

PLANNING

Date: Monday 31 July 2017

Time: 5.30 pm

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

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

If you have an enquiry regarding any items on this agenda, please contact Howard Bassett, Democratic Services Officer (Committees) on 01392 265107.

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

Membership -

Councillors Gottschalk (Chair), Lyons (Deputy Chair), Bialyk, Denham, Edwards, Foale, Harvey, Mrs Henson, Morse, Newby, Prowse, Sutton and Spackman

Agenda

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

1 Apologies

To receive apologies for absence from Committee members.

2 Declarations of Interest

Councillors are reminded of the need to declare any disclosable pecuniary interests that relate to business on the agenda and which have not already been included in the register of interests, before any discussion takes place on the item. Unless the interest is sensitive, you must also disclose the nature of the interest. In accordance with the Council's Code of Conduct, you must then leave the room and must not participate in any further discussion of the item. Councillors requiring clarification should seek the advice of the Monitoring Officer prior to the day of the meeting.

3 LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 EXCLUSION OF PRESS AND PUBLIC

It is not considered that the Committee would be likely to exclude the press and public during the consideration of any of the items on this agenda but, if it should wish to do so, then the following resolution should be passed: -

RECOMMENDED that, under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for particular item(s) on the grounds that it (they) involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs of Part I of Schedule 12A of the Act.

Public Speaking

Public speaking on planning applications and tree preservation orders is permitted at this Committee. Only one speaker in support and one opposed to the application may speak and the request must be made by 5pm on the Thursday before the meeting (full details available on request from the Democratic Services (Committees) Officer).

4 Planning Application No. 17/0862/03 - Land off Exeter Road, Topsham

To consider the report of the City Development Manager. (Pages 5 - 10)

5 Planning Application No. 17/0946/03 - The Quay Bridge, The Quay, Exeter

To consider the report of the City Development Manager. (Pages 11 - 24)

6 List of Decisions Made and Withdrawn Applications

To consider the report of the City Development Manager. (Pages 25 - 34)

7 Appeals Report

To consider the report of the City Development Manager. (Pages 35 - 36)

8 SITE INSPECTION PARTY

To advise that the next Site Inspection Party will be held on Tuesday 22 August at 9.30 a.m. The Councillors attending will be Foale, Newby and Spackman.

Date of Next Meeting

The next scheduled meeting of the Planning Committee will be held on **Monday 4 September 2017** at 5.30 pm in the Civic Centre.

Find out more about Exeter City Council services by looking at our web site <http://www.exeter.gov.uk>. This will give you the dates of all future Committee meetings and tell you how you can ask a question at a Scrutiny Committee meeting. Alternatively, contact the Democratic Services Officer (Committees) on (01392) 265107 for further information.

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Agenda Item 4

ITEM NO.

COMMITTEE DATE:

24/07/2017

APPLICATION NO:

17/0862/03

FULL PLANNING PERMISSION

APPLICANT:

Mr J Davis

Heritage Developments South West

PROPOSAL:

Reorientation of car park, revised landscaping and vehicle/pedestrian access to plots 23-28 amended to The Retreat Drive.

LOCATION:

Land off, Exeter Road, Topsham, Exeter, EX3

REGISTRATION DATE:

31/05/2017

EXPIRY DATE:

26/07/2017

HISTORY OF SITE

14/1605/01 -	Development of up to 23 dwellings, access and associated services.	PER	27/07/2015
15/0907/03 -	Six no. residential flats, car parking and associated facilities.	PER	17/03/2016
15/0909/02 -	Reserved Matters Application (Pursuant to Outline Planning Permission granted on 27th July 2015, ref 14/1605/01) for the approval of the Appearance, landscaping, layout and scale of 22 dwellings on part of outline site.	PER	17/03/2016

DESCRIPTION OF SITE/PROPOSAL

The application site lies on the southern side of Exeter Road and adjacent to the east side of the M5 motorway bridge off Exeter Road and The Retreat Drive. The site is where six units of Affordable Housing are to be constructed.

To the east, along Exeter Road, the open market houses which were approved in 2016 are under construction. To the west, on the opposite side of the M5 motorway embankment and facing the Topsham Football Club lies the Aldi store and Seabrook Orchards.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

None.

REPRESENTATIONS

11 letters of objection have been received concerned with the following points:

- Creates a separate entrance for the Affordable Housing units
- Exit/entrance leads to an already dangerous junction
- Relocation of bus stop will cause overtaking and further accidents with conflict of further vehicles pulling out of The Retreat Drive
- Entrance is opposite to the site on the opposite side of the road
- Increased pressure for parking on The Retreat Drive which is a private road and narrowed road width
- Incremental change of plans for developers' own benefit
- Affordable Housing within new developments is to be integrated so this is in breach of policy and AH procedures to remove AH from the main body of the scheme
- Parked cars block access for ECC Refuse trucks so emergency access vehicle access will be compromised
- If the entrance is permitted a secured boundary between The Chasse site should be introduced to prevent any future access and parking on The Retreat Drive
- Increased danger to pedestrians as there is no footpath on the NW side of The Retreat Drive
- Inadequate provision of cycle infrastructure.

CONSULTATIONS

DCC Highways Engineer – No objection

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance

National Planning Policy Framework 2012:

1. Introduction
4. Promoting Sustainable Transport
6. Delivering a wide choice of high quality homes
7. Requiring good design

Exeter Local Development Framework Core Strategy

- CP3 Housing Distribution
- CP4 Housing Density
- CP5 Meeting Housing Needs

Exeter Local Plan First Review 1995-2011

- AP1 Design and Location of Development
- H5 Diversity of Housing
- H7 Housing for Disabled People
- T1 Hierarchy of Modes
- T2 Accessibility Criteria
- T5 Cycle Route Network
- T9 Access to Buildings by People with Disabilities
- T10 Car Parking Standards
- C57 Archaeology
- LS1 Landscape Setting

Exeter Development Delivery Document – Publication Version 2015

Development Delivery Development Plan Document (Publication Version):-

This document represents a material consideration but has not been adopted and does not form part of the Development Plan.

- DD1 Sustainable Development
- DD8 Housing on Unallocated Sites
- DD9 Accessibility, Adoptable and Wheelchair User Dwellings
- DD13 Residential Amenity
- DD20 Sustainable Movement
- DD21 Parking
- DD22 Open Space
- DD25 Design Principles
- DD26 Designing Out Crime

Exeter City Council Supplementary Planning Documents

Sustainable Transport SPD March 2013

OBSERVATIONS

Principle of Access Relocation

In the originally approved planning applications, the parking court and vehicular access for Plots 23 – 28 (the Affordable Housing provision for Phase 1), was from the access road through the front of the Phase 1 site, from Exeter Road.

The proposal seeks to revise the vehicular access so that the Affordable Housing units are accessed from The Retreat Drive. This provides a private parking court for the Affordable Housing units, with secure cycle parking and two visitor parking spaces, plus designated bin stores.

The parking for Plots 20 – 22 would still be maintained from the internal access road from Exeter Road. All other plots within phases 1 and 2 would also only be accessed from Exeter Road for vehicles, only. Pedestrian routes throughout the site are maintained as previously approved.

DCC Highways have confirmed that there will not be a conflict with the entrance to the opposite site (where the appeals against the refusal of permission for the B1 office building and 7 residential apartments have just been allowed) as the entrances are offset.

Revised Landscaping

In order to accommodate the revised parking court and access, the landscaping to the front of the Affordable Housing units has been reduced in size. However, access to the communal open space within the overall development has been maintained.

Pedestrian Access To Rest Of Site

Clear and unimpeded pedestrian access is maintained to the front of the Phase 1 site adjacent to Plot 22 which leads to the bus stop, cycle lane and footpath to Topsham/Exeter. The open space is accessed via the pedestrian route from The Retreat Drive, adjacent to the Affordable Housing units of Phase 2.

RECOMMENDATION

As there are only six units accessed from The Retreat Drive the location of the revised entrance, parking court and landscaping, is supported and the application is therefore recommended for approval.

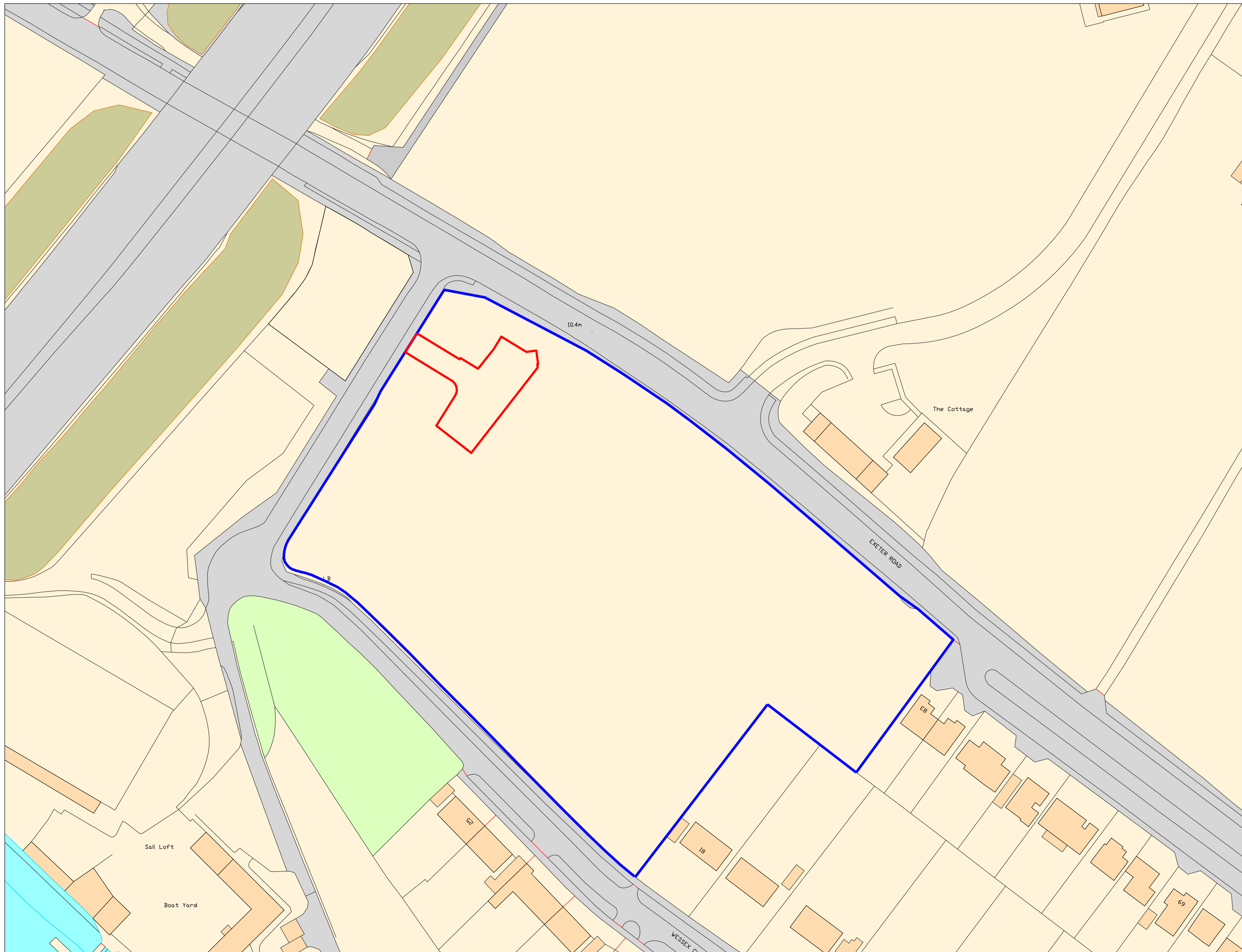
APPROVE subject to the following conditions:

- 1) A01 - Time Limit - full
- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 31st May 2016 (including dwg. nos. EXRD-012-SITE PLAN & EXRD-020-LOC PLAN) as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.

Local Government (Access to Information) 1985 (as amended).
Background papers used in compiling the report:

Files of planning applications available for inspection from the Customer Service Centre, Civic Centre, Paris Street, Exeter: Telephone 01392 265223

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HERITAGE
HOMES

1A NEWTON CENTRE, THORVERTON ROAD,
MATFORD, EXETER. EX2 8GN
Tel: 01392 829900 Fax: 01392 829901
Email: plans@heritagesouthwest.co.uk

Project
The Chasse
Topsham

Drawing
Location Plan

Date	Scale	Drawn
10/08/15	1:500 @ A1	DSL
Drawing No.		Rev
EXRD - 020-LOC PLAN		REV 45

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ITEM NO.

COMMITTEE DATE:

31/07/2017

APPLICATION NO:

17/0946/03

FULL PLANNING PERMISSION

APPLICANT:

Mr Cox

Environment Agency

PROPOSAL:

Exeter Flood Defence Scheme. Variation to approved scheme at Quay Bridge (ref. 15/0172/03): Introduction of a headwall to leat downstream of Quay Bridge. Masonry-clad headwall with bottom-hinged flap gate, glass parapet and access walkway, together with a connecting demountable flood defence barrier system.

LOCATION:

The Quay Bridge, The Quay, Exeter, EX2

REGISTRATION DATE:

09/06/2017

EXPIRY DATE:

04/09/2017

HISTORY OF SITE

- | | | | |
|--------------|--|-----|------------|
| 15/0173/07 - | The construction of flood defence improvements, comprising raising of existing defences and new flood defence walls, embankments and demountable defences. | PER | 10/07/2015 |
| 15/0172/03 - | The construction of flood defence improvements, comprising raising of existing defences and new flood defence walls, embankments and demountable defences. | PER | 10/07/2015 |

DESCRIPTION OF SITE/PROPOSAL

Construction of a flood defence headwall in the leat immediately downstream of Quay Bridge as an alternative to the previously approved headwall upstream. Headwall to be masonry-clad with bottom-hinged flap gate, glass parapet and access walkway, together with a connecting demountable flood defence barrier system.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

The application is supported by the following documents:

- Quay Bridge Planning Statement
- Quay Bridge Design and Access Statement
- Quay Bridge Heritage Assessment
- Higher Leat Outlet and Quay Bridge Options report
- Flood Risk Assessment

REPRESENTATIONS

The application was advertised by site notices, press notice and by neighbour letter. The following responses were received.

Quay Traders Association. Concern about loss of disabled parking bays and disruption during construction.

Exeter Civic Society Planning sub-committee considers that the structure proposed would unacceptably alter the well-known and highly valued view of the leat, the Custom House, the nearby warehouses and the existing Quay Bridge itself. The structure would only form a meaningful component of the view from the Mallison Bridge and the seating areas at the side of the leat if it were convincingly **essential** for protection against severe flooding. We understand that, whereas the plans for flood protection arrangements above the Quay Bridge were intended to give full protection in the event of a hundred year flood, they are

now considered adequate only for a flood with a possible occurrence within seventy five years. It is difficult to balance this fact against the alteration of the existing scenic and historic view, but until/unless the Council, Heritage England (and we) can be assured that the structure proposed is the only viable solution and is realistically essential Planning sub-committee recommends that the application is Refused.

No public responses have been received.

CONSULTATIONS

Devon County Council Highways and Development Management. Proposed bollards similar to consented. It is noted that consent reference 15/0172/03 has conditions attached requiring Construction Environmental Management Plan (CEMP) and Traffic Management. The works affect Highway Maintained at Public Expense (HMPE) and a Section 171 agreement may be required.

Devon County Council Environment. DCC are Highway Authority, lead Local Flood Authority and are a significant financial contributor to the scheme. Whilst fully recognising that it is Exeter City Council's role, in its determination of this planning application, to balance the various planning issues against relevant policy considerations, DCC believes it is important to highlight the potential implications of the refusal of this planning application. From our own engagement with the Exeter FDS Project Team, we are told that there is no viable alternative to the option presented through this planning application. If this is the case, the refusal of the application would, by default, leave the existing structure of Quay Bridge to form an integral part of the Exeter FDS.

As recognised in the planning report, this would result in the level of protection for this particular flood cell being reduced from the scheme standard of 1 in 100 years to 1 in 75 years. DCC believes that this is an unacceptable departure from the core objectives for the scheme and represents a significant risk and concern not only for the affected properties within this flood cell, but it compromises the project as a whole. Although it would deliver an improvement on the current standard of flood defence in this area, it cannot be considered to represent a "*good standard of defence*" (referred to by the planning report) when viewed in the context of investment of in excess of £30m of public funds.

In any event, the Environment Agency has highlighted concerns, shared by DCC, about the reliance on the non-structural parapet walls of the Quay Bridge, especially given their age and uncertain condition. The resulting potential for their catastrophic failure during a flood event needs to be recognised as an additional and very worrying element of the flood risk considerations. Essential repairs, in the event of any such damage, could, also result in significant disruption to the local community and businesses who are reliant on this access route.

On this basis, the DCC view is that reliance on the existing structure of Quay Bridge as an integral element of the Exeter FDS is an unacceptable outcome, making it essential for a satisfactory alternative to be resolved through the planning process.

ECC Environmental Health. Approval with conditions (construction/demolition hours)

No site machinery or plant shall be operated, no process shall be carried out and no demolition or construction related deliveries received or dispatched from the site except

between the hours of 8 am to 6pm Monday to Friday, 8am to 1pm Saturday and at no time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby.

Southwest Water. No comments received.

Exeter Civic Society. No comments received.

Exeter Canal and Quay Trust wishes to see a flood defence scheme which protects as much of the quay as possible. They wish the scheme put forward (which bases the protection on a new Mallison Bridge and gates either side of Transit Shed) to be evaluated both engineering and planning and if it is a viable alternative they would prefer it and therefore object to the current application, the platform adjoining quay bridge.

Environment Agency: No comment received.

Natural England. No comments to make on this application.

Historic England. The application proposes construction of a flood defence scheme at Exeter Quay. Much of the protection will be delivered via a demountable system consisting of boards inserted between permanently-located bollards, but a new headwall is proposed across the Higher Leat, screening views of the attractive but unlisted Quay Bridge behind. The bridge is within the Riverside Conservation Area, and within the setting of the adjacent Custom House; a Grade I listed building.

Historic England consider that the proposals will harm the character and appearance of the conservation area and the setting of the Grade I listed Custom House. Your authority will need to be convinced that these proposals are the only solution capable of delivering the necessary flood defence scheme, and that other solutions which may cause less harm have been fully investigated.

Exeter's Quayside is a well-preserved townscape of considerable character which serves as a tangible reminder of the City's maritime heritage. The Exeter Ship Canal which serves the quays is one of the earliest artificial waterways in the country, and a considerable number of historic buildings and structures associated with its late 18th/ early 19th century heyday survive in the immediate context of this site. The area is now busy with leisure, office and residential uses which have replaced commercial maritime trades.

The area is vulnerable to flooding, and these proposals have sought to balance preserving the character of the quayside with providing a practical means of flood prevention. In general this ambition is achieved; the combination of demountable barriers and use of existing buildings will provide the necessary protection without being unduly prominent. This is welcome in the context of the relationship between the Custom House and the water's edge, which would have been compromised if permanent raised barriers had proven necessary. Happily, they have not.

However, we retain reservations with regards to the design of the proposed headwall across the Higher Leat. This takes the form of a pair of masonry walls linked by a pedestrian bridge with glazed balustrade. The new bridge would screen the existing bridge behind; an attractive dual-arched structure of apparent 18th century origin constructed in local sandstone. Its appearance is marred by a waste-water pipe clumsily attached above the twin arches, but it nevertheless makes a positive contribution to the character and appearance of the conservation area and the setting of the custom house.

The introduction of a new 'bridge' structure ahead of the existing historic bridge would detract from the picturesque grouping of the existing bridge juxtaposed with the Grade I

listed Custom House, to the detriment of the character and appearance of the conservation area.

Historic England have long favoured a solution whereby sliding/rolling floodgates would be provided either of the bridge, which would then act as part of the flood defence system. Such a solution would obviate the need for a new, independent headwall ahead of the bridge and thus preserve its original appearance. The design and access statement makes reference to this option on page 7, stating it was “discounted at an early stage due to insufficient storage space”.

Your authority should test this proposition to make sure it is correct. If there is scope for sliding/rolling floodgates to be incorporated into existing fabric, then it follows that the harm to historic environment (as identified by the applicant’s heritage statement) could be further reduced or even omitted, and therefore does not have the clear and convincing justification required by the NPPF.

NPPF 132 advises that all harm requires clear and convincing justification, and the more important the heritage asset the greater the weight that should be given to its conservation. In this context, we remind you that the Custom House, whose setting would be adversely affected, is a Grade I listed building – i.e. a ‘heritage asset of the highest significance’.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. You should also be mindful of the requirement in section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance
NPPF - National Planning Policy Framework

Exeter Local Development Framework Core Strategy
CP9 - Transport
CP10 - Meeting Community Needs
CP12 - Flood Risk
CP17 - Design and Local Distinctiveness

Exeter Local Plan First Review 1995-2011
T5 - Cycle Route Network
C1 - Conservation Areas
C2 - Listed Buildings
C3 - Buildings of Local Importance
C5 - Archaeology
LS1 - Landscape Setting
LS4 - Local Nature Conservation Designation/RIGS
EN4 - Flood Risk
EN3 - Air and Water Quality
EN5 - Noise
DG1 - Objectives of Urban Design
KP6 - Quay/Canal Basin Area

Exeter City Council Supplementary Planning Document
Riverside Conservation Area Appraisal and Management Plan (September 2005)

OBSERVATIONS

Conditions requiring approval layout of the site compound to avoid loss of parking spaces/reduce duration and/or temporarily relocate them can be secured by condition attached to any consent granted.

Conditions can also control construction activity in the interests of amenity of neighbours and the condition recommended by the Environmental Health team should be attached to any consent.

Design

The strategy of using modern forms of materials in an unadorned way to avoid a pastiche of the existing bridge is appropriate. However, the concept of the design, a flood defence structure with the appearance of a simple beam bridge lacks credibility: the crossing does not lead anywhere (it would abut part of the wall at the side of the Samuel Jones pub) and an additional crossing is clearly superfluous; the opening under the bridge is determined by the size of the flap gates rather than the width of the leat and the underside of the supporting beam which results in it being out of scale with the span and height of the structure. The artists impression in the Options Report (Fig 6.2) and the final proposal – View from Mallison Bridge (p9) provide indications of the proposed structure but are not convincing evidence that this represents an extensive appraisal of possibilities nor that the design has reached a sufficient level of design development and refinement: this is essential given the sensitivity of the location and the need to achieve design excellence.

The engineering drawings (483599-CH-04-00-DR-4230 &4231 rev.P8/P4) show some detail of the overall arrangement of the structure but do not provide sufficient information about construction and materials, dimensions of key components, adjoining levels, boundaries and paving to be acceptable. Precise and comprehensive details are needed to demonstrate that the drawings and illustrations are consistent and that the most accurate representation of the proposals is available. Reservation of such matters by condition is not considered appropriate given the sensitivity of the location.

Flood Protection

The flood defences at the quayside are part of a defence line running from the Mill on The Exe though to the Quayside protecting a 'flood cell' that includes parts of Bonhay Road, Tudor Street area, Shillhay and the Quayside as far eastwards/downstream as Kings Wharf. The majority of the flood cell area, and all the residential properties within it, are west of the Quay Bridge.

These proposals are made to provide 1 in 100 year probability (or 1% annual probability) standard of flood defence. Previously approved arrangements (ref. 15/0172/03) are, following detailed surveys, only considered to provide protection to a 1 in 75 (1.3% annual probability) standard of defence at Quay Bridge.

1 in 100 year standard was adopted for the whole of the Exeter flood defence improvements scheme in advance of detailed design and site investigations. The approved scheme in this location was comprised of a head wall on the leat upstream of Quay Bridge, lining to the underside of the bridge and incorporation of the existing bridge parapet walls and was previously considered to achieve the 1 in 100 year standard. The view now, following detailed surveys and design work, with regards the parapet walls of the Quay Bridge is that they cannot withstand an event of greater than 1 in 75 year probability.

1 in 75 years is a good standard of defence recognised by the insurance industry and would represent a significant improvement on the pre-works flood risk at the Quayside which was as low as of 1 in 20 year in places.

The Exe has a system of early flood warning in place and a flood event of greater than 1 in 75 years would be alerted by this warning arrangement.

The proposal to site a modern structure downstream of Quay Bridge in the manner proposed is considered to detract from the picturesque and important grouping of the existing bridge juxtaposed with the Grade I listed Custom House, to the detriment of the character and appearance of the conservation area and the setting of that Grade 1 listed building.

Further it is not considered that the option of protecting the majority of the flood cell west of the Quay Bridge to a 1 in 100 standard by use of roller gate on the western side of the bridge, in conjunction with the approved upstream headwall, has been demonstrated to be unfeasible. Use of a roller gate at the eastern end of the bridge would be impracticable given the space constraints. The use of a roller gate on the western side of the bridge would divide the flood cell and ensure a 1 in 100 year level of protection is provided to the flood cell west of the Quay Bridge, including all of the more flood sensitive residential property in this cell.

If the proposal as submitted here is considered unacceptable there would be greater leverage on utilities providers to consider service alterations, where that is possible, to facilitate a solution. This is in itself not a planning reason to refuse the application.

Notwithstanding the above matters there are matters of detailed design which at this stage are not acceptable. If members are minded to support the principle of a structure downstream of Quay Bridge is recommended that provision is made for further work on the detail of the design before any consent is granted.

Planning Member Working Group

The scheme was presented to Planning Member Working Group on 23 May 2017. It was noted that the Environment Agency was the body of last resort for operation and maintenance works (the City Council would normally do so in this location) and this had influenced their design concepts.

Some Members liked the use of modern toughened glass and it was remarked that the solution brought the whole defence works into the 1 in 100 year event scenario and should be supported on this basis. The majority of Members did not feel that there had been sufficient consideration to alternative options in particular the sliding/rolling gates scheme and therefore requested that the Environment Agency be asked to consider this option further. The proposed structure downstream of the bridge was only considered acceptable as a last resort other options having been exhausted.

CONCLUSION

It has not been demonstrated in the application that alternative means of protecting residential properties in this area to a 1 in 100 standard, if desired, cannot be achieved by alternative means that result in significantly less harm to the setting of listed buildings or to the desirability of preserving or enhancing the character or appearance of the Riverside Conservation Area.

It has not been demonstrated in the application that the benefits of an increase from 1 in 75 year (1% annual probability) to 1 in 100 year (1.3% annual probability) standard of flood protection outweighs the harm to the setting of listed buildings or to the desirability of preserving or enhancing the character or appearance of the Riverside Conservation Area.

On balance the proposals are considered to be contrary to the aims of Exeter Local Plan First Review 1995-2011 policies C1 and C2, Exeter Core Strategy Policy CP17 and Paragraph 132 of the NPPF.

RECOMMENDATION

For the reasons given above it is recommended that the application is **REFUSED**.

Local Government (Access to Information) 1985 (as amended).
Background papers used in compiling the report:

Files of planning applications available for inspection from the Customer Service Centre,
Civic Centre, Paris Street, Exeter: Telephone 01392 265223

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Environment Agency response to planning agenda item 10, Application No: 17/0946/03

(for planning meeting due to be held Monday 24 July 2017)

Introduction and Background

The Environment Agency are constructing a flood defence scheme in Exeter, in partnership with Devon County Council and Exeter City Council, to improve flood protection over the next 100 years. The scheme includes improvements to existing flood defences, and the construction of new defences which will increase the standard of flood protection to a 1 in 100 (1%) chance of flooding in any given year.

An important component of the scheme relates to the defence of the historic quayside in Exeter (The Quay) and Commercial Road which are connected by the historic Quay Bridge. In order to ensure continuity of the flood defence across the bridge, the currently consented design includes a headwall across the Higher Leat. The design also includes the demolition and reconstruction of both bridge parapets. The parapets would have reinforced concrete stems and foundations to withstand the applied hydraulic loads that would occur during the design flood event. The wall would be clad to match the existing structure.

Detailed investigations undertaken since the scheme was granted planning approval have enabled us to better understand buried utility services at Quay Bridge. We found a dense arrangement of existing pipes and cables that, together with the structurally fragile nature of the existing masonry bridge, meant that some parts of our consented proposals could not be built. Specifically, it was not possible to utilise the existing masonry bridge parapets, nor replace them with a stronger more modern equivalent. Discussions with the affected utilities companies indicated that many of the pipes and cables could not be practically diverted due to safety concerns, impacts of temporarily disconnecting supplies, likely traffic disruption and cost.

Planning application (Ref: 17/0946/03) is a variation to the approved scheme and describes our proposals for a revised design at Quay Bridge, to locate a new headwall and flap gate structure across the Higher Leat just south of the existing Quay Bridge. The proposed development is for the construction of a masonry-clad headwall with bottom-hinged flap gate, glass parapet and access walkway, together with a connecting demountable flood defence.

The briefing paper prepared for the planning committee meeting of 24th July recommends refusal of the Environment Agency's proposals due to insufficient evidence that other options have been considered that cause less harm to the historic environment. The planning team consider that an alternative option exists that would reduce the standard of protection to properties at the Quay, and maintain the 1 in 100 standard for the properties on Commercial Road whilst causing less harm to the historic environment. The Environment Agency and the professional parties assisting in delivering the flood defence scheme (CH2M (Halcrow) and BAM Nuttall) do not believe that the alternative arrangement as discussed in the briefing paper (which refers to a 'roller gate') is feasible due to the lack of space below-ground for adequate foundations. Therefore the Environment Agency cannot take this proposal forward. The committee is therefore asked to consider the application on its merits.

When preparing this planning application, the Environment Agency's approach has been to take all reasonable steps to consider all alternative options that do no harm, or less harm, to the historic environment when compared to the submitted design. Our investigations are documented in the Options Report submitted as part of this planning application, where 10 options, and further sub-options have been considered. Our conclusion is that the solution presented in the application is the only option that properly accounts for the practical constraints of the site whilst achieving the standard of flood protection (a 1 in 100 probability event)

Standard of Defence

If configured to provide the desired 1 in 100 probability Standard of Protection, the scheme can benefit approximately 100 properties, including sheltered accommodation at Shilhay. The standard of protection provided by the currently consented scheme achieves this, but we no longer believe that it can be built due to the presence of buried services. The revised design, as shown in the application, also provides the desired 1 in 100 standard of protection.

Throughout the design and development of the project, which commenced in 2010, the Project Board (consisting of senior staff from the Environment Agency and the partner organisations) have supported a continuous and consistent standard of defence throughout the defended area so that no part of the defended community would suffer a reduced standard of protection.

If the new proposal is refused, the only remaining option to reduce flood risk in the area would rely on using the existing non-structural parapet walls of Quay Bridge and the standard of protection would reduce to an approximate 1 in 75 probability, which could reduce further if the existing parapets collapsed due to the weight of flood water upon them. Damage to the parapet during a flood could lead to sudden, catastrophic failure which would inundate the Commercial Road area and could be a risk to life. As the condition of the parapet structure is uncertain due to its age, this remains a real possibility. Approximately 100 properties would suffer a reduced standard of protection, including 10 listed buildings and one Scheduled Monument if this option was taken forward.

Heritage Impacts

It is acknowledged in the application that the new headwall proposal does cause some heritage setting harm in two well defined views. Historic England have advised that this should not prevent the application being permitted if the committee is convinced on balance that it is the right proposal. The committee should note that the alternative option suggested in the briefing paper (a rolling flood-gate) would itself introduce a significant engineering structure into the foreground of an Important View as defined in the Conservation Area Appraisal, and therefore would cause harm to the setting of two Grade I listed buildings and the Conservation Area.

The planning application for the new downstream headwall has been developed by landscape and heritage specialist designers in consultation with Exeter City Council and Historic England. By using a mix of contextual and contemporary design methods, we believe that the proposed headwall will be in keeping with the Quay area and its heritage assets. Furthermore, the style of the structure, incorporating glass panels and steel, will be coordinated with Exeter City Council's own draft proposals for the replacement to the nearby Mallison Bridge.

Disruption

A key benefit of the submitted proposed headwall structure located south of the existing bridge is that construction access would be simpler and less disruptive to the surrounding area. Refusal of the application would commit the project to a prolonged temporary closure of the Quay Bridge during construction activities. Residents and businesses of the quayside and Commercial Road would be subject to further traffic disruption and the project partners would be subject to additional reputational damage from associated complaints.

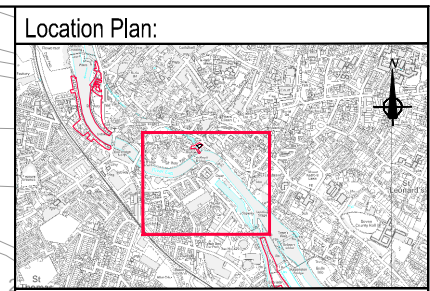
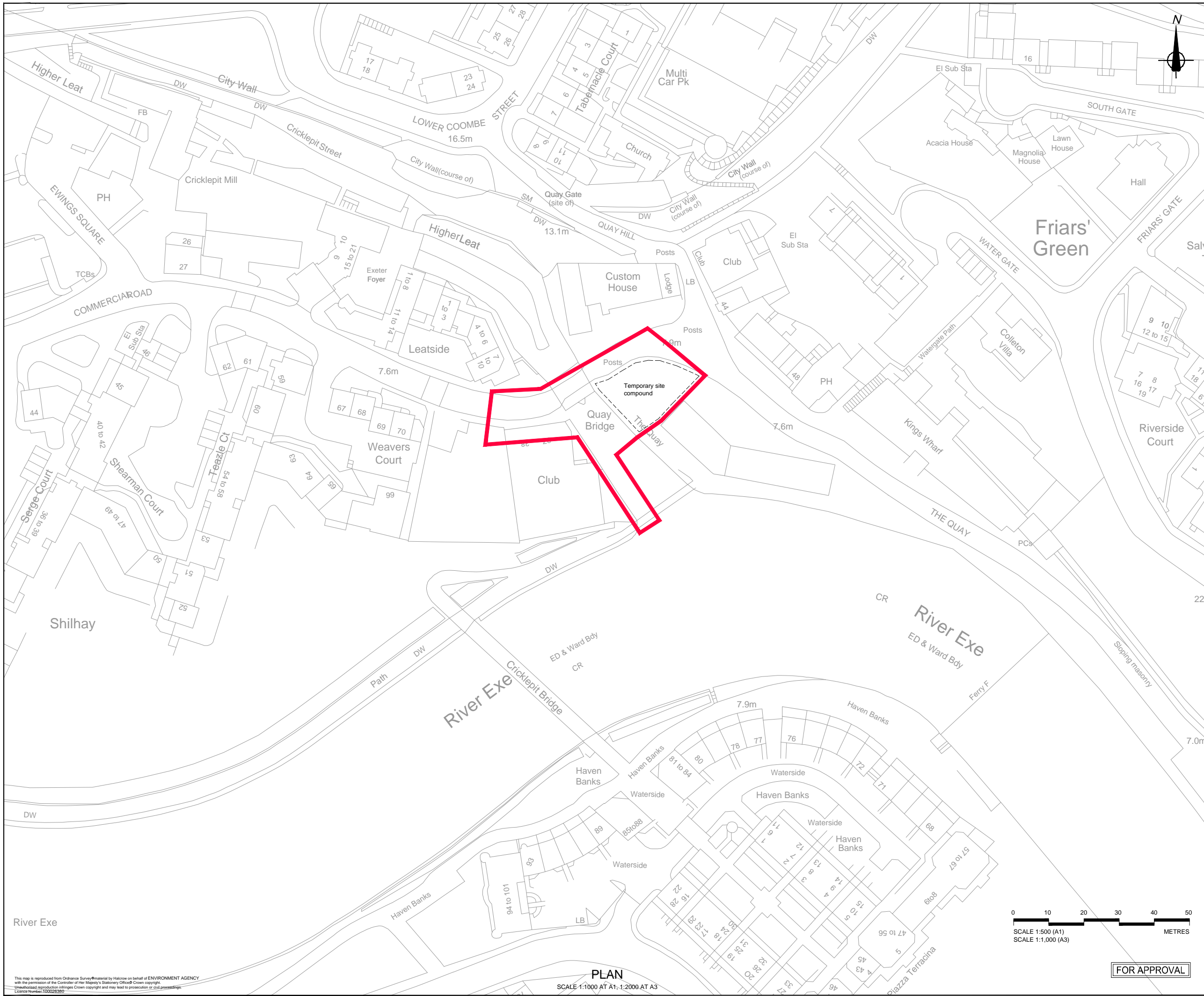
The project aims to complete the defences at the quayside by end of March 2018. In order to achieve this challenging deadline, works to complete the design as submitted need to commence urgently. This must be either in accordance with the presented new planning application, or by falling back to the existing consented design and accepting a reduced standard of protection against flooding.

Any alternative to the proposal submitted would need to be submitted as a new planning application, which would all but certainly extend the construction programme for a further year. This would, in turn, increase project costs and commit the historic buildings, residents and businesses of the quayside to a further year of reduced protection from flooding, and further disruption due to construction works taking place over a third winter period.

Conclusion

In accordance with the existing agreement that the Exeter Flood Defence Scheme should reduce flood risk at the quayside to a standard consistent with the rest of the city, the Environment Agency seeks to build a scheme that provides the best possible protection for local businesses, residents and their properties. Refusal is being recommended on the basis that an alternative, less effective, proposal is possible. The Environment Agency is firmly of the view that this alternative is not viable and that the application should be permitted on the basis that the public benefits meet the requirements of Paragraph 134 of the NPPF that *"harm should be weighed against the public benefits of the proposal"*. The application also pays special attention and regard to the Conservation Area and Listed Buildings as required by the Exeter Local Plan First Review 1995-2011 policies C1 and C2.

The Environment Agency recognises the heritage impacts when working at Quay Bridge and has consulted with, and carefully developed the proposed solution with heritage and landscape design experts. We believe the new proposal balances the need to overcome technical challenges relating to working in close proximity to existing services and structures, whilst also being respectful to the historic setting and landscape amenity of this unique quayside location.



Key:
— Application Site Boundary

Rev	By	Chkd	Apprv	Date	Description

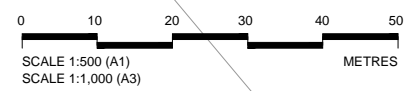
Client

Halcrow Group Limited
 Ash House, Falcon Road, Sowton, Exeter, EX2 7LB
 Tel: +44 (0) 1392 444252 Fax: +44 (0) 1392 444301
 Exeter@halcrow.com
 www.halcrow.com

Project
EXETER FLOOD DEFENCE SCHEME

Drawing
PHASE 2: ZONE 4 QUAY BRIDGE APPLICATION SITE BOUNDARY

Drawn by: PG	Date: 05/06/2017
Checked by: JPL	Date: 05/06/2017
Approved by: CAG	Date: 05/06/2017
Drawing No. 483599-CH-04-00-DR-T-4203	Revision T1
Drawing Scale: AS SHOWN	



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PLAN
 SCALE 1:1000 AT A1; 1:2000 AT A3

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REPORT TO: PLANNING COMMITTEE**Date of Meeting: 24 JULY 2017****Report of: Assistant Director City Development****Title: Delegated Decisions****1 WHAT IS THE REPORT ABOUT**

- 1.1 This report lists planning applications determined and applications that have been withdrawn between the date of finalising the agenda of the last Planning Committee and the date of finalising this agenda. Applications are listed by ward.

2 RECOMMENDATION

- 2.1 Members are requested to advise the Assistant City Development Manager Planning (Roger Clotworthy) or City Development Manager (Andy Robbins) of any questions on the schedule prior to the meeting of the Planning Committee.
- 2.2 Members note the report.

3 PLANNING APPLICATION CODES

- 3.1 The latter part of the application reference number indicates the type of application:

- 01 Outline Planning Permission
- 02 Approval of Reserved Matters
- 03 Full Planning Permission
- 04 Works to Tree(s) with Preservation Order
- 05 Advertisement Consent
- 06 Works to Tree(s) in Conservation Area
- 07 Listed Building Consent
- 14 Demolition in Conservation Area
- 16 Exeter City Council Regulation 3
- 17 Lawfulness of Existing Use/Development
- 18 Certificate of Proposed Use/Development
- 21 Telecommunication Apparatus Determination
- 25 County Matter Application
- 26 Devon County Council Application
- 27 Modification and Discharge of Planning Obligation Regulations
- 37 Non Material Amendment
- 38 Extension to Extant Planning Consent
- 39 Extension - Prior Approval
- 40 Office to Dwelling - Prior Approval

- 3.2 The decision type uses the following codes:

- DREF Deemed Refusal
- DTD Declined To Determine
- NLU Was Not Lawful Use
- PAN Prior Approval Not Required
- PAR Prior Approval Required
- PER Permitted
- REF Refuse Planning Permission
- RNO Raise No Objection
- ROB Raise Objections
- SPL Split Decision
- WDN Withdrawn by Applicant
- WLU Was Lawful Use
- WTD Withdrawn - Appeal against non-determination

ANDY ROBBINS
CITY DEVELOPMENT MANAGER

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REPORT TO: PLANNING COMMITTEE

Date of Meeting: 24 JULY 2017

Report of: City Development Manager

Title: Appeals Report

Is this a Key Decision? No

Is this an Executive or Council Function? No

1. What is the report about?

- 1.1 The report provides Members with information on latest decisions received and new appeals since the last report.

2. Recommendation:

- 2.1 Members are asked to note the report.

3 Summary of Decisions received:

- 3.1 One decision has been received since the last report.

32 Liberty Way, Exeter - Application Number 16/1633/03 - The application sought the construction of new dormer windows.

The Inspector considered the main issue of the appeal was the effect of the proposal on the character and appearance of the area. Whilst there are other examples of dormer windows across the wider housing development the proposal would introduce the first dormers at this part of Liberty Way.

He noted the property is located midway in a run of dwellings of similar design which face on to the highway and a linear open space over a short frontage. The altered house would add some variation to the row but in this context it would appear isolated and out of character with its neighbours. In contrast, other dormer windows in the area appear to be positioned to highlight different dwelling types or at focal points within the street, to add interest. In the case of the appeal property the addition of isolated dormer windows would be harmful to the character and appearance of the local area. He mentioned that there would be less of an adverse effect when viewed from the rear due to the variety of house designs. However, it is uncertain whether the rear dormers could be functionally separated from the front dormers. A split decision allowing only the rear dormers is not therefore possible.

The harm to the character and appearance of the area would conflict with Council policies and associated guidance which seek to achieve a high standard of design to complement Exeter's character and local identity; and to ensure the shape of structures relates well to adjoining buildings and surrounding townscape.

For the reasons given above the Inspector concluded that the appeal should be dismissed.

4. New Appeals:

- 4.1 No new appeals have been received since the last report.

CITY DEVELOPMENT MANAGER

Local Government (Access to Information) Act 1985 (as amended)

Background papers used in compiling the report:

Letters, application files and appeal documents referred to in report are available for inspection from: City Development, Civic Centre, Paris Street, Exeter

Contact for enquiries: Democratic Services (Committees) - Room 2.3. Tel: 01392 265275

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