

**ITEM NO. 6****COMMITTEE DATE:** 04/09/2017**APPLICATION NO:** 17/0946/03 FULL PLANNING PERMISSION**APPLICANT:** Mr Cox**PROPOSAL:**Environment Agency  
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

This application was originally considered by Planning Committee on 24 July and the Officer Report for that meeting is attached as Appendix A.

**Background**

Members will recall that the Planning Committee resolved to refuse this application for flood defence works at the Quay at the last meeting. Prior to the refusal notice being issued the Environment Agency (EA), as applicants, advised us that they wished to amend their proposal, and it was agreed with them that the revisions would be reported to this meeting. In order for Members to be able to best understand the proposal and the implications of alternative solutions such as flood gates, they were invited to a site inspection which was held on 22 August 22. Representatives of the Environment Agency were present to answer factual questions and to provide clarification regarding the proposal or flood protection generally in the Quay area.

**Site inspection**

EA representatives apologised for not putting across the scheme and the reasons for it more clearly before and at the last Planning Committee meeting. Verbal clarification was given for the reasons why a roller shutter across Quay Bridge is unfeasible; this relates to lack of required depth for foundations and the range of services running across the bridge. Diagrammatic details and photographic examples from elsewhere were shown.

It was clarified that the new structure will be a pedestrian/cycle bridge and it will provide access to the Samuel Jones Public House. Information was provided relating to the relationship with Quay Bridge, and the proposed materials. It was clarified that the submitted plans will not be modified, and the scheme being put forward is the same one that was resolved to be refused by Members at the last Planning Committee.

Members were advised that if the scheme being put forward is not approved, the completed flood alleviation scheme for the Quay will not include the 1 in 75 year standard of flood protection approved in 2015. This is because the 1 in 75 year standard scheme has been found to be impractical, and there will not be time or funding to pursue alternatives before the overall scheme is completed. Therefore, residences and commercial businesses on the Quay will be left largely unprotected.

Members who attended the site inspection welcomed the verbal clarification concerning the impracticalities of alternative means of protecting residential and commercial properties from flooding. They asked that this should be backed up by provision of written material. They recognised that in view of the lack of practical and affordable alternatives, provision of a structure in front of Quay Bridge may be inevitable in the interests of protecting residences and businesses on the Quay from flooding. However, they expressed concern and disappointment that the Environment Agency had not revised their plans at all following the resolution to refuse the application. It was felt that it would be better to move the proposed

structure away from Quay Bridge to minimise the impact on its appearance, and the setting of the Custom House and the wider character of the Quay area. It was considered that the close proximity of the structure to Quay Bridge would be harmful in this respect. Members also noted that the verbally described change to the scheme enabling public pedestrian access to the Samuel Jones Public House is not shown on the submitted plans, which show the new structure attached to an existing brick wall. They questioned whether it would be appropriate to approve these plans showing a 'bridge to nowhere'.

Members' views and concerns were fed back to the Environment Agency, and they are currently preparing a detailed response. It is understood that this will include:

- An explanation of why the EA believe that there is no acceptable alternative, and why in their view, a flood protection to a 1 in 100 standard outweighs the potential harm to heritage.
- Why they think that the proposal put forward is the only option the partnership can apply to construct.
- How the 'bridge to nowhere' concerns have been resolved.
- A potential alternative project that could be funded by ECC.
- A discussion on whether the structure could be moved down stream.
- Why alternative structures (i.e. roller gates) are not achievable.
- Visual appearance.

This will be circulated to Members on 1 September 2017 as part of the Committee Additional Information Sheet.

### **Commentary and recommendation**

The principal considerations in determining the scheme before the Council require balancing the conflicting aims of flood alleviation and protecting the character and setting of heritage assets. The Environment Agency have been very clear that there is no practical and financially viable alternative to the submitted proposal which can be delivered within the timescale of their current flood alleviation works. They have now provided additional material to demonstrate their case, making it more difficult to justify refusal on these grounds.

The Environment Agency has also made it clear that it will not build the previously approved scheme providing a 1 in 75 year standard of flood alleviation, as in their terms this has been found to be impractical.

The scheme will undoubtedly have an impact on the character and setting of Quay Bridge, the Grade I listed Custom House, the wider Quay area and the Riverside Conservation Area. The material submitted by the Environment Agency to date has not demonstrated satisfactorily that the proposed structure will be of the high quality design and materials that would be expected in this context. If an approval is to be granted, it is vital that the additional material that is awaited addresses this issue.

### **RECOMMENDATION**

Subject to receipt and consideration of the anticipated material described above, **APPROVAL** of the proposal as submitted is recommended. If Members are minded to agree with this recommendation, the decision will be subject to conditions securing final drawings, high quality materials; and any other information required. The final form of wording of the conditions will be agreed between the City Development Manager and the Chair of the Planning Committee prior to issuing the decision.

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