

PLANNING COMMITTEE

CHAIRMAN: Cllr Dennis Smith

DATE: 26 September 2017

REPORT OF: Business Manager – Strategic Place

ITEM: 2.

CASE OFFICER Donna Crabtree

APPLICATION FOR CONSIDERATION: STARCROSS - 17/01703/MAJ - Cockwood Harbour & Starcross Slipways, Cockwood - Tidal defence scheme to include flood gate installation and replacement, slipway raising and wall raising at tidal inlets, together with a combination of raising, repair and reconstruction of Cockwood Harbour seawall, and associated works

APPLICANT: Environment Agency

WARD MEMBERS: Councillor Connett, Kenton-with-Starcross

1. REASON FOR REPORT

This application is reported to Planning Committee as the site includes land which is owned by Teignbridge District Council

UPDATE TO PREVIOUS REPORT TO 29 AUGUST PLANNING COMMITTEE

This report is returned for the consideration of Members following deferral of the application at the Committee Meeting which took place on 29 August 2017. The application was deferred to allow further Officer consideration of technical information and any impacts on nearby buildings arising from pile driving works alongside possible alternatives, and measures to minimise and monitor vibration levels or mitigation.

Following the August Committee Meeting, the Applicant (Environment Agency) has submitted additional information for consideration comprising a Technical Note which sets out how vibrations will be monitored and what mitigation measures will be implemented.

The Technical Note explains that equipment will be used to measure vibration levels (Peak Particle Velocity) over baseline levels. Action levels are identified (initial trigger of 1.5mm/s and action level of 3.0mm/s) which would confirm if any obstruction is reached during the piling works.

Piling works would be achieved by pre-augering key positions. During these works, should the initial trigger of 1.5mm/s be reached, the contractor would stop works and retract the auger and move to the next auger position. If no further obstruction is reached, the auger would be repeated in the previous position as it is a likely isolated area which could be cleared with minimal vibration. If further obstruction is encountered, consideration will be given to adapting the design to provide a shorter pile at these locations.

If the action level of 3mm/s is reached, operations would be stopped immediately and records of obstructions checked. If the obstruction is isolated it would be passed with minimal vibration, if it is not, dependent on depth, the design would be amended to leave the sheet pile shorter.

If action levels are reached then the option of pre-drilling (auger mounted within a casing to prevent uncontrolled movement when hitting hard material) would be carried out, rather than pre-auger.

The Technical Note also confirms that structural assessments will be undertaken of the listed properties directly adjacent to the site (in exceedance of normal practice only to assess properties where there is obvious visible signs that there is already an underlying issue and potential failure of the structure).

The Teignbridge District Council Coastal and Drainage Manager has reviewed the Technical Note and accompanying documents and is satisfied that mitigation measures have been properly considered and included, and that any objections relating to structural damage have been properly addressed.

Having due regard to Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, subject to a condition requiring compliance with the Technical Note methodology, it is not considered that the proposed development would impact the structural stability of nearby listed buildings and other structures.

Therefore the application is returned for the consideration of the Planning Committee with a recommendation for approval as set out below and subject to an additional condition to require the monitoring of vibration levels and mitigation measures as set out within the submitted Technical Note to be strictly adhered to during any pile driving operations being carried out. This condition has been added as Condition 12 to the original recommendation below.

The Teignbridge District Council Environmental Health Officer notes that the Applicant intends to apply for a Section 61 Prior Consent under the Control of Pollution Act 1974 and has advised that such an application would allow the details of the works and mitigation to be agreed to ensure that the impact from the work is minimised. The Teignbridge District Council Environmental Health Officer has requested that a condition is attached requiring that a Prior Consent application under the Control of Pollution Act 1974 is submitted. Whilst compliance with non-planning legislation should not be dealt with by planning condition, it is considered appropriate to attach an informative to the application.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

1. Standard 3 year time limit for commencement
2. Development to proceed in accordance with the approved details
3. Cockwood Harbour wall shall be recorded at level 3 as set out in Historic England Guidance Understanding Historic Buildings: A Guide to Good Recording Practice and the results deposited with the Devon Historic Environment Record (HER)
4. Archaeological written scheme of investigation to be submitted to and approved by the Local Planning Authority and implemented as agreed
5. Photographic survey of Cockwood Harbour wall and Starcross Slipways shall be completed and shall inform and form part of a method statement for the proposed works to be submitted and approved by the Local Planning Authority. Method statement shall determine the extent of capping and stone to be salvaged and re-used, how capping and salvaged stone will be stored, and re-used
6. Details of a sustainable Urban Drainage System for the full period of construction shall be submitted to and approved by the Local Planning Authority
7. Notwithstanding the approved plans, submission of details/materials of the following items shall be submitted for each individual section of the scheme as relevant:
 - a) Wall capping details
 - b) Steps
 - c) Handrails (type, colour, material and method of fixing)
 - d) Flood defence gates (design, materials and levels of fixings)
 - e) Surface treatments to slipways and walkways, and pavements (including between Rock Cottage and Cockwood Harbour)
 - f) Balustrade (type, colour, material and method of fixing)
8. Sample panels of stonework shall be provided for inspection by the Local Planning Authority (to show size of stone, bonding and mortar type)
9. Details and locations for mooring rings to be installed at Cockwood Harbour shall be submitted and approved in writing by the Local Planning Authority
10. Details of street lighting and bollards shall be submitted to and approved by the Local Planning Authority
11. Recommendations and mitigation measures as set out in table 18.1 of the submitted EIA must be followed.
12. Monitoring of vibration levels and mitigation measures as set out within the submitted Technical Note to be strictly adhered to during any pile driving operations being carried out

3. DESCRIPTION

Site

- 3.1. The application site comprises four locations in Cockwood and Starcross. These locations are as follows:
 1. Starcross Site 1 - Tidal inlet at Strand Junction, Starcross;
 2. Starcross Site 2 – Tidal Inlet at Fishing and Cruising Club, Starcross;
 3. Starcross Site 3 - Tidal inlet at Generals Lane, Starcross; and,
 4. Cockwood Harbour

- 3.2. The Starcross sites lie immediately adjacent to the Exe Estuary Special Protection Area (SPA)/Ramsar site and European Marine Site. The slipways and Cockwood Harbour are not included within this SPA area, although the Harbour is designated as a County Wildlife Site, for estuarine habitats and communities.
- 3.3. Cockwood Harbour is within 2km of Dawlish Warren Special Area of Conservation (SAC); the Starcross sites are around 3km of Dawlish Warren SAC. The sites are also located directly adjacent to the Exe Estuary Site of Special Scientific Interest (SSSI).
- 3.4. The sites are located within Flood Zones 2 and 3, and the sites which are the subject of the application have been identified as key flood routes.
- 3.5. Cockwood Harbour lies within the Cockwood Conservation Area and a number of listed buildings (Grade I and Grade II) lie in close proximity to the application site. There are detailed later in this report.



Proposal

- 3.6. The application is made on behalf of the Environment Agency and proposes a tidal defence scheme, comprising flood gate installation and replacement, slipway raising and wall raising at three tidal inlet locations in Starcross, and two slipways at Cockwood Harbour, together with a combination of raising, repair and reconstruction of Cockwood Harbour seawall, and associated works.
- 3.7. The works are associated with other tidal defence works around the estuary, including the Dawlish Warren Beach Management Scheme and Exmouth Beach Management Scheme.
- 3.8. By site, the works which are the subject of this application comprise:

Starcross Site 1 - Tidal inlet at Strand Junction, Starcross

- New stainless steel floodgate installed across the tidal inlet;
- New emergency steps with historic maritime style handrails (to allow access from behind the floodgate during a high tide or storm event);
- Existing limestone walls either side of the inlet will be raised by between approximately 0.3 metres and 0.4 metres to a height of 3.55 metres AOD (walls will be made of limestone with cock and hen capping).

Starcross Site 2 - Tidal inlet at Fishing and Cruising Club, Starcross

- Top of slipway will be regraded to a height of 3.55 metres AOD;
- Resurfacing the top of the slipway and the surrounding car park;
- Regrade the area of the car park to the top of the slipway as far as the Starcross Fish and Cruising Club Building to tie in with the steps at the entrance to the building;
- Existing walls on either side of the slipway will be raised by approximately 0.2 metres and 0.3 metres to a height of 3.55 metres AOD;
- Railway fencing will be reinstated;
- Existing handrail to car park side will be replaced with a black historic marine-style handrail.

Starcross Site 3 - Tidal inlet at Generals Lane, Starcross

- Installation of a new flood gate;
- Footpath to the northern side of the inlet will be raised to the flood height of 3.55 metres AOD;
- New 1.1 metres high handrail in historic maritime-style will be fixed on top of the footpath as raised;
- Replacement steps ascending to the height of the newly-raised footpath;
- Emergency access steps will be installed on the wet side of the flood gate (to allow exit in the event of a flood or extreme high tide event);
- The lower part of a length of wall to the southern side of the inlet will be raised by approximately 0.1 metres to a height of 3.55 metres AOD using red brickwork to match the existing wall;
- Feather edge fencing will be installed on top of the newly raised wall to the south side of the tidal inlet.

Cockwood Harbour – North (from the A379 junction to the railway line)

- Flood gate clad in timber installed at the top of the northern slipway;
- New section of fillet wall will be constructed from the floodgate to merge into the existing northern harbour wall and bank at the same height;
- Reconstruction of the slipway to allow installation of the flood gate;
- Construction of a new wall (to the south) to mount the flood gate;
- New set of steps constructed to the north of the slipway (to allow access to and from the harbour if the floodgate is closed);
- Along the existing harbour wall, capping stones and handrail will be removed and the wall raised up to 0.45 metres, before capping stones replaced and a new black historic maritime-type handrail installed on top.

Cockwood Harbour – West (from southern slipway to the northern slipway)

- Repair of existing wall (which is at high enough level to provide level of flood protection required) by removing vegetation growing out of the wall and re-pointing and infilling holes and cracks.

Cockwood Harbour – South-West (from slipway to Rock Cottage)

- Flood gate clad in timber installed at the top of southern slipway;
- Reconstruct the slipway to amended gradient;
- Replacement of existing steps to allow people egress from the harbour when the floodgate is closed;
- Between southern slipway and start of the footpath in the south-eastern corner of Cockwood Harbour the existing seawall will be deconstructed down to approximately 100mm above road level and a new sheet piled wall will be installed along approximately 100 metres length in front of the existing seawall;
- Sheet piled wall will be clad using original stones removed and additional stone sourced to match the existing;
- Area existing wall and the new sheet piled wall will be backfilled and form a 1.2 metres wide pedestrian refuge along the length of the wall in the south-westerly section.

Cockwood Harbour – South-East (Rock Cottage to the railway line)

- Construction of an earth embankment up to the defence height of 3.55 metres AOD in the field directly south of the public footpath in the south-east of Cockwood Harbour;
- New access steps constructed from the Harbour to the footpath;
- Black historic maritime-style handrails will be mounted to the new steps and wall.

Discussion

Principle of Development

- 3.9. The objective of the scheme is to protect the villages of Starcross and Cockwood from current levels of coastal flooding and future increased flooding associated with climate change and sea level rise. It is estimated that the proposed scheme would reduce flood risk to over 650 residential and commercial properties.

- 3.10. The site is within Flood Zones 2 and 3 where the sequential and exception tests would apply. However, in this instance the proposed scheme is a tidal flood defence scheme, which would reduce flood risk in comparison to the existing case and therefore is acceptable in this respect.
- 3.11. The proposed development is considered to be consistent with sustainable development objectives of the Teignbridge Local Plan Policy S1A and Policy S6 it is considered that the principle of development is acceptable subject to compliance with policy.

Impact on the setting of Listed Buildings and the Character and Appearance of Conservation Areas

- 3.12. A number of listed buildings are sited in close proximity to the application sites. The listed buildings in closest proximity to the proposed works are as follows:
- Rock Cottage and The Anchor Inn (both Grade II and sited to the south side of Cockwood Harbour)
 - Ilex House, Southbrook Lodge, Southbrook and Southbrook Gardens (all Grade II and sited to the north-west of Cockwood Harbour)
 - Starcross Pumping Station (Grade I and sited directly adjacent to Starcross Site 2)
- 3.13. Cockwood Harbour is not listed but is located within the Cockwood Conservation Area. Listed buildings mentioned above lie in close proximity of the Harbour.
- 3.14. In reaching its decisions, the Council has a statutory duty to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses, and to pay special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area under Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 3.15. Historic England considers that the proposed demolition of the existing sea wall at Cockwood Harbour (on the south-west section) is a clear loss in heritage terms. The sea wall at Cockwood Harbour is not listed but it makes a very significant contribution to the character and appearance of the Conservation Area.
- 3.16. Historic England advises that in accordance with Paragraph 134 of the National Planning Policy Framework the Authority must weigh the harm against the wider public benefits offered by the enhanced flood prevention.
- 3.17. Paragraph 134 of the National Planning Policy Frameworks states:
- Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.*
- 3.18. The Teignbridge District Council Conservation Officer has advised that although there is considerable harm to the unlisted walls of Cockwood harbour and ultimately the setting of the listed buildings mentioned there is considerable public benefit

through carrying out flood prevention works. The flood prevention works would also benefit the listed buildings.

- 3.19. One letter of objection has been submitted which considers other flood defence options should be explored, including using the railway embankment for flood protection and raising the height of the existing harbour wall.
- 3.20. An options paper has been submitted in support of this application and this explains that intrusive investigations have shown that the existing wall to the south-west section of the harbour is in too poor a condition to take the additional loadings due to lack of adequate foundations and voiding beneath the wall.
- 3.21. The Teignbridge District Council Drainage Engineer has reviewed the options report and is satisfied with the conclusions as set out.
- 3.22. Historic England requests, if the Authority is minded to accept the proposals, that the existing wall is recorded at level 3 as set out in their guidance *Understanding Historic Buildings: a Guide to Good Recording Practice* and the results should be deposited with the Devon Historic Environment Record (HER) and used to inform the cladding of the new structure.
- 3.23. It is considered that there are significant public benefits of flood prevention in this instance to outweigh the harm to the character and appearance of Cockwood Harbour and the surrounding Conservation Area, subject to conditions, and that the application should be supported.
- 3.24. It is considered that attention to detail and selection of materials is vital with regards to the new-build elements of the Starcross and Cockwood proposals. Therefore it is recommended that conditions are attached to a decision notice which require details and samples of the materials to be used in the development in order that the Council can ensure that the selected materials are sympathetic to the existing character and appearance of the existing structures.
- 3.25. It is considered that a condition should also be attached to secure recording of the section of seawall at Cockwood Harbour which is proposed for demolition, as requested by Historic England.

Biodiversity/European Sites

- 3.26. As set out above, the Starcross sites lie immediately adjacent to the Exe Estuary SPA/Ramsar site and European Marine Site. The slipways and Cockwood Harbour are not included within the SPA, although the Harbour is designated as a County Wildlife Site for estuarine habitats and communities. The sites are also located directly adjacent to the Exe Estuary Site of Special Scientific Interest (SSSI).
- 3.27. Having regards to the location of the application site, a Habitat Regulations Assessment required under the Habitats Directive has been carried out to assess the impacts on the European site. The Teignbridge District Council Biodiversity Officer has completed an Assessment of Likely Significant Effect for this planning application and concludes that a full Appropriate Assessment is not required

providing a condition is attached to the planning permission requiring the development to accord with a suite of mitigation measures as set out in Environmental Statement (as set out in table 18.1) submitted in support of this application.

- 3.28. Natural England has advised that providing the proposed works are carried out in strict accordance with the details of the application which has been submitted, then it can be excluded that the application will have a significant effect on any SAC, SPA or Ramsar site. This is consistent with the advice received from the Teignbridge District Council Biodiversity Officer as set out above.
- 3.29. Having due consideration for the consultation responses of Natural England and the Teignbridge District Council Biodiversity Officer, it is considered, subject to a condition requiring accordance with proposed mitigation measures submitted as part of this application, that the proposed works are acceptable in relation to ecological interests.

Other Matters

- 3.30. Network Rail has confirmed that they have no objection to the principle of development and have provided a number of comments and recommendations relating to their requirements.
- 3.31. Similarly South West Water have no objections to the proposed development but advise that the applicant should liaise directly with them to discuss the protection of their assets.
- 3.32. It is considered reasonable to attach these comments/requirements as informatives to the decision notice.

Conclusions

- 3.33. For the reasons discussed in this report, the proposed development, comprising tidal defence works at sites in Starcross and Cockwood Harbour, is recommended for approval subject to appropriate conditions being attached to the decision notice.

4. POLICY DOCUMENTS

Teignbridge District Council Local Plan 2013-2033

S1A (Presumption in favour of Sustainable Development)

S2 (Quality Development)

S6 (Resilience)

S22 (Countryside)

EN2A (Landscape Protection and Enhancement)

EN4 (Flood Risk)

EN5 (Heritage Assets)

EN8 (Biodiversity Protection and Enhancement)

EN9 (Important Habitats and Features)

EN10 (European Wildlife Sites)

EN11 (Legally Protected and Priority Species)

EN12 (Woodlands, Trees and Hedgerows)

National Planning Policy Framework

National Planning Practice Guidance

Planning (Listed Buildings and Conservation Areas Act) 1990 (Sections 66 and 72)

Cockwood Conservation Area Appraisal

5. CONSULTEES

South West Water (18 July 2017) - Approximate location of a public sewer and water main in the vicinity of the application site. The applicant is advised to liaise with South West Water to discuss the protection of their assets.

Natural England (19 July 2017) - Subject to mitigation being secured, Natural England advised that providing the works are carried out in strict accordance with the details of the application which has been submitted, then it can be excluded that the application will have a significant effect on any SAC, SPA or Ramsar site, either individually or in combination with other plans or projects. An Appropriate Assessment of the implications of this proposal on the sites' conservation objectives should not be required.

Devon County Council Archaeologist (21 July 2017) - The proposed development lies within the historic harbour here and will have an impact upon the historic fabric of Cockwood Harbour. Any groundworks undertaken also have the potential to expose archaeological and artefactual deposits associated with the use of the harbour. Therefore the Devon County Council Archaeologist recommends a condition requiring a programme of archaeological works to be implemented.

Network Rail (24 July 2017) - No objections in principle to this proposal. Comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land are provided.

It has been confirmed that the applicant has already been in contact with Network Rail's Asset Protection Engineers about this proposal but would advise that liaison with Network Rail is continued throughout this scheme.

Environment Agency (24 July 2017) - No objections to this proposal. The submitted Flood Risk Assessment dated May 2017 is considered to be acceptable. Advice provided on pollution prevention.

Historic England (26 July 2017) - No comment on the proposals in respect of the Starcross slipways beyond noting the necessity for quality control in new materials to ensure that the character and appearance of Starcross Conservation Area is preserved.

Complete reconstruction of parts of the sea wall at Cockwood Harbour are proposed. The sea wall is not listed but makes a very significant contribution to the

character and appearance of the Conservation Area and would represent a clear loss in heritage terms.

In accordance with NPPF paragraph 134 the Authority must weigh the harm against the wider public benefits offered by enhanced flood prevention. If the Authority is minded to accept the proposals, we recommend that the existing wall is recorded at level 3 as set out in our guidance *Understanding Historic Buildings: a Guide to Good Recording Practice*.

Devon County Council Flood and Coastal Risk Management Team (1 August 2017) - Noted that the proposed development will continue to drain as currently and no in-principle objections to the proposals from surface water drainage perspective, subject to attaching a pre-commencement condition about detailed design of the proposed surface water drainage management system.

Teignbridge District Council Conservation Officer (4 August 2017) - In principle the alterations to the Cockwood flood defences are acceptable as although there is considerable harm to the unlisted walls of Cockwood harbour and ultimately the setting of the listed buildings mentioned there is considerable public benefit through carrying out flood prevention works. The flood prevention works would also benefit the listed buildings.

Therefore, supports the application subject to a number of conditions to ensure that suitable materials and detailing to preserve the character and appearance of the area.

Teignbridge District Council Biodiversity Officer (8 August 2017) - An Assessment of Likely Significant Effect has concluded that the proposal is not likely to have a significant effect on the Exe Estuary SPA or Dawlish Warren SAC, either alone or in-combination with other plans/projects, provided that permission is conditional on compliance with the suite of mitigation measures. A full Appropriate Assessment is therefore not needed.

6. REPRESENTATIONS

Three representations have been received in respect of this application for planning permission. Two of the representations do not object to the proposed development but request the following to be considered in the design:

- Fixing of suitable boat mooring rings to be attached to the perimeter harbour walls, to replace the existing
- Provision of usable means to exit the harbour when the flood gates are closed

One objection considers that other flood defence options should be explored, including using the railway embankment for flood protection and raising the height of the existing harbour wall, rather than rebuild of one section.

7. TOWN/PARISH COUNCILS' COMMENTS

Starcross Parish Council (11 July 2017) - Starcross Parish Council supports this application.

Dawlish Town Council (27 July 2017) - Resolved unanimously by members present and voting that the Council recommends no objection to this application.

8. COMMUNITY INFRASTRUCTURE LEVY

The CIL liability for this development is Nil as the CIL rate for this type of development is Nil and therefore no CIL is payable.

9. ENVIRONMENTAL IMPACT ASSESSMENT

Due to its scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA Development.

A Screening Opinion was issued to the applicant under application reference number 15/02538/SO on 1 December 2015.



