added interest with its extra canopy features and updated external features on the corners. We were not able to find these features interesting as they appear to make the design higher and not address the main bulk of the design to which we object.	The building height has not been altered by the changes and the design adaptations introduced through workshops with design officers to enhance the schemes overall appearance. Additional canopies at the upper level do not increase the building heights, but they do add variety to the skyline.
D6	It is noted that the increase in the size of the kitchens on floors 3 and 4 shown in NE Elevation 3 and SW Elevation 3, has allowed the balcony and outside area to become more of a populated viewing area over the gardens of 9, 10 & 11 Stream Court. These balconies also look down on the social roof garden and it is easy to imagine the temptation for noisy group behaviour between opposing balconies and the roof garden. They are an intrusion on the privacy of occupants using the gardens of 9, 10 & 11 Stream Court. We object to the siting of these balconies on the grounds of privacy and the nuisance of noise by residents using these areas inappropriately.	The rooftops adjacent to the kitchen / dining areas that face into the central space at third floor are not terraces for residents and are only accessible for maintenance reasons (along with all roof areas that face down onto the gardens of Stream Court in this central area). At fourth floor there are two private terraces to rooms 406 & 407 that face into the scheme with access to the rear restricted to respect the privacy of Stream Court.
D7	Visualisations of block D have been provided from Diamond Rd where it is only possible to see the eastern end. A more illustrative view of the impact this building will make on the locality should have been provided from the viewpoint at the Stream Court road junction. Residents have consistently asked for this viewpoint to be provided without success. The developers failed to provide these.	We have produced verified views that were asked of us by council officers. The DAS addendum does contain additional views but these are not verified views.
D8	Other concerns relating to the exterior, including those made about the security at the rear of building D, have not been addressed. A wooden fence of 1.9 m was offered to secure the boundary between Stream Court back gardens and the access to bin rooms and the bike storage. This area, adjacent to the rear exit, is hidden from sight. Therefore residents have suggested installing CCTV, along with movement detector-controlled lighting, to dissuade loitering and anti-social behaviour.	The zone at the rear of Block D is a controlled and managed area at both the eastern end by the management suite and the western end by the service area. There is gated access for residents only. The building will have 24 hour on site management.
D9	It is appreciated that the bin areas have been shared to different positions along this north-facing wall and that the access to the bike storage is described as secure. However, no measures have been proposed as to how security will be achieved in these areas.	Secure gated access points are provided as per the comment above and appear on the Ground Floor Site Plan. Further secure access will also be provided to the cycle stores themselves. Access doors to both the bin stores and bike storage will be provided with Electronic Access Controls to monitor and control access. As well as this, CCTV will be provided both inside and outside the bin and bike storage.
D10	The RGP waste management plan, July 2022 states that the equivalent of 18 x1100 litre bins will be removed from Block D every week. This amount is calculated for one occupant in each room. It is a vast underestimate as the rooms allow double occupancy.	The waste storage calculations set out in the submitted Transport Assessment represent the weekly waste arisings based on the average number of bedrooms (1 bedroom per unit in Block D), rather than any single occupant. These calculations are in accordance with British Standards guidance for waste management in new development (BS:5906). The corresponding waste storage provision therefore accounts for dual inhabitanacy within the co-living apartments.
D11	Paragraph 5.25 concedes that operational targets should be set by site management to encourage staff performance as "Resident behaviour is difficult to manage and waste management procedure cannot be easily enforced". This is a problematic approach.	Commercial waste management can be enforced effectively to meet strategic targets implemented by employers to reduce the volumes of residual waste generated. It would not be appropriate to encroach on the living arrangements of individual residents to enforce waste management targets. In line with local waste policy guidance, residents would be provided with separate waste and recycling bins for communal use. Informative posters can be placed within the residential receptions to advise residents on methods to reduce residual waste and to encourage the correct separation of waste prior to disposal.
D12	It is proposed that refuse is being removed in vehicles using the 'service road' between the Cornerstone social housing building and the current enclosed site. This 'service lane' is now an unregistered piece of land that does not appear at HM Land Registry under Title no: DN456511 which is the Haven Banks Retail Park. The 'service road' appears to have been swallowed up into the land despite the fact that there is a right of way over it on another title.	The Haven Banks Retail scheme also has a right of way over this land and the current proposals do not restrict this right in any regard. There are numerous rights of way over the land which will continue to be enjoyed.

	Comments from residents' group	Applicants' response
D13	The mass and height (26m) of Block D and its orientation (40 degrees from South) running parallel to houses 7-14 Stream Court produce an imposing north-facing wall towards these houses' sole ground floor room and overshadow their south-facing gardens.	Block D incorporates a low-level / mid-gap section and other areas incorporate purposeful stepping down of massing. This break in the building significantly reduces the perceived length of Block D while also allowing increased sunlight and daylight to the Stream Court gardens. All rear gardens to Nos. 7-14 Stream Court and the corner property of 18 Diamond Road have been reviewed for impact of the proposal upon sunlight to such rear gardens. For all these specific neighbouring properties, any applicable reductions meet the BRE Guide default target criteria in terms of any losses to sunlight to rear garden amenity areas in reference to the BRE Guide 2-hour sun to amenity analytical test.
D14	The loss of sun in our gardens is a result of overshadowing by Block D. It will change the nature of the gardens and their amenity use throughout the year. In Winter the ground is less likely to dry out and the moss and slime, which are normally present in the winter, will remain longer as the Spring and Summer sun is limited by our gardens' reduced total daily amount of sun. The BRE states that 'the sunlit nature of a site can be enhanced by preventing overshadowing'.	See D13 comment above.