

**ITEM NO. 1****COMMITTEE DATE: 29 JUNE 2015****APPLICATION NO: 15/0172/03****PLANNING**

LOCATION: River Exe between Cowley Bridge and Countess Wear.

PROPOSAL: The construction of flood defence improvements, comprising raising of existing defences and new flood defence walls, embankments and demountable defences.

**APPLICATION NO: 15/0173/07****LISTED BUILDING CONSENT**

LOCATION: Affecting the following listed buildings: The Malt House and Custom House, Transit Shed, Quay House, Wharfinger's Office, 4 The Quay, Prospect PH, Rose Cottage, King's Wharf, The Vaults and Cannon Bollard at the Quayside and the Lime Kilns at Countess Wear.

**PROPOSAL:** The construction of flood defence improvements, comprising raising of existing defences and new flood defence walls, embankments and demountable defences affecting the buildings and their settings.**HISTORY OF SITE**

13/4143/18	Exeter Flood Defence Scheme - Phase 1 - Area in river channel beneath St David's Rail bridge, within Trews Weir flood relief channel, within Duck's Marsh flood relief channel and at Canalside Playing Fields, Exe Valley Park, Exeter. Removal of sediment and vegetation from Channel, lowering of Trews Side Weir, capacity improvements and habitat creation within flood channels and temporary storage of material.	WLU	17/09/2013
14/0820/31	EIA Scoping Opinion		05/06/2014
14/1559/05	Three large sized proposal boards of 1660 x 1250 to explain to the public what we are doing during Phase 1 of the Exeter Flood Defence Scheme.	PER	30/06/2014

**DESCRIPTION OF SITE/PROPOSAL**

The application is for works along the river Exe between Cowley Bridge and Countess Wear.

The main elements of the Phase 2 works comprise:

- Constructing new lengths of flood embankments and walls (ranging from short lengths of 20m to lengths of up to 540m) to protect properties and the railway;
- Widening some existing flood embankments and walls, with localised raising in some areas;
- Providing property-specific flood protection to some individual vulnerable properties;
- Installing closable gates, including new gates across Station Road;
- Providing flood ramps over new defences to maintain access to residential and commercial properties;
- Landscaping of the flood defences.
- Strengthening river bridges.
- Biodiversity and habitat compensation and enhancements.

The works proposed are divided into six separate zones and this is reflected in the structure of this report. The zones are:

Zone 1 - Network Rail Land from Cowley Bridge to St. David's Station.

Zone 2 - Station Road to Exwick Playing Fields.

Zone 3 - Central Exeter (Mill on the Exe and Eagle Cottages, Bonhay Road, Exe Bridges to Crickle Pit Bridge).

Zone 4 - The Quay.

Zone 5 - Exeter Canal between Trews Weir and Bridge Road.

Zone 6 - St. James Mill Leat and Countess Wear.

Provided alongside this report are plans 2.1a and 2.1b from the applicants Planning, Design and Access Statement which show an overview of the works. Flood walls are shown red, embankments green, demountable defences in orange and environmental enhancements and compensation areas are in yellow.

The application site is in numerous ownerships. Large Sections are with Environment Agency ownership, significant areas are within ownership of the City and County Councils and the scheme includes works within private ownerships including many areas of work within the curtilage of privately owned dwellings.

A detailed description of the works in each zone is included at Appendix 1.

### **SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT**

The following documents have been submitted in support of the application:

- Application Drawings
- Planning, Design and Access Statement
- Environmental Statement
- Environmental Statement Non-technical summary.
- Flood Risk Assessment

The Environmental Statement contains information on the following topic areas:

- Pre-application public consultation
- Flood risk
- Heritage and archaeology
- Ecology
- Water Framework Directive assessment
- Tree and vegetation management
- Visual impact assessment
- Artists impressions
- Habitats assessments
- Materials and finishes

Revised plans and addendums to the Environmental Statement and Planning, Design and Access Statement were received on 15 May 2015.

## **REPRESENTATIONS**

The application was advertised by Site Notices, Neighbour letters and Press Notices.

A total of 41 representations have been received which can be summarised in zones as follows:

### **All Zones:**

Native trees with canopies to replace any felled ones.  
Regular dredging would be a solution.

### **Zone 1:** Cowley Bridge to St. David's Station.

Provision should be made for a walking and cycling route north of Station Road along the river. This should be at least 3m wide. This should be part of a cycle route linking Exeter to Crediton.

### **Zone 2:** Station Road to Exwick Playing Fields.

Station Road flood gates detail and safety.  
Loss of trees at Waggoners Way and Olds View.

### **Zone 3:** Central Exeter.

Royal Oak Glass parapet should be extended to Victoria Court.  
Princess Alexandra Court. Proposed wall and banks will result in loss of light, views, outlook and privacy to Alexandra Court.  
Eagle Cottages and Headweir Mill House. Loss of views, impact on appearance of buildings, structural and drainage concerns, environmental damage to leat area.  
Bonhay Road Park. Loss of trees.

### **Zone 4:** The Quay.

The level of protection of the Antiques Centre is not adequate and it's significantly different from the original proposal. The sump pump drainage system was not discussed. New public seating/storage structures would encroach on space between the business itself and the Riverside Cafe's Pavement License.

Suggest continuation of glass parapet along quay.

The two separate car parking area each need removable bollards.

The scheme should be continued to protect Clipper Quay, CQ Car Park entrance, Sea Scout premises and Port Royal.

Side weir and radial gate can be used to resolve flood risk.

Heritage statement says the Quay should have an 'open nature and aspect' but flood gate, pillar and seats close to one another will clutter quayside.

The three 'seats' in front of King's Wharf is unnecessarily cluttered, can the shutters be stored elsewhere?

The pillar and wall should be made of local purple volcanic stone or red stone, not Torquay limestone that's shown in the plans.

The floodgate by the Waterfront's terrace would not be able to open as shown because they have a large fixed umbrella in that position.

If the gate swings from the North-West side, what cosmetic covering will it have? Are the plastic bollards in keeping with the heritage of the Quay? Will the treatment to their six double flood doors be in keeping with the existing doors?

**Zone 5:** Exeter Canal between Trews Weir and Bridge Road.

No specific objections have been received with specific regards the works in Zone 5.

**Zone 6:** St. James Mill Leat and Countess Wear.

Serious concern that 30 Mill Road now excluded from the original flood protection plan.

Concerns over access impacts during construction and operation phases with lorries and heavy machinery through Mill Yard and through Waring Bowen Court. Access through River Exe Country Park and/or with the creation of a temporary bridge is suggested. The need for a 46m x 3.5m wide carriageway as part of the sluice gate is not accepted. It'll be a visual nuisance and destroy wildlife habitats and be out of keeping, it should only be a sluice.

Question the refusal of the EA to consider an alternative route beyond Withymead on the ground it was illegal, they have evidence that it is not.

Concern that the flood gates at Waring Bowen Car Park will cause higher flood threshold levels at the former Quay and that the scheme increases flood risk along Mill Lane and Kiln House.

A number of residents on Mill Road have requested more detailed information on flood risk to their property and that individual Property Protection measures are provided.

Want reassurances over the possible risk of sewage issues due the adjacent water pumping station not being protected.

Who manages the flood gate opening and closing at Waring Bowen Court?

Push back the embankment; create a Lake from the pond proposal to turn the marshland into world-class Wildlife Habitat Reserve

The EA have not considered the holts on the Mill Lane riverbank during their survey, protection must be offered to Otter habitat.

What's the impact on the value of property and will they be compensated for loss of land and disruption?

## **CONSULTATIONS**

**Historic England:** Historic England is grateful for the care and thought that has been devoted to developing methodologies behind these proposals and we are happy to support the principle. We are also confident that the archaeological dimension will be appropriately addressed by the Environment Agency advised by Exeter City Council.

**Natural England:** No objection – no conditions requested. This application is in close proximity to the Exe Estuary European Marine Site and the Exe Estuary SSSI. Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this and SSSI does not represent a constraint in determining this application.

**The Environment Agency:** The revised planning drawings and Addendum to the Planning, Design & Access Statement are in-line with the submitted Flood Risk Assessment (ref. Exeter Flood Defence Scheme v.2, dated 04/02/15).

**Network Rail:** No objection subject to necessary clearance and license agreements being in place between Network Rail and applicant prior to works taking place.

**Marine Management Organisation:** No comments received.

**DEFRA:** Application and Environmental Statement Acknowledged.

**Sport England:** Sport England does not wish to raise an objection to this application.

**Devon and Cornwall Police:** No comments received.

**Devon and Somerset Fire Service:** No comments received.

**RSPB:** No comments received.

**Exeter Civic Society:** We accept the proposals are essential works and necessary to protect homes and businesses. Strongly support proposals to create a cycle and walking track on the West bank of the river between Cowley Bridge and Station Road. To extend the Exe Valley Green Way would greatly enhance the appreciation of this attractive part of the valley. Specific suggestions are made with regards the future provision of cycle routes. The bollards are not appropriate for the Quay area as they are large and obtrusive. If bollards are the only option, the Civic Society suggest they're the same size as the ones currently present. Plastic covering for the round bollards, which seems inappropriate for the historic Quayside. Painted black steel should be the considered material. The masonry walls/posts proposed for the flood gates to close against is inappropriate because the Quayside has always been open. For the same reason, they also question the use of stone cladding because it detracts from the openness of the Quay. They suggest black painted steel instead. Object to the proposed stepped/raised terracing from Gervase Avenue to the Public House because it would make the track too narrow for both public and cyclist use. Better consideration should be given to the separation of both users, particularly at the corner of the Public House.

**Living Options:** We do not have any comment to make other than to say it is hoped consideration will be given to access needs of disabled people and in particular people with visual impairments who may be unaware of any obstructions/trip hazards.

**Cycle Touring Club:** No comments received.

**South West Water:** No specific comments.

**Highways England:** No objections.

**DCC Highways:** The updated drawings for the flood defence scheme changes are positive. Comments as follows:

Zone 1: It appears that [pre-application] comments on the previous paper regarding Zone 1 have been taken on board and the drawing includes the potential for a future cycle route from the rotating gates as proposed cycle/footpath or other surfacing.

Zone 2, Station Road: There is an aspiration for a new pedestrian / cycle bridge alongside the existing road bridge at Station Road. The flood gate on the Station side of the Station Road bridge doesn't prevent this new facility from happening but will make it more challenging. For works on the highway in such a prominent location further details will be required. In particular, there are road safety issues to consider as part of the re-profiling of footways, carriageways and crossing and installation of flood barriers, and therefore a road safety audit of the proposals should also be undertaken prior to any works taking place here. As details of these arrangements still need to be agreed, I would recommend a condition is attached in the granting of any permission.

Zone 3, Okehampton Street/ Exe Bridges: Given the height of the wall it may be prudent to provide a pedestrian barrier on the on the Exe Bridge side (north).

Zone 4, The Quay. The designers should liaise with the emergency services with regards a barrier across the road to agree a suitable design. Whilst this is not Highways Maintained at Public Expense (HMPE) – I would recommend that the cladding should be a minimum of 450mm from the carriageway edge. I appreciate that with a 4.0 metre span flood gate and the requirements of the emergency services for access the detailed design will need tweaking and possibly some compromise. As the highway is private I would not be looking for a condition.

**ECC Environmental Health:** Recommend a contaminated land condition. More investigation and assessment required at parts of site, e.g. Network Rail land. Request a Materials Management Plan to ensure the materials re-used are suitable for Public Open Space.

**ECC Heritage:** There is sufficient supporting information, in the shape of appendix H (the Heritage Statement for the Quay; the Wessex Archaeology Archaeological Fieldwork Report on preliminary site investigations), the Wessex Archaeology Desk Based Assessment, and the scheme drawings (as amended), to determine these applications from the point of view of their potential impact on the historic environment. The impact of the scheme upon the fabric and setting of the listed buildings that are affected by it, principally those on the Quay, and on other significant undesignated above ground heritage assets, is now acceptable - due to amendments made during the design and consultation process, and subject to conditions requiring prior approval of detailed design and materials in some instances (see below). The impact of the scheme upon the character of the Riverside Conservation Area, specifically at the Quay and canal basin, is now acceptable, and preserves that character, in line with the requirements of the 1990 Act and the NPPF. The impact of the scheme upon buried archaeological remains – undesignated heritage assets of varying significance - is – due to amendments made during the design process - relatively minor and is acceptable subject to an approved programme of archaeological work secured by planning condition, as is normal.

## **ECC Ecology and Green Infrastructure:**

### Flora and Fauna.

The use of the biodiversity offsetting calculator is welcome and conclusion that the scheme will be net positive for biodiversity which is confirmed. The 'manual' which sets out the maintenance regime for the completed scheme will be a vital document and should be conditioned. The 'mitigation plan' to accompany applications for European Protected Species (EPS) Licence should also be conditioned. Soils are being stored at Bromhams Farm and there is an implication that mounds are being differentiated into top and sub-soil, with separate piles for source location too. More information on methods of soil storage is required to confirm and therefore the proposed 'Soil Waste Management Plan' needs to be made a condition. We welcome the commitment to make felled timber "available to the community" and assume this includes any artists operating through the Art in the Exe project.

### Ecological design and surveys.

Badgers: Two locations with active badger setts are identified. One sett will be destroyed by embankment works and a licence will be required, accompanied by a mitigation plan.

Dormice: The survey was conducted to an acceptable standard. No dormice were found.

Otters: It is extremely difficult to confirm breeding by otters without considerable survey effort. However given the substantial number of sightings we are certain that the Higher Wear woodland is occupied by otters and I am satisfied that it is likely to be a breeding site.

Given the importance of the location, the need for an EPS licence due to construction disturbance, a pre-construction survey and mitigation plan needs to be conditioned.

Bats: The assessment has identified a number of trees and bridges as potential roosting sites. However, the report does not state how much effort was put into field survey.

Therefore, it is not possible to judge whether the lack of evidence of actual use by bats is likely to be accurate. The application relies on further survey work this summer and associated mitigation plans, and this again will need to be conditioned.

### Green Infrastructure.

The proposed seeding mixtures are suitable. Specific recommendations are made with regards soil, plant and seeding mixes which should be conditioned to be approved on a site by site basis.

## **PLANNING POLICIES/POLICY GUIDANCE**

### Central Government Guidance

NPPF - National Planning Policy Framework. Core Principles and Section 10 Climate Change, Flooding and Coastal Change.

NPPG - National Planning Practice Guidance

### Exeter Local Development Framework Core Strategy

CP9 - Transport

CP10 - Meeting Community Needs

CP12 - Flood Risk

CP16 - Green Infrastructure

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  
L1 - Valley Parks  
L3 - Protection of Open Space  
L5 - Loss of Playing Fields  
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 Documents  
Riverside Conservation Area Appraisal and Management Plan (September 2005)  
Exwick Conservation Area Appraisal and Management Plan (June 2006)

## **OBSERVATIONS**

The scheme will benefit the local community by reducing flood risk to approximately 3,270 residential and commercial properties, infrastructure and recreational assets. The scheme will significantly increase the current standard of protection to 1 in 100 (1.0% annual probability of flooding). The construction of flood defences will provide protection from flood risk and ensure long term sustainability benefits for the local community, in accordance with the principles set out in the NPPF and NPPG.

Some objections in principle have been received, on grounds of cost in particular. The level of protection afforded by the current defences will decline due to increased incidence of higher flows in the River Exe due to the impacts of climate change. Alternatives to 'in city' improvements have been considered and are discussed in the Environmental Statement but were discounted on cost and impact grounds. It is accepted on ground of social, environmental and economic sustainability that the enhancement of the City's defence against flooding from the River Exe should be improved from its current levels and that a 1 in 100 year standard is an appropriate design standard.

The NPPG guides that such defences should secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings and should conserve heritage assets in a manner appropriate to their significance. This is supported by Core Strategy Policies CP17 and CP18 and is the key test in determining this application.

The grant of planning consent does not in itself give rights to the Environment Agency to enter privately owned land. The Environment Agency will need to use its statutory powers or make arrangements with landowners to achieve access.

Local communities and others have been consulted by the applicant at pre-application stage and consulted on the originally submitted and revised plans. There is 'no objection' or support for much of the scheme as presented for consideration by planning committee. There are however some areas where there are objections (as summarised above in the Representations section) and these areas are addressed in the discussion below.

## **All Zones**

### **Changes through pre-application and application**

A detailed scheme for the landscaping and tree works can be secured and conditions 7, 8 & 9 are recommended for this purpose.

### **Outstanding issues.**

Dredging in itself would not achieve 1 in 100 year flood protection standard. The flow rate in the river channel in future flood events is anticipated to be higher than at present improving the ability of the river to naturally scour sediment material at these times. The need for dredging should therefore be lower in the future.

### **Zone 1: Cowley Bridge to St. David's Station.**

#### **Areas where there are no objection**

Proposals for flood protection walls, embankments and habitats improvements alongside railway and in fields on east bank of Exe between Cowley Bridge and Waggoners Way.

#### **Main concerns and objections raised**

Provision should be made for a walking and cycling route north of Station Road along the river. This should be at least 3m wide. This is should be part of a cycle route linking Exeter to Crediton.

Loss of trees at Waggoners Way and Olds View.

### **Changes through pre-application and application**

Network Rail have confirmed that they intend to develop their own flood defence improvements to protect the railway at Cowley, the flood gate or barrier included at pre-application stage is therefore not included.

South of Cowley Bridge there is insufficient space for a defence wall to be constructed immediately adjacent to the railway. Therefore, the scheme includes a new shallow embankment in the field next to the railway. Provision of a new access route for maintenance vehicles between the proposed flood defence embankment and the railway. At Old's View and Wagoner's Way the proposed flood defence walls in these locations will be formed from sheet piles rather than reinforced concrete.

At Exwick Health Centre the type of defence has been changed from a wall to an embankment and the proposed defence alignment is now through the garden rather than along the footpath next to the Flood Relief Channel.

The Contaminated Land Risk Assessment is conditioned to be approved with updates to include consideration of change to sheet piling at Olds View and Waggoner's Way.

### **Outstanding issues.**

The Environment Agency is constrained to the purpose of providing flood defence. The scheme includes level areas along defence tops and at embankment footings for maintenance access and these could be developed to provide cycle and pedestrian access in the future.

Trees along the water edge will unavoidably be lost through construction and replacement compensatory planting will be made elsewhere. Condition 7 is recommended to secure the details of planting.

## **Zone 2: Station Road to Exwick Playing Fields.**

### **Areas where there are no objection**

Shallow sided embankments at Exwick Playing Fields, Exwick Health Centre and Flowerpot meadow.

### **Main concerns and objections raised**

Station Road flood gates detail and safety.

### **Changes through pre-application and application**

Details of flood defence gates at Station Road and the provisions for operation of advance warning of the closure of that road to traffic can be secured by suggested condition 14.

### **Outstanding issues.**

None.

## **Zone 3: Central Exeter.**

### **Areas where there have been no objections.**

Embankment through Bonhay Park.

Brick Wall along top of existing defences at Oakhampton Street.

Ground raising and landscape works at Exe Bridges.

Raising of walls on west bank of Exe near Malthouse and Shooting Marsh Stile.

### **Areas of main concerns and objections raised.**

Disruption and impact on use of Gardens on Bonhay Road.

Royal Oak Glass parapet should be extended to Victoria Court.

Restriction to width of shared pedestrian and cycleway at The Malthouse.

Princess Alexandra Court. Proposed wall and banks will result in loss of light, views, outlook and privacy to Alexandra Court.

Eagle Cottages and Headweir Mill House. Loss of views, impact on appearance of buildings, structural and drainage concerns, environmental damage to leat area.

Bonhay Road Park. Loss of trees.

### **Changes through pre-application and application**

Princess Alexandra Court and Bonhay Meadow - The proposed flood defence is now a wall along the northern boundary of Bonhay Meadow rather than an embankment across the northwest corner of the Meadow, and returns to the flood defence embankment via a flood gate rather than a ramp.

Eagle Cottages – The proposed defence along the river frontage of the cottages has been changed from a brick parapet and self-erecting flood barrier to a flood-proof glass barrier.

### **Outstanding issues.**

At Victoria Court the proposals are not considered to result in any unacceptable loss of privacy or light. The use of glass panels in public areas is likely to result in greater wear and tear on those elements which will result in loss of transparency, poor appearance and greater maintenance cost. There is no protection of private views and the proposals are considered acceptable.

The flood defence of Eagle Cottages has been amended to avoid loss of light or views by inclusion of a glass wall mounted on the brick parapet. The lead bed material is reinstated over the foot of the defence structure. The scheme for a wall across the river elevation of Eagle Cottages protects those dwellings but also a wider flood cell on Bonhay Road. The scheme as revised is considered to adequately protect the living conditions of occupiers of those dwellings. Whilst the scheme will significantly affect the appearance of these buildings through introduction of a new wall structure along the river facade, the principle public views of this part of the defences is from the west bank of the Exe at some distance and obscured to a degree by vegetation. Provided that the facing of that wall is carried out to a suitable finish it is not considered that the objections outweigh the benefits of the scheme. Recommended condition 12 secures approval of materials.

The loss of trees at Bonhay Road Park is compensated at that location and through compensatory planting at other locations in the scheme. A detailed scheme for the landscaping and tree works can be secured and conditions 7, 8 & 9 are recommended for this purpose.

#### **Zone 4: The Quay.**

##### **Areas where there are no objection**

The design of the headwall flow control structure for the Cricklepit Mill Leat has been moved to the upstream side of the Quay Bridge which has resolved the issues of principle relating to this structure. Details of construction and finishes including to the Quay Bridge can be secured to be approved by condition. Conditions 12 and 15 are recommended for this purpose.

Length of low wall between edge of highway and open space at Haven Road.

Raising of steps between existing buildings at Waterside flats.

Length of low wall to protect Piazza Terracina and canal basin.

Waterproofing of existing glass parapets at 37 Commercial Road.

New flood proof stop boards or replacement doors to The Waterfront, Kings Wharf and Quay Cellars. These are Listed Buildings where a control of the detail of the alterations to these buildings is essential and condition 4 of the recommended Listed Building conditions would secure approval of these details.

##### **Main concerns and objections raised**

The level of protection of the Antiques Centre is not adequate and it's significantly different from the original proposal. The sump pump drainage system was not discussed. New public seating/storage structures would encroach on space between the business itself and the Riverside Cafe's Pavement License.

Suggests continuation of glass parapet along quay.

Two separate car parking area need two removable bollards.

The scheme should be continued to protect Clipper Quay, CQ Car Park entrance, Sea Scout premises and Port Royal.

Side weir and radial gate can be used to resolve flood risk.

Heritage statement which says the Quay should have an 'open nature and aspect'. Flood gate, pillar and three seats close to one another will clutter quayside.

The three 'seats' in front of King's Wharf is unnecessarily cluttered; can the shutters be stored elsewhere?

The pillar and wall should be made of local purple volcanic stone or red stone, not Torquay limestone that's shown in the plans.

The floodgate by the Waterfront's terrace would not be able to close because they have a large fixed umbrella in that position.

If the gate swings from the North-West side, what cosmetic covering will it have? Are the plastic bollards in keeping with the heritage of the Quay? Will the treatment to their six double flood doors be in keeping with the existing doors?

### **Changes through pre-application and application**

A number of alternatives to provide flood protection to the Quay have been examined in detail. To achieve 1 in 100 year protection for the Quay and Shilhay requires defences to be between 8.5 and 9.0 metres above datum. If positioned between the Antiques Centre and Quay edge the defence would need to be 1.7 metres tall. If set back at the edge of the roadway as proposed where ground levels are higher the defence height would only need to be 1.3 metres tall. A 1.7 metre high defence height would need to hold back a greater force of water and be stronger and therefore larger than the lower set back defence line.

The current proposals for a demountable 'bollard and board' demountable defence along the riverside edge of the roadway, and replacing the existing 50 bollards set at 1 and 2 metre centres with 56 larger bollards (200mm diameter and 1300mm height) set at 1.75 metre centres on the same alignment. The proposals are considered to have a far lesser negative impact on the openness of the quay and the setting of Listed Buildings (Custom House, Transit Shed, Quay House, Wharfinger's Office, 4 The Quay, Prospect PH, Rose Cottage, King's Wharf, The Vaults and Cannon Bollard) than other options identified. The 'pop-up' defence type was discounted due to capital cost, ongoing maintenance cost and impact on the quayside surfaces and buried archaeology. The benches that are proposed to store flood boards close to where they are needed will replace existing benches and planters. Overall the proposals are not considered to introduce an unacceptable level of 'clutter' to the Quay.

The proposed defence line does mean that the Antiques Centre and the Transit Shed will be outside the line of the main defences. Options for protection of the Antiques Centre have been explored and it is not considered that this building can be provided with a 1 in 100 year standard of protection without significant detrimental impact on the appearance of this building, the Quay and setting of the aforementioned Grade I, II\* and II Listed Buildings. The Antiques Centre is proposed to benefit from Individual Property Protection Measures (application of water proofing to 600mm in height and stop board in doorways) that will reduce the risk of flooding of the building from current risk levels. The Flood Protection Scheme will also reduce the flood risk at the Quay generally.

The plans have been revised to include two separate removable bollards allowing two separate entrances for car parking adjacent of the Antiques Centre.

The design of the pillar onto which the flood gate will close has been amended to reduce its apparent size and stop it reading as an element of the flood wall that extends from the wharf building.

The floodgate has been redesigned to close onto the north side of the wall avoiding obstructions to opening.

### **Outstanding issues**

No defences for Clipper Quay are included in this application on the basis of the Environmental Agencies assessment that they are not required.

The use of the radial gate in itself would not achieve a reduction in water level to achieve 1 in 100 year flood protection.

The current proposals for a demountable 'bollard and board' demountable defence along the riverside edge of the roadway, and replacing the existing bollards, with flood board storage in seating boxes distributed around the Quay is considered to have a far lower impact on the openness of the quay and the setting of the various Listed Buildings (Custom House, Transit Shed, Quay House, Wharfinger's Office, 4 The Quay, Prospect PH, Rose Cottage, King's Wharf, The Vaults and Cannon Bollard) than the other options considered. Some existing seating, bollards and other structures can be removed to reduce clutter.

The detailed design and finishes of the floodgate, bollards, box seats and wall can be secured to be approved by condition. Condition 15 is recommended for this purpose.

### **Zone 5: Exeter Canal between Trews Weir and Bridge Road.**

No specific objections have been received with specific regards the works in Zone 5. These comprise embankments alongside allotments between Trews Weir and Bromhams Farm. Timber clad walls along cycleway at Double Locks. Bank raising between Double Locks and Bridge Road.

### **Zone 6: St. James Mill Leat and Countess Wear.**

#### **Areas where there are no objection**

Embankments and channel alignments at the Northbrook Golf Course and Crematorium. Embankments and flood walls through higher wear woodland. New flow control structure at St. James Mill leat.

New flood bank at Higher Wear field.

#### **Main concerns and objections raised**

Serious concern that 30 Mill Road now excluded from the original flood protection plan.

Concerns over access impacts during construction and operation phases lorries and heavy machinery through Mill Yard through Waring Bowen Court. Access through River Exe Country Park and/or with the creation of a temporary bridge is suggested. The need for a 46m x 3.5m wide carriageway as part of the sluice gate is disputed. It'll be a visual nuisance and destroy wildlife habitats and be out of keeping, it should only be a sluice.

Question the refusal of the EA to consider an alternative route beyond Withymead on the ground it was illegal, they have evidence that it is not.

Concern that the flood gates at Waring Bowen Car Park will cause higher flood threshold levels at the former Quay and that the scheme increases flood risk along Mill Lane and Kiln House.

A number of residents on Mill Road have requested more detailed information on flood risk to their property and that individual Property Protection measures are provided.

Want reassurances over the possible risk of sewage issues due the adjacent water pumping station not being protected.

Who manages the flood gate opening and closing at Waring Bowen Court?

Push back the embankment; create a Lake from the pond proposal to turn the marshland into world-class English Heritage Wildlife Habitat Reserve.

The EA have not considered the holts on the Mill Lane riverbank during their survey protection must be offered to Otter habitat.

What's the impact on the value of property and will they be compensated for loss of land and disruption?

### **Changes through pre-application and application**

The scheme has been amended since originally submitted and now extends to provide protection to the bungalow at 30 Mill Lane.

The Environment Agency have confirmed that the provision of flood defence measures in the manner proposed does not result in additional flood risk to the undefended areas.

South West Water has been consulted on this planning application and have raised no concerns with regards the operation of their equipment in the areas. The scheme involves the sealing of manholes in the areas behind the flood defence to prevent flood water passing through the sewer network. Pumping out of water collecting behind the defences in a flood situation is also allowed for.

A scheme of management and maintenance of the flood defence structures, including responsibility for closure of the gate adjacent Waring Bowen Court can be secured by condition. Condition 13 is recommended for this purpose.

### **Outstanding issues**

The effect of the proposals on property value is not a material planning consideration.

The roads at Mill Yard and Mill Lane between Waring Bowen Court and Countess Wear Road are private highway. These areas are narrow and with dwellings tightly to the carriageway in places and are poorly suited to HGV access. There are opportunities for construction phase access from the Valley Park. It is proposed that a Construction Environmental Management Plan that requires controls of aspects of the construction phase be secured by condition. These controls can include working hours, noise and vibration, construction traffic access to the site and pollution control. Specifically measures could be required to restrict any HGV or bulk transport use of roads for construction where an alternative was available. Condition 4 is recommended for this purpose.

The scheme includes an access structure across the Mill Leat at Waring Bowen Court. The parapet being 5 metres above the Mill Leat bed and up to 1.7 metres above the adjacent car park level. The land south of the Mill Leat not having public access this would principally

impact on views from private land at Waring Bowen Court. A flow control structure that allows water flow under this structure is included and this allows for fish and otter access. The proposals include for this to be timber clad, for landscaping and wetland habitat creation upstream of the structure to reduce its visual impact. Provided these matters are adequately addressed in detail, which can be required by condition. The necessity for 3.5 metre wide access being advanced by the Environment Agency and accepted as necessary for essential access, including during flood events when access from the river side may not be achievable, this proposal is considered acceptable. Condition 7, 12 and 15 are recommended to secure appropriate details as discussed above.

Whilst a route of defence further extending the scheme in the open land southwest of Countess Wear was consulted on at pre-application stage this was discounted due to the extent of works, cost and environmental impacts. The amended alignment proposed being acceptable in principle there is no planning reason to require a longer route.

The timber clad flood defence wall and gate at Mill Road will introduce a structure near the Grade II Listed Lime Kilns that will impact on the setting of that structure. The amendments that introduced the flood defence on this alignment were made provide protection to 30 Mill Lane, which is a bungalow. Whilst the harm to the setting of the Lime Kilns is acknowledged the benefits to protecting 30 Mill Road outweigh the harm to the setting of this heritage asset.

### **FURTHER CONDITIONS**

In some locations such as at Sidings Field the defences proposed are inaccessible to the public, in others the public will come into direct contact with the defences, the defence line passes through areas of great historic significance and environmental sensitivity, for example at Eagle Cottages, The Quay and Mill Road. Particular care will need to be taken with finishes and external materials in many locations. The external materials used in the scheme should be reserved to be approved by conditions. Condition 12 is recommended to be attached to any planning consent and Condition 3 is recommended to be attached to the Listed Building consent to secure approval of materials.

The works will impact on a number of protected species (Badgers, Otters, Bats and Dormice) and the licence mitigation plans should be required to be submitted and approved. Condition 6 is recommended for this purpose.

The works proposed involve significant works of landscaping, biodiversity enhancements and tree planting which are required to make the scheme acceptable. The protection of retained features during construction is also necessary. Conditions 7, 8 & 9 are recommended for this purpose.

The works for the mitigation and enhancement of ecological and biodiversity impacts will need to be managed in the long term and it is essential that manuals are created, regardless who will be responsible for that future management, to ensure that this is done in the correct manner. Condition 11 is recommended to ensure such manuals are created.

The works will involve a great deal of movement of earth and materials and the handling thereof in an environmentally sensitive location site waste management plan that includes the movement and storage of soils is considered necessary and Condition 10 is recommended for this purpose.

The impact of the scheme upon buried archaeological remains is acceptable subject to an approved programme of archaeological work secured by planning condition. Condition 3 is recommended for this purpose.

During the construction phase there will be impacts, notably related to noise, traffic and air quality, but any impacts will be minimized through the application of appropriate mitigation measures within the design and through application of best practice during construction. These can be required to be submitted for approval and implemented by planning condition. Condition 4 is recommended for this purpose.

Further details. There are a number of areas of detail which it would be onerous to have expected at this stage but nonetheless need to be controlled in the interests of ensuring the acceptable appearance and particularly the impact on the Conservation Area and Listed Buildings of these matters. They include: The detailed design of the bollards (and covers thereto), storage benches and the fixing of these; the detailed design of each flap valve proposed; the detailed arrangement of pedestrian safety measures at the Exe Bridges junction; The detailed design and finish of floodgates at Station Road, Mill Road, and The Quay; The detailed design and fitting of Individual Property Protection measures at the Antiques Centre, Kings Wharf, and Quay Cellars. Condition 15 is recommended to be attached to any planning consent and condition 4 is recommended to be attached to the Listed Building consent to secure approval of such details.

## **CONCLUSIONS**

The proposals are sustainable in economic, environmental and social terms and accord with the relevant planning policy criteria for the site, at national and local levels. The impacts on the setting and fabric of the affected Listed Buildings is accepted, given the benefits of the scheme and the alternative options.

## **15/0172/03 RECOMMENDATION**

The Assistant Director City Development be granted delegated authority to **APPROVE** the application for planning permission subject to the following conditions (which may be varied or supplemented as appropriate):

- 1) C05 - Time Limit - Commencement
- 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 9 March 2015 as superseded by revised drawing received on 17 May 2015 and 17 June 2015, and as modified by other conditions of this consent.

**Reason:** In order to ensure compliance with the approved drawings.

- 3) No development shall commence until a written scheme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include on-site work, and off-site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development.

- 4) No part of the approved development shall take place until a Construction and Environment Management Plan (CEMP) relating to that part of the approved development, and including any preparatory and enabling works, has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of:
- a) The construction access points from the highway;
  - b) Restrictions to burning on site;
  - c) Hours of working, which unless otherwise agreed, shall be not carried out, or deliveries received, outside of the following hours: 0800 to 1800 hours Monday to Friday, 0800 to 1300 on Saturdays, and not at all on Sundays and Public Holidays;
  - d) Dust suppression measures that shall be employed as required during construction in order to prevent off-site dust nuisance.
  - e) Noise, vibration and dust control measures and practices shall be employed as required during construction in order to prevent off-site nuisance.
  - f) The recording and handling of complaints relating to construction activity.

**Reason:** To protect the amenities of existing and future residents.

- 5) No part of the approved development shall take place until a full investigation relating to that part of the approved development, and including any preparatory and enabling works, has taken place to determine the extent of, and risk posed by, any contamination of the land and the results, together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. [Access](#) shall not be allowed into any of the completed areas of works until any approved remedial works relating to that area that are required have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.

**Reason:** In the interests of the public safety.

- 6) The pre-construction surveys and mitigation plans for any works affecting European Protected Species shall be submitted to and approved in writing by the Local Planning Authority and works detailed therein shall be carried out in accordance with the approved plans.

**Reason:** In the interests of sustainable development.

- 7) A detailed scheme for landscaping, including the planting of trees and/or shrubs, the use of surface materials and soils shall be submitted to the Local Planning Authority and no development shall take place on any part of the site until the Local Planning Authority have approved a scheme for that part of the site; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, the details of soils and seed mixes and any earthworks required together with the timing of the implementation of the scheme. The landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.

**Reason:** To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

- 8) No materials shall be brought onto any part of the site or any development commenced in that part of the site, until the developer has erected tree protective fencing around all trees or shrubs to be retained, in accordance with a plan that shall previously have been submitted to and approved in writing by the Local Planning Authority. This plan shall be produced in accordance with BS 5837:2005 - 'Trees in Relation to Construction'. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development in that part of the site the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.

**Reason:** To ensure the protection of the trees during the carrying out of the development.

- 9) In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to become established and to prosper for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced with such live specimens of such species of such size and in such number as may be approved by the Local Planning Authority.

**Reason:** To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

- 10) Before works commence on any part of the development hereby approved a plan for the management of site waste, including soils, relating to that part of the development shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved plan.

**Reason:** In the interested of sustainable development and the interests of human health.

- 11) Before works commence on any part of the development hereby approved, a manual for the management of and maintenance of the ecological, biodiversity enhancements and landscaping, relating to that part of the development shall be submitted to and approved in writing by the Local Planning Authority.

**Reason:** In the interested of sustainable development.

- 12) Unless otherwise agreed in writing samples of the materials (and including the mortar, coursing and bonding of any block or brickwork), it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority. No external finishing material shall be used until the Local Planning Authority has confirmed in writing that its use is acceptable. Thereafter the

materials used in the construction of the development shall correspond with the approved samples in all respects.

**Reason:** To ensure that the materials conform with the visual amenity requirements of the area.

- 13) A scheme for the management, maintenance and operation of the flood defences (including all flow control structures and pumps) shall be submitted to and approved in writing by the Local Planning Authority.

**Reason:** In the interests of sustainable development and to ensure that provision is made for the ongoing operation of the scheme of defences.

- 14) A scheme for the advance warning of the closure of flood gates across Station Road and the management of traffic during any closure shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. This scheme shall be implemented before these gates are first brought into use.

**Reason:** In the interests of sustainable development and highway safety.

- 15) Unless otherwise agreed in writing by the Local Planning Authority those parts of the development listed below shall not be commenced until the details specified have been submitted to and approved in writing by The Local Planning Authority.

- a) The detailed design of the flood defence gates at Station Road.
- b) The detailed design of the storage benches, bollards (including coverings), flood gate, wall, and the supporting structures and foundations thereof, and works of surfacing and ground re-profiling at the Quay.
- c) The detailed design and construction of the Individual Property Protection measures to The Antiques Centre, Kings Wharf and Quay Cellars.
- d) The detailed design of the flood defence gate at Piazza Terracina.
- e) The detailed design of all flap valve closures to be provided to existing pipe outfalls.
- f) Details of the works to Quay Bridge.
- g) The detailed arrangement of the junction of the propose ramps with the footpath and cycle path at Exe Bridges North.
- h) The detailed design of the flood defence gates at Mill Road.
- i) Details of the root protection measures implemented at the London Plane Tree in design and during construction.
- j) Detailed design of the Flow Control Structure on St. James Mill Leat at Waring Bowen Court.

**Reason:** Insufficient detail has been submitted in respect of these matters to ensure a satisfactory appearance and implementation of the development.

## **15/0173/07 RECOMMENDATION**

The Assistant Director City Development be granted delegated authority to **APPROVE** the application for Listed Building Consent subject to the following conditions (which may be varied or supplemented as appropriate):

- 1) 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 9 March 2015 as superseded by revised drawing received on 17 May 2015 and 17 June 2015, and as modified by other conditions of this consent.

**Reason:** In order to ensure compliance with the approved drawings.

- 2) C08 - Time Limit - L.B. and Conservation Area
- 3) Unless otherwise agreed in writing samples of the materials (and including the mortar, coursing and bonding of any block or brickwork), it is intended to use externally in the construction of the development in shall be submitted to the Local Planning Authority. No external finishing material shall be used until the Local Planning Authority has confirmed in writing that its use is acceptable. Thereafter the materials used in the construction of the development shall correspond with the approved samples in all respects.

**Reason:** To ensure that the materials conform with the visual amenity requirements of the area to ensure a satisfactory appearance and implementation of the development in the interests of protecting the character appearance and setting of Listed Buildings and the character and appearance of the Riverside Conservation Area.

- 4) Unless otherwise agreed in writing by the Local Planning Authority those parts of the development listed below shall not be commenced until the details specified have been submitted to and approved in writing by The Local Planning Authority.
  - a) The detailed design of the storage benches, bollards (including coverings), flood gate, wall, and the supporting structures and foundations thereof, and works of surfacing and ground re-profiling at the Quay.
  - b) The detailed design and construction of the Individual Property Protection measures to The Antiques Centre, Kings Wharf and Quay Cellars.
  - c) Details of the works to Quay Bridge.
  - d) The detailed design of the flood defence gates at Mill Road.

**Reason:** Insufficient detail has been submitted in respect of these matters to ensure a satisfactory appearance and implementation of the development in the interests of protecting the character appearance and setting of Listed Buildings and the character and appearance of the Riverside Conservation Area.

APPENDIX 1 - Detailed description of works.