

Mr Leigh Powell  
Exeter City Council  
Development Management  
Civic Centre Paris Street  
Exeter  
Devon  
EX1 1JN

**Our ref:** DC/2022/122995/01-L01  
**Your ref:** 22/1548/FUL  
**Date:** 09 January 2023

Dear Mr Powell

**RENOVATION, CONVERSION AND CHANGE OF USE EXELAND HOUSE FROM RETAIL UNIT AND OFFICE TO FORM A CO-LIVING SCHEME OF 38 UNITS INCLUDING COMMUNAL FACILITIES AND A CO-WORKING OFFICE SPACE, FRONT EXTENSION WITH 4 FLOORS, LINK BUILDING, PUBLIC PLAZA ON THE EXISTING CAR PARK AND RENOVATION OF EXISTING BRIDGE LINK TO NEW BRIDGE STREET.  
EXELAND HOUSE TUDOR STREET EXETER DEVON EX4 3BR**

Thank you for consulting us on the above planning application.

### **Environment Agency position**

We object to this proposal on flood risk grounds. The submitted Flood Risk Assessment (FRA) is not considered satisfactory to assess the flood risks to the site, because it has not been informed by the best available flood modelling. The submitted FRA uses data from January 2021 but should have used our draft 2022 Exeter flood model results (which have been available in various formats since Sept/Oct 2022). We recommend that the application is not determined until a satisfactory FRA has been submitted.

Before determining the application, your Authority will need to be content that the flood risk Sequential Test has been satisfied in accordance with the NPPF if you have not done so already. As you will be aware, failure of the Sequential Test is sufficient justification to refuse a planning application.

The reason for this position is set out below.

### **Reasons – Flood Risk**

The results of the 2022 model indicates that the Design Flood Level (including the effects of climate change and the new flood defences) for 'More Vulnerable' development for this site is 11.399mAOD (min. FFL 11.7m). This is approximately 1.9m

Environment Agency  
Sir John Moore House Victoria Square, Bodmin, Cornwall, PL31 1EB.  
Customer services line: 03708 506 506  
[www.gov.uk/environment-agency](http://www.gov.uk/environment-agency)

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above the flood level used in this proposal design\_(i.e. 9.49mAOD) and 3.7m above the lower site levels.

We acknowledge that the submitted FRA has followed the old data in the correct manner and is based on our advice (at the time). However, the new data represents an extreme increase in flood risks and, given the length of time from the advice/supply of EA date (2021) and submission of the application (Nov 2022), we cannot accept the use of this old flood data.

Due to the risks shown by the current data (i.e., Extreme flood hazard and a Risk to Life), we advise that a substantial redesign of the ground floors is likely to be required. We cannot accept any 'more vulnerable' or associated usages at the current levels proposed (8.72m and 9.395m).

We recognise that the existing use of the ground floor is 'less vulnerable' (commercial) and parking. Therefore, the ground floor of the existing building could remain as office space and include any 'plant' serving the office space. However, 'more vulnerable' residential use would not be appropriate on the ground floor of the existing building.

Any new buildings in this location should not contain commercial uses at the ground flood level. They could, however, include undercroft parking at current site levels, with any new development above 11.7mAOD. The exception would be the entrance area and stairway to the upper floors (but not plant rooms etc.).

Given that the flood risks are so high, we would not accept a 'new' basement level for any use at this location. The design flood level for new less vulnerable use is 11.37mAOD (min. FFL 11.67m).

With regard to safe access and egress, the provision of the link route to 'New Bridge Street' does resolve this matter, provided that all occupants can access it at all times.

The adjacent Higher Mill Leat is assumed to be owned (for the length and to the midpoint of the leat) by this development site. The leat's wall/bed (through the site) will need to be repaired to a 'good' condition (T98 Asset Condition assessment standards) as part of any redevelopment.

### **Overcoming our objection**

The applicant can overcome our objection by undertaking an FRA which demonstrates that the development is safe from flooding over its lifetime without increasing risk elsewhere and where possible reduces flood risk overall. This is likely to result in changes to the current design/layout of the ground floors. The FRA should also demonstrate that the proposed development will incorporate the repair of the Mill Leat. If this cannot be achieved we are likely to maintain our objection to the application. Production of an FRA will not in itself result in the removal of an objection.

If the applicant would like to discuss the FRA with us prior to formal resubmission to the LPA, we can provide advice via our chargeable planning advice service. The fee for this service is £100 per hour plus VAT. Please contact us at [SPDC@environment-agency.gov.uk](mailto:SPDC@environment-agency.gov.uk) to request more information and a quote.

### **Advice to the LPA**

We will maintain our objection until the applicant has supplied information to demonstrate that the flood risks posed by the development can be satisfactorily addressed. We would like to be re-consulted on any information submitted to address

our concerns and we will provide you with bespoke comments within 21 days of receiving formal re-consultation.

If you are minded to approve the application at this stage contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

Yours sincerely

**SARAH SQUIRE**  
**Sustainable Places - Planning Advisor**

Direct dial 0208 474 6316

Direct e-mail [SPDC@environment-agency.gov.uk](mailto:SPDC@environment-agency.gov.uk)