

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