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5 April 2019

## PLANNING COMMITTEE

Dear Councillor

You are invited to a meeting of the above Committee which will take place on **Tuesday, 16th April, 2019** in the Council Chamber, Forde House, Brunel Road, Newton Abbot, TQ12 4XX at **10.00 am**

Yours sincerely

PHIL SHEARS  
Managing Director

Distribution: Councillors Smith (Chairman), Clarence (Vice-Chairman), Austen, Bullivant, Colclough, Dennis, Fusco, Hayes, J Hook, Jones, Keeling, Mayne, Kerswell, Nutley, Orme, Parker, Pilkington, Prowse, Rollason, Winsor and vacancy

Substitutes: Councillors Connett, Dewhirst, Golder, Haines, Hocking, Russell, Thorne and Wrigley

A link to the agenda on the Council's website is emailed to:

- (1) All other Members of the Council
- (2) Representatives of the Press
- (3) Requesting Town and Parish Councils

**If Councillors have any questions relating to predetermination or interests in items on this Agenda, please contact the Monitoring Officer in advance of the meeting**

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There is an opportunity for members of the public to speak on planning applications at this meeting. Full details are available online at [www.teignbridge.gov.uk/planningcommittee](http://www.teignbridge.gov.uk/planningcommittee).

Please email [comsec@teignbridge.gov.uk](mailto:comsec@teignbridge.gov.uk) or phone 01626 215112 to request to speak by **12 Noon** two working days before the meeting.

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General information about Planning Committee, delegated decisions, dates of future committees, public participation in committees as well as links to agendas and minutes are available at [www.teignbridge.gov.uk/planningcommittee](http://www.teignbridge.gov.uk/planningcommittee)

Any representations or information received after the preparation of the reports and by noon on the Friday before the planning committee will be included in the late updates sheet.

All documents relating to planning applications can be viewed online at [www.teignbridge.gov.uk/planningonline](http://www.teignbridge.gov.uk/planningonline). In the case of sensitive applications representations are not placed on the website All representations are read by the case officer and a summary of the planning matters raised is placed online instead.

## **AGENDA**

### **PART I**

**(Open to the Public)**

1. Minutes (Pages 1 - 8)  
To confirm the minutes of the last meeting.
2. Apologies for absence.
3. Agreement of the Meeting between Parts I and II.
4. Chairman's announcements

5. Declarations of Interest.

6. Public Participation

The Chairman to advise the Committee on any requests received from members of the public to address the Committee.

7. Planning applications for consideration

- a) STARCROSS - 19/00049/FUL - 50 Heywood Drive - Two storey side extension (Pages 9 - 18)
- b) KINGSTEIGNTON - 18/00942/OUT - Amberley, Broadway Road - Outline application for seven dwellings (approval sought for access and layout) (Pages 19 - 38)
- c) TEIGNMOUTH - 19/00103/VAR - Lower Point Car Park, Strand - Variation of condition 1 and removal of condition 2 08/02431/FUL (retention of storage container and buoy storage facility) to change design of and permit retention of container (Pages 39 - 46)
- d) TEIGNMOUTH - 19/00299/FUL - The Goldfish Bowl, Promenade - Change of use and conversion of storage building to mixed use (A3/A4/A5 cafe and bar premises with takeaway), alterations to front elevation to replace full height sliding doors, amend rear elevation to add screen protection and re-rendering (Pages 47 - 54)
- e) DAWLISH - 18/00950/FUL - Dawlish Warren Main Resort Grassed Area, Dawlish Warren - Installation of 34 metres high observation wheel, loading and unloading platform with guarding and kiosk (Pages 55 - 70)
- f) DAWLISH - 19/00237/NPA - Marine Parade - Application for prior approval of siting and appearance under Part 18 Class A of the Town and Country Planning (General Permitted Development Order) 2015 of a new taller sea wall and wider promenade between Boat Cove and the Breakwater as part of the South West Rail Coastal Resilience Programme. (Pages 71 - 88)

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8. Appeal Decisions - to note appeal decisions made by the Planning Inspectorate.

9. Late Representation Updates - added 12 April, 2019 (Pages 89 - 92)

**PART II (Private)**

Items which may be taken in the absence of the Public and Press on grounds that Exempt Information may be disclosed.

Local Government Act 1972 (Section 100 and Schedule 12A).

**APPENDIX 1**

**THE LOCAL GOVERNMENT ACT 1972**

**(Local Government (Access to Information) Act 1985)**

**List of Background Papers relating to the various items of reports as set out in Part I of the Agenda**

***As relevant or appropriate:***

1. Applications, Forms and Plans.
2. Correspondence/Consultation with interested parties.
3. Structure Plan Documents.
4. Local Plan Documents.
5. Local/Topic Reports.
6. Central Government Legislation.

## **PLANNING COMMITTEE**

### **19 MARCH 2019**

#### Present:

Councillors Smith (Chairman), Austen, Bullivant, Colclough, Dennis, Fusco, Hayes, J Hook, Kerswell, Nutley, Orme, Parker, Prowse, Rollason, Dewhirst (Reserve) and Haines (Reserve)

#### Members in Attendance:

Councillors Clemens

#### Apologies:

Councillors Clarence, Jones, Keeling, Mayne, Pilkington and Winsor

#### Officers in Attendance:

Rosalyn Eastman, Business Manager, Strategic Place  
Nick Hill, Solicitor  
Claire Boobier, Planning Officer  
Gary Crawford, Planning Officer  
Trish Corns, Democratic Services Officer

### **15. MINUTES**

The Minutes of the meeting held on 19 February 2019 were confirmed as a correct record subject to the following amendments:

- Minute 13(j), page 9, second paragraph – words to be added *concern regarding the speculative health issues associated with the surface material.*
- Page 10, Condition 17, first line - the words *sport pitch and* be removed, and *with operations including lighting ceasing on the other two evenings at 7pm* also be removed.
- Minute 13(k), Page 12, fourth paragraph, third line - replace the word *hall* with *space*.

### **16. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman welcomed public speakers to the meeting. He also reminded Members of the Committee that they should not vote on an application if they are not present at the meeting to hear the entire debate on the application.

### **17. DECLARATIONS OF INTEREST.**

Councillor Dewhirst declared an Appendix A interest in application 18/02312/FUL, by virtue of his ownership of a caravan storage facility, and took no part in the debate and voting.

**18. PLANNING APPLICATIONS FOR CONSIDERATION - TO CONSIDER APPLICATIONS FOR PLANNING PERMISSION AS SET OUT BELOW.**

The Committee considered the reports of the Business Manager – Strategic Place, together with comments of public speakers, additional information reported by the officers and information detailed in the late representations updates document previously circulated.

a) **NEWTON ABBOT - 19/00283/DEM - Market Square, Market Walk - Demolition of kiosks 1, 2 and 4**

It was proposed by Councillor J Hook, seconded by Councillor Hayes and

Resolved

Prior approval not required. The following conditions apply:

1. Development to be carried out in accordance with the submitted details
2. Development must be carried out within a period of 5 years from the date on which the Local Planning Authority received the application and supporting information. (16 votes for and 0 against)

b) **NEWTON ABBOT - 18/02452/FUL - Foxley House, 18 Lonsdale Road - Construction of a single storey garage**

Public Speaker, Objector – Objected on the ground of: the Town Council and Civic Society have objected to the application; loss of privacy and overlooking; overbearing; overdevelopment, light pollution from headlights; surface water drainage problems; water draining to the retaining wall of The Retreat; a survey should be undertaken of the wall and surface water prevented from draining to the wall; PDR should be removed and it be ancillary only to the main dwelling as a garage, and a fixed ridge height.

Public Speaker, Supporter – He had worked with officers to address objections resulting in a single storey garage; it will be ancillary to the main dwelling; a large plot and there will be plenty of amenity space around the garage; the Conservation officer has no objection; and it will be at a lower level than road level so will not be prominent in the street scene or overbearing for neighbours.

Comments from Councillors included: concern for the stability of the retaining wall, but acceptable with the further condition set out in the updates document; the plot is plenty large enough for the proposal with ample amenity space; ancillary use only; no planning reasons to refuse; and the view from the bedroom windows of the Spinney look directly into the garden of Foxley House.

The Business Manager advised that planning permission would be required to use the garage for anything other than a garage, which included roof raising and use as a separate dwelling.

It was proposed by Councillor Dewhirst, seconded by Councillor Dennis and

Resolved

Permission be granted subject to the following conditions:

1. Standard time condition
2. Works in accordance with approved plans
3. External materials sample
4. No additional openings
5. No development shall take place until an engineered design of the foundations and sub-structure of the garage hereby approved has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved engineered design.

(10 votes for, 4 against and 2 abstentions).

c) **TEIGNMOUTH - 18/02554/OUT - 17 Heather Close - Outline - dwelling (all matters reserved for future consideration)**

Comments from Councillors included: out of keeping with the street scene; overbearing to neighbours; the land was former amenity space which has overgrown; there is no evidence that the land is community space, and it is enclosed by hedges and fences; it would be single storey only; and the Chairman reported on a representation from one of the Ward Members raising concerns.

It was proposed by Councillor Prowse, seconded by Councillor Bullivant and

Resolved

Permission be granted subject to the following conditions:

1. Approval of the details of access, layout, scale, landscaping and appearance of the building, (hereinafter called "reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced;
2. Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission;
3. The development shall be begun before the expiry of two years from the date of the final approval of the reserved matters;
4. Development shall be carried out in accordance with approved plans;
5. Any reserved matters application shall be accompanied by a Drainage Strategy and Plan. The details shall demonstrate the results of infiltrating testing conducted in accordance with Section 3.28 of The Building Regulations (2010) (Drainage and Waste Disposal) (Part H);
6. Any reserved matters application shall be accompanied by a Construction Management Plan. The Construction Management Plan shall specify details of:
  - (i) the hours of construction works (including hours of site deliveries, parking of vehicles of site operatives and visitors);
  - (ii) loading and unloading of plant and machinery;

- (iii) facilities for the storage of plant, machinery and materials used in the construction of the development;
- (iv) the erection and maintenance of security hoardings;
- (v) a scheme for the recycling/disposal of waste resulting from the demolition and construction works;

7. As part of any reserved matters application, a Method Statement and Management Plan shall be submitted to the Local Planning Authority for written approval, for the protection of boundary planting during construction. Works shall proceed in strict accordance with the approved Method Statement and Management Plan;

8. The dwelling submitted at reserved matters stage shall be a single storey dwelling with no accommodation within the roof space.

*Informative: A note to the applicant be made on any decision issued that the area shown on the plan edged in red is dedicated highway, and this dedication would need to be removed prior to commencement of any permission.*

(13 votes for and 3 against)

d) **STARCROSS - 19/00049/FUL - 50 Heywood Drive - Two storey side extension**

The Chairman reported on a representation from the Ward Member raising concerns and the merits of deferring consideration for a site inspection.

Public speaker, objector – The seven metre high extension would be close to and on the sunny south side of no. 52; a light assessment demonstrates that it would overshadow no.52 by an additional 65% and loss of sunlight throughout the year; contrary to policy S1(e); half of the garden would be in shadow in the spring and the summer; overlooking and loss of privacy with the extension being only 1.5 metres from no.52.

Public speaker, supporter – The extension would provide additional space at ground and first floor; in accordance with policy; design is sympathetic with the street scene, and the existing building; no loss of off street parking; the existing fence will remain; the conservatory at no.52 already affects the light to its rear garden;

It was proposed by Councillor Prowse, seconded by Councillor Dewhirst and

Resolved

Consideration deferred pending a Member site inspection.

(14 votes for and 2 against)

e) **COFFINSWELL - 18/02312/FUL - Pathfield, Dacombe - Use of land for Class B8 storage (caravans, trailers and motor vehicles)**

*Councillor Dewhirst declared an Appendix A interest in application 18/02312/FUL, by virtue of his ownership of a caravan storage facility, and took no part in the debate and voting.*

Comments raised by Members included: contrary to Policy S22; the planning history indicates the site is agricultural land and not a brownfield site; unsustainable location; poor highway network; and located in an Area of Great Landscape Value.

It was proposed by Councillor Haines, seconded by Councillor Parker and

Resolved

Permission be refused for the following reasons:

1. Development in the Countryside contrary to Policy S22.
2. Effect on the local highway network.
3. Location in an Area of Great Landscape Value.

(14 votes for and 1 against)

Note: Refusal of the application was contrary to the advice of the Business Manager. The Committee considered the application unacceptable for the reasons outlined above.

f) **COFFINSWELL - 18/01844/FUL - The Bungalow, Dacombe - Replacement dwelling, detached garage and garden room**

The planning officer referred to the recommended further three conditions as detailed in the updates document.

Public speaker, supporter – the plans were amended from a dormer window design to a two storey dwelling because the Parish Council favoured the latter. The Parish Council then asked for the building to be lowered into the ground level because it considered the dwelling to high. This will be achieved but to a greater expense.

Comments made by Councillors included: the confirmed excavation works to lower the level of the dwelling would reduce the impact on the visual amenity of the area; acceptable with the additional three conditions detailed in the updates document; and the recommended construction management plan would prevent road blockages during construction on the narrow highway network.

It was proposed by Councillor Haines, seconded by Councillor Dewhirst and

Resolved

Permission be granted subject to the following conditions:

1. Standard 3 year time limit for commencement;
  2. Development to be carried out in accordance with approved plans;
  3. Parking to be provided and retained prior to first occupation of the dwelling;
  4. Removal of Permitted Development Rights for additional outbuildings, enlargements of the roof of the dwelling and extensions;
  5. Landscaping condition for boundary treatment details to be agreed and retained;
  6. Sample of stone to be used and roofing slate to be agreed prior to installation;
  7. Notwithstanding the submitted application details, the roofing material for the garden room, dwelling and garage shall be natural slate;
  8. Garden room shall be used ancillary to the dwelling and shall not be let, leased or disposed of separately from the dwelling;
  9. The recommendations and precautions in the ecological survey shall be followed and the ecological enhancement measures in the form of a small roof void in the detached garage shall be implemented;
  10. The protective barrier around trees to be retained on site as shown on the submitted tree plan shall be erected prior to commencement of any development on site including the demolition of the existing bungalow, site clearance and bringing materials and machinery onto site and shall be retained on site until the works have been completed and all materials associated with the works and machinery have been removed from site;
  11. Construction Management Plan.
  12. Surface water drainage shall be provided by means of soakaways
  13. Details of the Foul sewage package treatment plant to be installed prior to first installation and prior to occupation of the dwelling.
  14. Hard landscaping of either a permeable material or a soakaway drain.
- (15 votes for and 0 against)

g) **KINGSTEIGNTON - 18/00942/OUT - Amberley, Broadway Road - Outline application for seven dwellings (approval sought for access and layout)**

Public speaker objector – objected on the grounds of road safety; lack of pedestrian footpaths on a narrow road; use proposed pedestrian routes through Tweenaways is unpractical; the children from the proposed large family dwellings would be at risk; traffic congestion along Broadway Road would be exacerbated; and there should be no further development along Broadway Road until the road safety issues have been addressed, as recommended by the Town Council.

Public speaker supporter – Seven dwellings instead of the original five results in better utilisation of the land; the layout results in minimal impact on neighbouring dwellings in terms of overlooking; the highway works would result in improvements including that for the access, visibility splays, footpaths, traffic calming, and new pedestrian crossing; and contributions for off-site affordable housing.

The planning Officer advised that the affordable housing contribution would be £70,596 as set out in the report.

## Planning Committee (19.3.2019)

Comments from Councillors included: road safety issues; the road is too narrow and unsuitable for additional traffic; the pedestrian routes will not work in practice as human nature takes people the most direct route; drainage concerns; no construction management plan; protection of site wildlife and protected species; and further information required.

It was proposed by Councillor Rollason and seconded by Councillor Austen that the application be refused on the grounds of lack of information.

The Business Manager advised that County Highways has raised no concerns, and sufficient information has been provided to determine the current outline application. The CIL process would deal with the infrastructure contributions. In relation to affordable housing, the Government advice is not to seek contributions for developments less than 10 dwellings, however, the Council has a local policy. The application is outline for means of access and layout only. All other issues are reserved matters and therefore full details have not yet been submitted.

The Solicitor reiterated that County Highways has no objection. Therefore, a highways reason for refusal would not be viewed favourably at appeal and the Council could potentially have costs awarded against it.

An amendment was proposed by Councillor Dennis and seconded by Councillor Prowse that consideration be deferred pending a Member site inspection.

Resolved

Consideration deferred pending a Member site inspection.  
(12 votes for and 1 against)

### **19. APPEAL DECISIONS**

The Committee noted appeal decisions made by the Planning Inspectorate.

CLLR DENNIS SMITH  
Chairman

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# PLANNING COMMITTEE REPORT

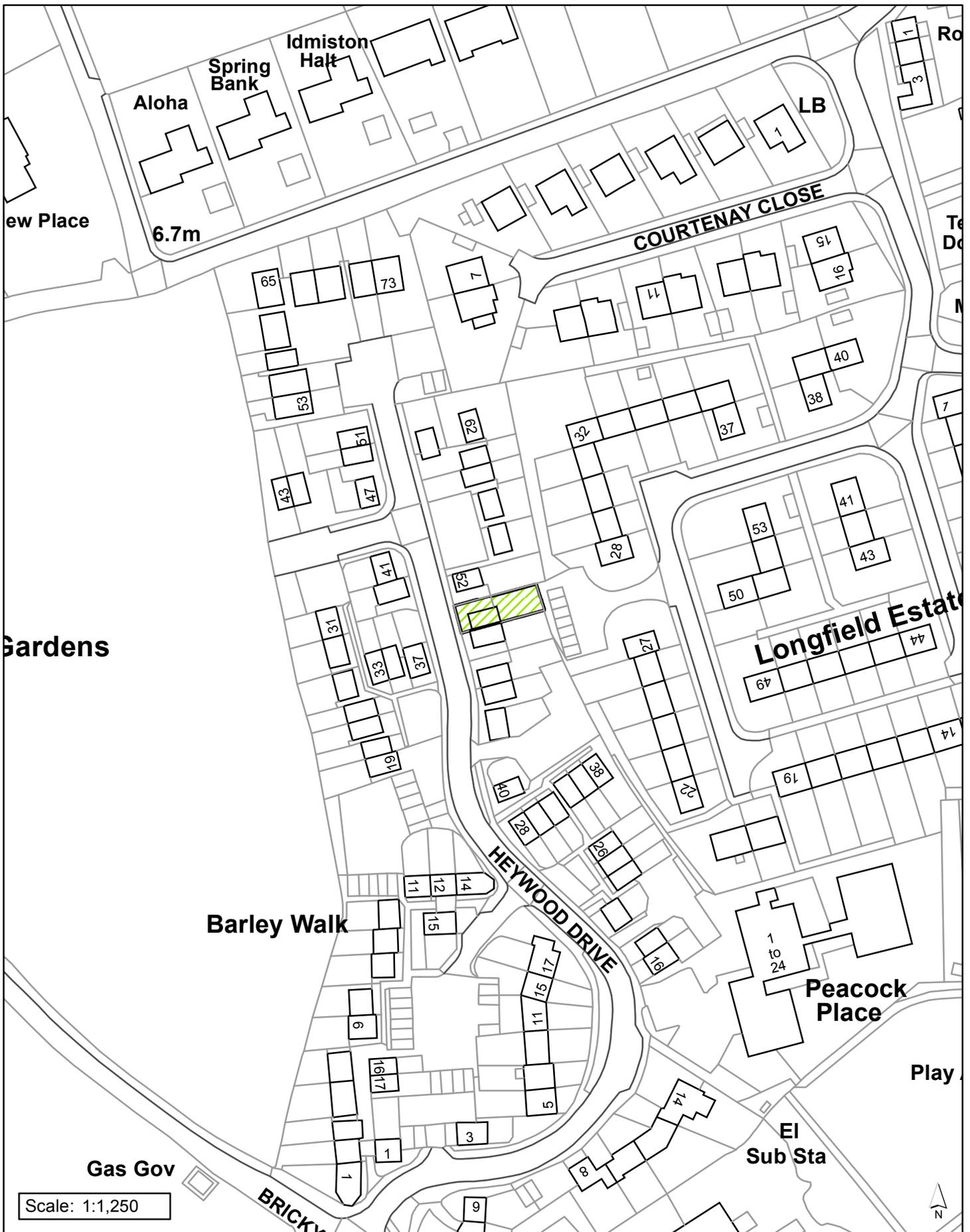
## 16 April 2019

CHAIRMAN: Cllr Dennis Smith



<b>APPLICATION FOR CONSIDERATION:</b>	<b>STARCROSS - 19/00049/FUL - 50 Heywood Drive - Two storey side extension</b>	
<b>APPLICANT:</b>	<b>Mrs Rayner and Mr Hodgson-Baylis</b>	
<b>CASE OFFICER</b>	<b>Claire Boobier</b>	
<b>WARD MEMBERS:</b>	<b>Councillor Connett</b>	<b>Kenton With Starcross</b>
<b>VIEW PLANNING FILE:</b>	<a href="https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=19/00049/FUL&amp;MN">https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=19/00049/FUL&amp;MN</a>	





19/00049/FUL - 50 Heywood Drive, Starcross, EX6 8SD



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## 1. REASON FOR REPORT

Councillor Connett has requested that this application be referred to Planning Committee for determination if the Case Officer recommendation is one of approval. The reason stated for this request relates to concerns that the size and scale of the proposal will be over-dominant in relation to the neighbouring property and street scene. A shortened off-road parking space could lead to additional on-street parking and concerns about loss of light and privacy to the occupiers of the neighbouring property.

## 2. RECOMMENDATION

PERMISSION BE GRANTED subject to conditions:

1. Standard 3 year time limit for commencement;
2. Development to be carried out in accordance with approved plans;
3. Matching materials.

## 3. DESCRIPTION

### Site and Proposal

- 3.1 The application relates to a semi-detached property located within the settlement of Starcross.
- 3.2 Planning consent is sought for a two storey side extension to the property.

### Principle of Development

- 3.3 The application relates to an extension to an existing dwellinghouse and is therefore in principle supported by Policy WE8 (Domestic Extensions Curtilage Buildings and Boundary Treatments) of the Teignbridge Local Plan 2013-2033 subject to the proposed extension being compliant with the criteria as set out in this policy and with the policies of the Teignbridge Local Plan taken as a whole.

### Residential Amenity Considerations

- 3.4 Concern has been raised in the representations received on behalf of the occupier of no. 52 Heywood Drive that the proposal would result in an overbearing impact and be overwhelming on no. 52; would result in overshadowing to its garden and result in loss of light and warmth to this property due to the position of the extension in relation to the first floor side elevation window in no. 52 and its location in relation to the conservatory at no. 52. Concern has also been raised that the windows in the west elevation would result in overlooking and loss of privacy to the occupiers of no. 52.
- 3.5 In response the agent for this application has submitted a sunlight assessment to seek to demonstrate the existing situation and how the proposal would impact on light to no. 52.
- 3.6 Having visited no. 52 this property has a first floor window in its side elevation which is sited above the stairs, this provides some light to the downstairs living room in no. 52 as a result of the open nature of the staircase in the property, which

allows light to filter down into the living room. This living room is also served by light through the conservatory erected to the rear of this property which is fully glazed.

- 3.7 Had this first floor window been sited in a habitable room or had it been the only light source to the living room it is considered that a loss of light argument could be made. However, as the window provides a secondary light source for the living room and the main light source for the living room is glazing to the rear of the property which has been partially compromised by the erection of a conservatory at no. 52, it is considered that an argument for loss of light to this habitable room would be difficult to justify particularly given that the sunlight analysis conducted does not suggest a significant level of light loss as a result of the extension. Therefore, on balance, whilst it is considered the proposal will cause some loss of light to no. 52, Officers cannot conclude that it would cause a significant loss of light to the living room or conservatory off the living room to justify a refusal on this ground. Furthermore, it is not considered that the associated loss of heat concern could be justified and an argument on either loss of light or heat grounds sustained at appeal in this case.
- 3.8 The relationship between no. 50 and no. 52 with no. 50 being sited beyond the rear of no. 52 in part results in the existing property appearing dominant when viewed from the garden and conservatory of no. 52. Whilst the proposal would bring the extension closer to the boundary with no. 52, it is not considered that it would significantly alter this existing relationship to an extent that a refusal on the extension being overbearing on no. 52 could be justified particularly given the revision in height of the extension during the course of the consideration of this application.
- 3.9 Concern has been raised about overlooking and loss of privacy to the garden of no. 52 from the windows proposed to the west. There is existing potential to overlook the rear garden of no. 52 from the existing first floor window in no. 50. Whilst the proposal would introduce an additional window closer to the boundary with no. 52; this window is not assessed to significantly increase the potential for overlooking to the garden of no. 52 above that which is currently possible. Furthermore, boundary treatment would prevent the ground floor window from causing overlooking/loss of privacy. A refusal on overlooking/loss of privacy is therefore not considered to be justified in this case.
- 3.10 Furthermore, as any first floor window in the side elevation would need to be obscure glazed and fixed shut unless above 1.7 metres from the floor level of the room in which it is sited to be permitted development, it is not considered necessary to add a condition to prevent a window being inserted in the side elevation of the extension as this would be controlled in any event by permitted development allowances. Any clear glazed window or openable window that did not meet the above restrictions would require the benefit of planning consent, the impact of which could be considered at time of application.
- 3.11 As the window to the front would face the street it is not considered that this window, which has been reduced in size during the course of the application, would raise overlooking concerns.
- 3.12 Overall, on balance, it is not considered that a refusal on residential amenity grounds could be justified in this case.

### Design Considerations

- 3.13 During the consideration of this application revisions have been made to the design of the proposal to make sure that the extension appears subservient to the host property; this has been achieved by stepping the extension down from the roof ridge and setting it back from the front of the host property. Revisions have also been made to the fenestration treatment including reducing the size and style of the front elevation window so that it matches the existing on the front elevation of the host property; the eaves of the extension have also been lowered to match those of the host property, and alterations have been made to the style and size of the windows proposed for the rear elevation of the extension to ensure that these are compatible with the existing first floor window on the rear elevation of the host property.
- 3.14 It is considered that the revisions made result in an extension that in design terms is compatible with the host property, both in style and materials, and the revised design will ensure that the extension reads as a subservient addition to the property. Furthermore, it is considered that the revisions made will ensure that the proposed extension would not appear out of character with the street scene as required by Policy S2 (Quality Development) of the Teignbridge Local Plan 2013-2033.
- 3.15 The design of the extension is therefore considered to be acceptable. If minded to approve this application a condition is recommended to ensure that the materials used for the extension match those of the existing property.

### Highway Safety and Parking Provision

- 3.16 Concern has been raised that the proposal would reduce the parking space for no. 50 resulting in parking over the pavement or increased on-street parking as a result of the proposed extension.
- 3.17 The proposal does not create an additional planning unit at this site and does not result in the loss of the existing off-street parking provision to the side of the host property which is shown to be retained.
- 3.18 Devon County Council Highways Authority have been consulted and have advised that the parking space to be retained meets Manual for Streets guidance for a recommended parking size and that this proposal will not have a severe impact on the highway.
- 3.19 There is therefore no highway safety objection to the proposal and the parking provision provided is considered adequate to serve the enlarged dwelling house.

### Other Matters

- 3.20 Concern has been raised in the representations received that the proposal could set a precedent for similar extensions, and that an alternative option would be to hip the roof rather than have the gable proposed.
- 3.21 Whilst there are always alternative options, Members must consider only whether the extension as proposed in this application is acceptable in determining the current application.

- 3.22 Furthermore, the granting of consent for the proposed development would not set a precedent for other two-storey extensions on the street as each application needs to be considered on a site-by-site basis and on its own merits. Therefore, granting consent for an extension to this property does not mean that a two storey extension to a different property would be acceptable.
- 3.23 Concern has also been raised about ongoing maintenance, however this is not a material planning consideration in the determination of this application.
- 3.24 Concern has also been raised about the loss of the side gate to no. 50 and potential this may cause for bins to be stored to the front of the property rather than behind the side gate with the loss of this access point and the impact this would have on the street scene. The existing provision of side access does not necessarily mean that the occupier would chose to keep their bins in their rear garden and therefore the loss of this access and potential for bins to be stored to the front cannot be a material consideration in the determination of this application given that there is no known requirement for the occupier to currently store their bins behind the side gate by way of planning condition or other legal agreement.

#### Conclusion

- 3.25 Whilst the concern raised by the occupier of no. 52 is recognized, it is not considered that the proposal would result in significant loss of light or an unacceptable overbearing impact to an extent that would justify a refusal of planning consent that could be sustained at appeal. The Officer recommendation is therefore, on balance, one of conditional approval.

#### **4. POLICY DOCUMENTS**

##### Teignbridge Local Plan 2013-2033

S1A (Presumption in favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

S21 (Villages)

S21A (Settlement Limits)

WE8 (Domestic Extensions, Ancillary Domestic Curtilage Buildings and Boundary Treatments)

##### National Planning Policy Framework

##### National Planning Practice Guidance

#### **5. CONSULTEES**

Devon County Council Highways - This proposal will be accessed off an unclassified highway within a residential development.

I have been asked for my observations on this application due to parking concerns.

The applicant has submitted a drawing P050. Block Plan which shows the existing parking space will remain and the dimensions of this parking space will be 2.4

metres x 4.2 metres which is the size suggested within the guidance of Manual for Streets. Therefore, this proposal will not have a severe impact on the highway.

## **6. REPRESENTATIONS**

Three objection representations have been received on behalf of the occupiers of 52 Heywood Drive (the adjacent property). These raise the following summarised concerns/objections (see case file for full representations):

1. The proposal would have an overbearing impact on no. 52;
2. The west side windows would result in overlooking and loss of privacy to no. 52;
3. The proposal would result in loss of light and heat to no. 52 due to the position of the extension blocking light to the south window in the property which provides light to the living room and would also block light to the conservatory;
4. The proposal would result in overshadowing to the garden of no. 52;
5. Concern that there would be upkeep difficulties for no. 50 because of the position of the extension on the boundary which would require access to no. 52;
6. Proposed extension contravenes Policy WE8 of the Teignbridge Local Plan;
7. Extension will restrict off-road parking space of no. 50 which will cause over-pavement protrusion or more on-street parking;
8. Concern proposal does away with direct access to the back of no. 50 via the side gate and that refuse bins, if kept to the front, could degrade street-scene;
9. Other applications for extensions on this street have been contested with similar reasons to these objections, and one was completed reworked;
10. Proposal could set a precedent for overdevelopment that would change the character of the settlement;
11. The effect of this large extension will detract from the qualities enjoyed by the occupiers of no. 52 – light, sunshine, warmth and openness;
12. Proposal contravenes local and national planning policy in respect of loss of outlook and light to habitable rooms and will have an overbearing impact on those living in its shadow;
13. It will appear overwhelming at the back, side and front, and inconsistent with the aesthetic of the street;
14. Proposal is inappropriate for such a modest house and is inconsiderate towards neighbours;
15. No similar south-side planning application has been permitted in Starcross.
16. Whilst the revisions made to pull the extension back and reduce its height are an improvement it is considered that the proposal will still affect the interior and back of no. 52;
17. A hip roof rather than a gable would make the extension less unacceptable as transpired at no. 51 to reduce the impact on no. 53 (06/06068/FUL).

## **7. PARISH COUNCIL'S COMMENTS**

Starcross Parish Council has noted the objection from the neighbouring property. However, the Parish agreed not to formally comment on the application on the grounds that members do not have the required expertise to comment on the objections raised.

**8. COMMUNITY INFRASTRUCTURE LEVY**

This development is not liable for CIL because it is less than 100m<sup>2</sup> of new build that does not result in the creation of a dwelling.

**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.

**Business Manager – Strategic Place**

# SITE INSPECTION REPORT FOR PLANNING COMMITTEE



CHAIRMAN: Cllr Dennis Smith

<b>REPORT OF:</b>	<b>Site Inspection Team – Councillors Smith (Chairman), Bullivant, Hayes, Nutley and Prowse (for Clarence)</b>
<b>DATE OF SITE INSPECTION:</b>	<b>26 March 2019</b>
<b>APPLICATION:</b>	<b>Starcross – 19/00049/FUL – 50 Heywood Drive, EX6 8SD Two storey side extension</b>
<b>WARD MEMBER</b>	<b>Cllr Connett</b>

Also present: Cllr Connett and a representative of the Parish Council.

Purpose of Site Inspection: to assess the impact of the proposals on the amenities of the neighbouring properties, particularly No.52.

*The report of the Business Manager circulated with the agenda for the meeting of the Committee on 19 March is appended for ease of reference.*

The Planning Officer reported on the extent of the site; the proposed plans, footprint, scale and height, design and elevational materials. The car parking space in front of the fence would remain. The extension would occupy an area of land at the side of the house, and would run from the position of the fence, some way along the north elevation to the end of the north elevation. The ridge height would be lower than the existing ridge height. There would be no windows in the elevation facing No.52.

The Site Inspection Team also noted the surrounding area, and that the site was south of No.52, Members assessed any potential loss of light and sunlight to the neighbours, whether the proposal would be overbearing, and if so whether the degree of this was acceptable; and the effect on the street scene.

Members considered the application acceptable subject to the conditions detailed in the report of the Business Manager circulated with the agenda.

Cllr Dennis Smith  
Chairman

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# PLANNING COMMITTEE REPORT

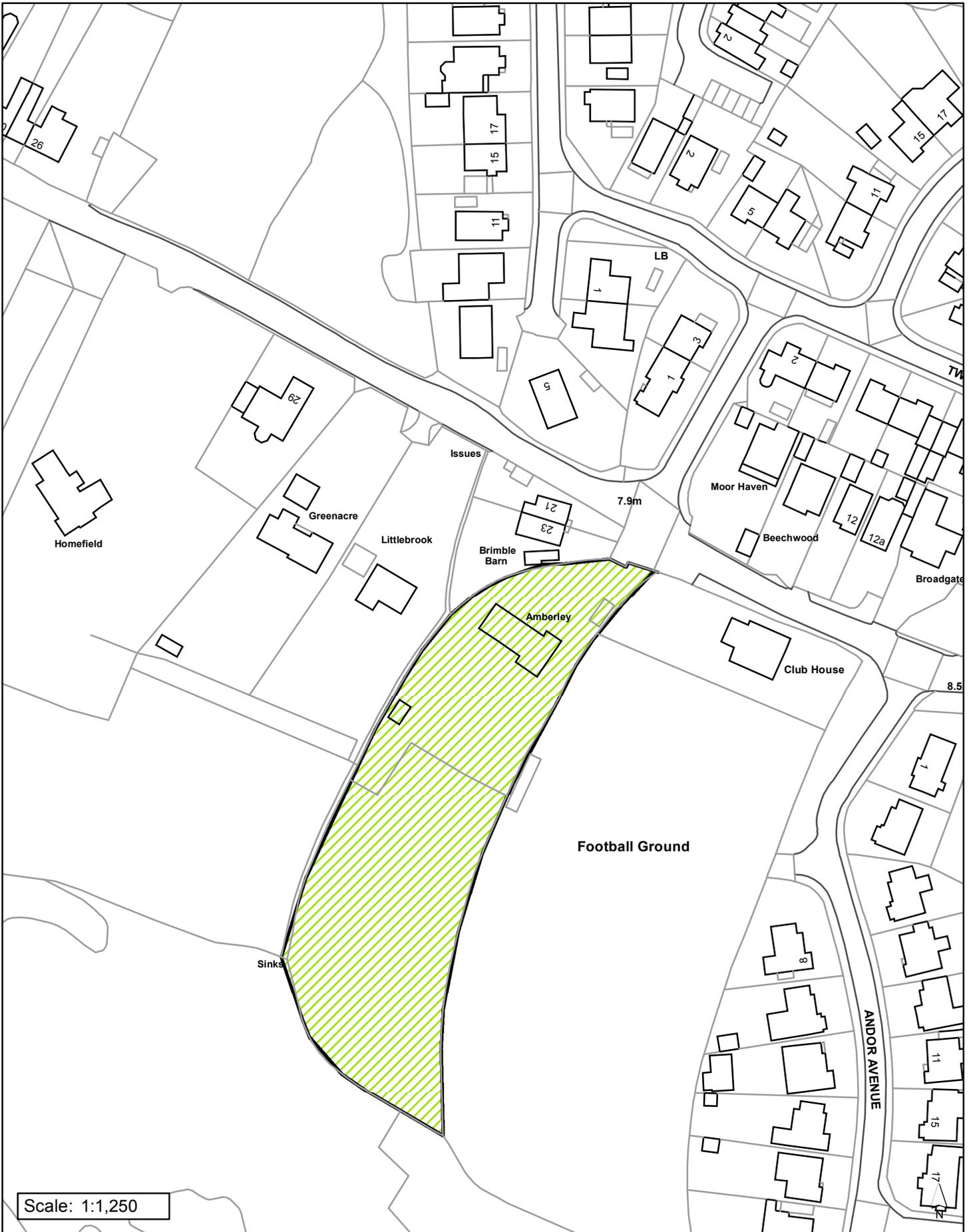
## 16 April 2019

CHAIRMAN: Cllr Dennis Smith



<b>APPLICATION FOR CONSIDERATION:</b>	<b>KINGSTEIGTON - 18/00942/OUT - Amberley, Broadway Road - Outline application for seven dwellings (approval sought for access and layout)</b>	
<b>APPLICANT:</b>	<b>Mr S Bishop</b>	
<b>CASE OFFICER</b>	<b>Donna Crabtree/Claire Boobier</b>	
<b>WARD MEMBERS:</b>	<b>Councillor Thorne Councillor Rollason</b>	<b>Kingsteigton West</b>
<b>VIEW PLANNING FILE:</b>	<a href="https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=18/00942/OUT&amp;MN">https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=18/00942/OUT&amp;MN</a>	





18/00942/OUT - Amberley, Broadway Road, Kingsteignton, TQ12 3EH



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## 1. REASON FOR REPORT

Councillor Rollason has requested that this application be referred to Planning Committee if the Case Officer recommendation is for approval. The reasons given for this request relate to road safety and dangers to pedestrians by increasing the volume of traffic on Broadway Road.

## 2. RECOMMENDATION

Subject to the applicant entering into a Section 106 Agreement to secure:

1. Financial contribution towards affordable housing (if subsequent Reserved Matters approval for scale results in the combined gross internal floor area being over 1,000 square metres);
2. Financial contribution of £5,000 towards a Traffic Regulation Order,

PERMISSION BE GRANTED subject to the following conditions:

1. Submission of reserved matters (scale, appearance and landscaping) prior to commencement;
2. Reserved Matters to be submitted within 3 years;
3. Commencement within 2 years of Reserved Matters approval;
4. Development to proceed in accordance with approved plans;
5. Landscape and Ecology Management Plan (LEMP) to be submitted to and approved in writing by the Local Planning Authority;
6. Works to the site shall proceed in accordance with recommendations of Section 5 of the Wildlife Survey Report, prepared by Butler Ecology;
7. Works to the existing building shall proceed in strict accordance with all precautions and measures described in the Bat Mitigation Method Statement, prepared by David Wills;
8. Details of a lighting scheme to be submitted to and approved in writing by the Local Planning Authority;
9. A scheme for bat, bird and hedgehog provision to be submitted to and approved in writing by the Local Planning Authority;
10. Hedges, shrubs and trees associated with the site boundaries shall be retained as flyways for foraging and commuting bats and for other wildlife;
11. Details of estate road, footways, footpaths, verges and associated highways details to be submitted to be approved in writing by the Local Planning Authority;
12. Access road for first 10 metres from its junction shall be constructed to base course level prior to other works;
13. A site compound and car park shall be constructed / designated;
14. A Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority;
15. No part of the development shall be occupied/commenced, until the off-site highways works have been completed;
16. Foul drainage from the development (and no other drainage) shall be connected to the public foul or combined sewer;
17. Notwithstanding the submitted plans, details of bin collection areas to be submitted to and approved in writing by the Local Planning Authority;
18. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority. The design of this permanent surface water drainage management system shall be in

accordance with the principles of sustainable drainage systems as set out in the Local and National SuDS Design Guidance;

19. No development shall commence until detailed design of the proposed temporary surface water drainage system (for the period of its construction) is approved by the Local Planning Authority;
20. No development shall commence until details of the adoption, maintenance and management arrangements for the approved surface water management scheme has been approved by the Local Planning Authority;
21. Parking provision, including garages, shall be retained for the purposes of parking only;
22. Finished floor levels of the development shall be set no lower than 5.6 metres above Ordnance Datum prior to occupation of any dwelling.

### **3. DESCRIPTION**

#### Site

- 3.1 The application site is a roughly crescent-shaped area of land, of approximately 0.52 hectares in area, situated to the western edge of the settlement of Kingsteignton. The site is currently occupied by a 4 bedroomed bungalow 'Amberley' which sits to the north of the application site with parking to the front and garden space to the rear and sides. The site includes grassland further south of the established curtilage of the existing dwelling.
- 3.2 The site is accessed from Broadway Road to the north. The site is bounded by mature trees to the eastern boundary of the site with Kingsteignton Football Club immediately behind, and on its western site by existing residential development for part of its length (21 and 23 Brimble Barn, and Littlebrook).
- 3.3 The site is approximately 350 metres north-east of the River Teign. The site has a shallow slope from north to south, and the southern tip of the site falls at the edge of flood zones 2 of that watercourse. There is also a ditch/watercourse parallel to the western site boundary on adjacent land.

#### Proposal

- 3.4 The proposal is to demolish the existing dwelling and to redevelop the site to deliver 7 dwellings.
- 3.5 This application seeks outline planning permission, with access and layout only for approval at this stage.

Appearance, landscaping and scale are to be dealt with at Reserved Matters stage.

#### Access

- 3.6 The National Planning Practice Guidance (NPPG) advises that Access includes the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.
- 3.7 It is proposed to use the existing site access from Broadway Road whilst improving the junction.

- 3.8 The proposed highway improvements include creating a build out to locally narrow Broadway Road to 3.6 metres (to the west of the site), with priority given to westbound traffic travelling through the narrowing, in order to reduce vehicle speeds.
- 3.9 A pedestrian crossing point would be constructed to enable residents from the proposed new development and existing residents at 21 and 23 Broadway Road, to cross the road to join the footway system on Tweenways and Wolverton Drive as a continuous safe pedestrian route linking local services to the east.
- 3.10 The dwellings would feed off a road to be taken through the site from Broadway Road, running parallel to the eastern boundary of the application site.

#### Layout

- 3.11 The NPPG advises that layout includes the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
- 3.12 The submitted layout proposes 7 detached dwellings. Plot 1 would be oriented towards the site access, plots 2-6 facing to the east, fronting the proposed internal road, and plot 7 would be orientated to the north.
- 3.13 The proposed dwellings would have allocated on plot parking, provided through detached and integral garaging and hardstanding areas within the curtilage.

### **PLANNING CONSIDERATIONS**

#### Principle of the development/sustainability

- 3.14 The site lies within the defined settlement limits as set out in the Teignbridge District Council Local Plan 2013-2033 Settlement Maps.
- 3.15 Public representations have been received, objecting to residential development in this location, as the current Local Plan review is taking place, and this includes a settlement boundary review as part of the process.
- 3.16 The settlement boundary review proposes possible amendments to the settlement boundary in Kingsteignton which would affect the application site; these are set out in the Draft Settlement Boundary Review paper.
- 3.17 In respect of the application site, the Draft Settlement Boundary Review paper proposes to reduce the extent of the settlement boundary to include only the defined curtilage of the existing property 'Amberley' and would omit the grassland beyond, which is currently included in the application site.
- 3.18 This Draft Settlement Boundary Review paper will be subject to public consultation as part of the Local Plan Review. The preparation timetable for the Local Plan review is currently as follows;
- January 2020 – Consultation on draft Plan

- November 2021 – Publication (proposed submission consultation)
- April 2022 – Submission
- July 2022 – Inspector’s Hearings
- December 2022 – Adoption

3.19 Therefore it is considered that the review has not progressed sufficiently for officers to give the proposed amendments to the settlement boundary in Kingsteignton as set out in the Draft Settlement Boundary Review paper, *any* weight, in the consideration of this application.

3.20 Moreover, giving weight to the Adopted Local Plan and defined settlement boundaries, it is considered that the principle of this development is acceptable under Policy S1 (Sustainable Development Criteria) of the Teignbridge Local Plan, subject to compliance with other policies contained in the Local Plan.

Impact upon the character and visual amenity of the area

3.22 The character of the immediate area is residential; mostly these are detached dwellings and are of varying scales, comprising bungalows, dormer bungalows and two storey dwellings, with varying designs.

3.23 The site area is just over half a hectare and therefore this development would equate to approximately 14 dwellings per hectare, which is considered to be a low density development.

3.24 Planning officers should consider whether applications for development make efficient use of the land, taking into account the desirability of maintaining the prevailing character and setting of an area.

3.25 In this instance, the proposed layout would achieve a relatively low density development of plots with a large floor area, and the site could accommodate a greater number of smaller units.

3.26 However, having regard to the location of the proposed development at the edge of settlement where densities of surrounding development are also low to medium density, it is considered that the proposed density would be acceptable in this instance. A development of a similar layout pattern exists to the east of the Kingsteignton Football Club at Andor Avenue, therefore it is considered that the proposed development would maintain the existing settlement pattern of the locality.

3.27 The proposed development would be readily visible from Broadway Road. The layout of the site has been designed so that plot one is oriented towards the entrance to the site. This layout (subject to scale and appearance to be determined at Reserved Matters stage) would create a positive frontage to the site entrance. The other plots (2-7) would be sited further from the access and there would be limited visibility from Broadway Road.

3.28 The appearance and scale of the proposed dwellings are not matters for consideration under this application for outline planning permission. Consideration of such issues and whether they are acceptable, having regards to the character and visual amenity of the area, would be at Reserved Matters stage.

- 3.29 The nature of proposed boundary treatments will also be an important element of the overall design quality of the site and would be considered at Reserved Matters stage for landscaping. The Design and Access Statement states that 1800mm high close boarded fencing with screen planting will establish over time, however this outline consent would not grant approval for such boundary treatment.

Impact on residential amenity of surrounding properties

- 3.30 The nearest residential properties are located to the west of the application site, and accessed from Broadway Road (21 and 23 Brimble Barn, and Littlebrook).
- 3.31 Letters of representation have raised a number of concerns relating to neighbouring amenity, in particular, loss of privacy and overlooking.
- 3.32 In respect of Brimble Barn, Plot 1 would be the closest property; the gable end of plot 1 would be sited between 1-2 metres from the shared boundary, which is currently formed by a timber close boarded fence. Separation distances between the gable end of plot 1 and Brimble Barn would be between 6-10 metres (with an existing single storey storage building ancillary to Brimble Barn located between).
- 3.33 Plot 2 is proposed adjacent to Littlebrook, with plots 3 and 4 being adjacent to the curtilage of Littlebrook. As set out above, these plots are orientated to face the access road to the east and therefore the rear elevations face Littlebrook and its associated curtilage.
- 3.34 The rear elevation of plots 2, 3 and 14 would be located approximately 12 metres from the shared boundary with Littlebrook curtilage. Plot 2 would be over 24 metres from the side elevation of Littlebrook.
- 3.35 The Design and Access Statement submitted in support of this application advising that the access road and the entrances to the proposed dwellings have been located along the eastern boundary of the site to ensure that the largest amount of rear garden is achieved before the western boundary with Littlebrook.
- 3.36 Having regard to the separation distances set out above, it is considered that new residential development in the layout shown on submitted plans could be achieved without unacceptable material harm to the living conditions of the occupants of 21 and 23 Brimble Barn or Littlebrook. The reserved matters details regarding appearance and scale will be important considerations in due course. Therefore it is considered that this outline application accords with Policy S1 (Sustainable Development Criteria) in relation to neighbouring amenity impacts.
- 3.37 Whilst the Design and Access Statement submitted as part of this application indicates that the intention is for 4-5 bedroomed houses, scale and appearance are Reserved Matters and therefore no approval is sought for the height of buildings or the location of fenestration as part of this outline application. The scale and design of the proposed units, and the resultant impacts on neighbouring amenity would therefore need to be considered at Reserved Matters stage, to ensure that no unacceptable neighbouring amenity impacts would arise.

### Highway safety

- 3.38 It is proposed to use the existing site access whilst improving the junction.
- 3.39 A number of public letters of representation objecting to the proposed development cite highway safety concerns. Several representations have also been received which support the proposals and consider that positive impacts on highway safety would result.
- 3.40 The proposed highway improvements include creating a build-out to locally narrow Broadway Road to 3.6 metres, with priority given to westbound traffic travelling through the narrowing, in order to reduce vehicle speeds.
- 3.41 Broadway Road has no pedestrian footway link, therefore a pedestrian crossing point would be provided at the build out, to enable residents from the proposed new development and existing residents at 21 and 23 Brimble Barn to cross the road to join the footway system on Tweenways and Wolverton Drive as a continuous safe pedestrian route linking local services to the east.
- 3.42 A swept path analysis has been submitted in support of this application and demonstrates that suitable road width and a turning head between plots 2 and 3 is provided.
- 3.43 The application is also supported by a Stage 1/2 Safety Audit which has been assessed by Devon County Council Highways Authority. The Highways Officer has advised that the number of trips this development could generate will not result in a severe effect on the highway and have no objections to the development as proposed.
- 3.44 Devon County Council Highways Officer has no objections to the application subject to a number of conditions requiring details of the proposed estate road, footways and associated highways details; the access road to be laid out for the first 10 metres of its junction with the public highway prior to commencement of the development; a site compound and car park to have been constructed prior to commencement of the development; and the submission of a Construction Management Plan (CMP).
- 3.45 The proposal for off-site highways improvements requires double yellow lines on a section of Broadway Road to ensure no parking within the priority flow. Devon County Council has advised that this will require a Traffic Order at a cost of £5,000 which will need to be secured through a Section 106 Agreement.
- 3.46 The conditions and Section 106 contribution as requested by Devon County Council Highways Authority is considered to be reasonable and it is recommended that these are attached to the decision notice should outline approval be granted.
- 3.47 The proposed dwellings would have allocated on-plot parking, provided through detached and integral garaging and hardstanding areas within the curtilage.
- 3.48 Whilst the proposed level of parking provision is considered to be acceptable, it is considered reasonable to impose a condition which requires the proposed garaging and driveway parking to be retained for this purpose.

- 3.49 In addition to the condition referenced above, Devon County Council Highways Authority has recommended a further condition requiring the submission of a Construction Management Plan (CMP); it is considered reasonable to attach this condition in order that the disruption to occupiers of nearby dwellings during the construction period is limited.
- 3.50 Subject to the conditions referred to above being attached to a decision notice and the off-site highways works being carried out, it is considered that the proposed development would not result in any unacceptable impacts on highway or pedestrian safety.
- 3.51 A letter of representation questions whether the area between the Amberley access and the highway, as shown outlined in red, is solely owned by the applicant. Highways works would be off-site and therefore delivered through a Section 278 agreement with the Highways Authority. It is recommended that a condition is attached to the decision notice restricting occupation of any dwellings until the off-site highways works have been completed. Letters of representation have also raised concern about the loss of parking spaces currently used by the owners/occupiers of numbers 21 and 23 Broadway Road, these spaces are not owned by 21 and 23 Broadway Road and therefore their displacement from using the land to park their vehicles is not a material planning consideration in the determination of this application, nor is any alternative provision for parking provision for these occupiers which has been suggested as having been agreed in representations received a requirement of the planning application. This is therefore a civil matter should the applicant wish to provide the owners of 21 and 23 Broadway Road with alternative parking provision.

#### Impact on ecology/biodiversity

- 3.52 Public letters of representation have been received in respect of ecology which object to the proposed development on the basis of harmful impacts on ecology.
- 3.53 This application is supported by an Ecological Survey which relates to the existing property 'Amberley' prepared by David F Wills and an Ecology Report for the wider site, prepared by Butler Ecology.
- 3.54 The reports have been assessed by the Teignbridge District Council's Biodiversity Officer who is satisfied with the recommendations and mitigation measures as set out in the reports.
- 3.55 The Teignbridge District Council Biodiversity Officer has recommended a number of conditions to ensure that the proposed development does not result in adverse impacts on ecology interests.
- 3.56 These conditions include the submission of a Landscape and Ecology Management Plan (LEMP); development to take place in accordance with the precautions and measures as set out in the Ecology Reports; details of a lighting scheme to be approved; and a scheme for bat, bird and hedgehog provision to be approved.
- 3.57 The conditions requested by the Teignbridge District Council Biodiversity Officer are considered to be reasonable and should be attached to the decision notice if outline consent is granted.

- 3.58 Subject to the suggested conditions being attached, it is considered that the proposed development would not result in a harmful impact on protected and priority species and the proposed development is therefore considered to be in accordance with Policies EN8 (Biodiversity Protection and Enhancement), EN9 (Important Habitats and Features) and EN11 (Legally Protected and Priority Species) of the Teignbridge Local Plan.

#### Flood risk/surface water drainage

- 3.59 The majority of the site, as identified on Environment Agency Maps, lies within Flood Zone 1 (land assessed as having a less than 1 in 1,000 annual probability of river flooding). However, the southern tip of the site falls within Flood Zone 2 (land assessed as having between a 1 in 1,000 and 1 in 100 annual probability of river flooding). The proposal for residential use in this location is classed as a 'More Vulnerable' development and therefore a Flood Risk Assessment accompanies this application.
- 3.60 As the southernmost plot (plot 7) is proposed partly in a location within Flood Zone 2, the Sequential Test must be applied in accordance with Policy EN4 (Flood Risk) of the Teignbridge Local Plan and National Planning Policy Framework (NPPF) (paragraphs 157-159). Providing that the Sequential Test can be satisfied, consistent with wider sustainability objectives, the Exception Test must also be applied and passed.
- 3.61 This application does propose a 'more vulnerable' use, and Plot 7 would be sited within Flood Zone 2.
- 3.62 The Flood Risk Assessment states that the proposed dwelling on Plot 1 would be designed with Finished Floor Levels (FFL) set approximately 0.6 metres above the predicted 0.1% (1 in 1000 year return period) flood event, and include flood resilience measures, such as raised plug sockets.
- 3.63 It is proposed that all hard standing and impermeable areas will be drained via a gravity, piped sewer network to the adjacent ditch/watercourse. Run-off will be controlled at greenfield rates and therefore the drainage strategy will not result in any increase to run-off rates or volumes discharged from the site.
- 3.64 Foul water drainage will be adopted by South West Water.
- 3.65 The application has been considered by the Teignbridge District Council Drainage Engineers. Their comments are as set out below. They have suggested a number of conditions and these are considered appropriate for addition to the decision notice.
- 3.66 As this is an outline planning application, final drainage design will be required. The Teignbridge District Council Drainage Engineers have requested conditions for the submission of detailed drainage details prior to commencement of development.

#### Affordable housing

- 3.67 The proposal for 7 dwellings on this site as set out would be required to provide 20% affordable housing in line with Policy WE2 of the Teignbridge Local Plan, which states that all open market housing sites in Kingsteignton with a capacity of

more than 4 dwellings will provide 20% affordable housing. This would equate to the provision of 1 affordable unit.

- 3.68 As noted above, the site could accommodate more development if an alternative form of development were proposed. However, it is considered that the proposed layout is appropriate in light of the character of the area surrounding the site. The proposal overall is compliant with planning policy – including in relation to affordable housing provision. Government Policy suggests that affordable housing provision should not be sought on sites of less than 10 dwellings. Comments from the Affordable Housing Enabling Team have taken this into account and, recognising the nature of the dwellings proposed on the site and the site’s theoretical capacity, they recommend an affordable housing contribution the equivalent of half of the off-site contribution for a larger affordable home. It is recommended that a financial contribution be sought (if subsequent Reserved Matters approval for scale results in the combined gross internal floor area being over 1,000 square metres) in line with the Executive report to Committee, which is to be secured by Section 106 agreement. It is considered in this instance that, in order to achieve a development that is appropriate to the character of the site, 7 dwellings represents the capacity of the site and therefore a contribution towards off-site provision to deliver affordable housing is considered to represent the policy compliant manner in which affordable housing delivery should be addressed.

#### Conclusions/Summary

- 3.69 For the reasons set out above, it is considered that the proposed means of access and layout as set out on submitted plans is acceptable, and the application is recommended for approval, subject to a Section 106 agreement to secure affordable housing (if the gross internal floor area of the dwellings as approved at Reserved Matters exceeds 1,000 square metres), a financial contribution for £5,000 for a Traffic Regulation Order, and conditions as set out in this report.

## **4. POLICY DOCUMENTS**

### Teignbridge District Council Local Plan 2013-2033

S1A (Presumption in favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

S9 (Sustainable Transport)

S15 (Kingsteignton)

S21A (Settlement Limits)

WE2 (Affordable Housing Site Targets)

EN4 (Flood Risk)

EN8 (Biodiversity Protection and Enhancement)

EN9 (Important Habitats and Features)

EN11 (Legally Protected and Priority Species)

EN12 (Woodlands, Trees and Hedgerows)

### National Planning Policy Framework

### National Planning Policy Guidance

## 5. **CONSULTEES**

Teignbridge District Council Biodiversity Officer (5 September 2018) - The Draft Bat Mitigation Method Statement is acceptable and compliance with the measures should be conditioned, in addition to a condition requiring a lighting scheme to be submitted, and a further condition requiring hedges, shrubs and trees associated with site boundaries being retained as flyways.

Teignbridge District Council Biodiversity Officer – further comments (22 October 2018) - No objections subject to conditions requiring; submission and approval of a LEMP; development to take place in accordance with the precautions and measures set out in the submitted Bat Mitigation Statement; details of a lighting scheme to be agreed; and a scheme for bat, bird and hedgehog provision to be submitted and approved.

Devon County Council Highways Authority (18 September 2018) - The Highways Authority has no objections to the application subject to a number of conditions including; submission and approval of a Construction Management Plan (CMP); details of proposed estate road, footways and associated highways details to be submitted and approved; access road to be laid out and constructed to base course level for the first 10 metres back from its junction with the public highway prior to commencement; and a site compound has been constructed prior to commencement. The Highways Authority has also advised that £5,000 for a Traffic Regulation Order will be required.

South West Water (23 August 2018) - The applicant/agent is advised to contact South West Water if they are unable to comply with their requirements as set out. Advises a condition to confirm that foul drainage (and no other drainage) shall be connected to the public foul or combined sewer.

Environment Agency (28 January 2019) - We are able to remove our objection to this proposal provided that a condition is included on any permission granted to secure the implementation of the proposed minimum finished floor level of 5.6 metres AOD.

Teignbridge District Council Drainage Engineers (18 February 2019) - In reference to application 18/00942/OUT, I can inform you that the applicant has provided some photographic evidence to demonstrate that there is an open section of watercourse on the western boundary of the site and the proposed drainage layout has been amended accordingly, to show the proposed outfall on the western boundary. However, we have received further advice from the Environment Agency in their correspondence dated 28 January 2019 - ref: DC/2018/120183/03-L01, about the watercourse as Ordnance Survey mapping indicates that it 'sinks' halfway along the western boundary. Following the advice received from the Environment Agency, I would recommend that at full planning or reserved matters stage, an inspection of the receiving watercourse is carried out by the developer to determine the suitability of the watercourse to accept the proposed controlled discharge at the existing greenfield run-off rates.

Recommendations:

A detailed drainage design is required at full planning/reserved matters stage and it is recommended that no part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority. The design of this permanent surface water drainage management system shall be in accordance with the principles of sustainable drainage systems as set out in the Local and National SuDS Design Guidance.

The following information is required to support the final drainage design:

The applicant must demonstrate that they have fully considered in detail, the use of above-ground components, and where possible, these shall be incorporated into the design of the surface water drainage system serving this development.

Surface water discharge from the development site to the watercourse shall be limited to the existing greenfield run-off rates and all surface water run-off must be managed safely on-site to, and including, the 1 in 100 year (+40% allowance for climate change) rainfall event.

Any blockages in the drainage system shall be accommodated by suitable overflows, and exceptional rainfall by exceedance flow routing.

Full details of the adoption and maintenance of the proposed surface water drainage management system is required to demonstrate that all components will remain fully operational throughout the lifetime of the development.

The finished floor levels of the proposed properties shall be set in accordance with the Environment Agency requirements.

Developer is required to carry out an inspection of the receiving watercourse, to determine the watercourses suitably to accept the proposed controlled discharge at the existing greenfield run-off rates, in accordance with the Environment Agency advice dated 28 January 2019 - ref: DC/2018/120183/03-L0.

Teignbridge District Council Arboricultural Officer (4 December 2018) - There are no arboricultural objections to the proposal.

Teignbridge District Council Cleansing Services (14 August 2018) - No objections to the proposal in principle but request further consultation on any developing detailed site plans in relation to access to and around the site by refuse collection vehicles.

Teignbridge District Council Cleansing Services (9 October 2018) - With regards to the final development, I need to be able to see that a refuse collection vehicle would be able to enter and turn on the site once it had been completed, so that the residents will be able to have their waste collected.

None of the swept paths supplied appear to show how the vehicles will access the finished estate, except for one that does refer to accessing Amberley, but this only shows a vehicle entering the beginning part of the development and not entering the estate and turning to leave.

If the vehicles are not going to be able to enter the development on completion, because the road is not intended for adoption, a space should be allocated for the

presentation of containers on collection day at the edge of the development near to where the vehicle is able to access. This will enable residents to ensure that the access to the estate is kept clear of any obstruction.

Devon County Council Highways Authority (18 September 2018) - The proposal for a double yellow line to ensure no parking within the priority flow will require a Traffic Regulation Order at a cost of £5,000. This will need to be secured through a Section 106 agreement.

The number of trips this development could generate will not have a severe effect on the highway. Therefore the Highway Authority has no objections to the application and recommends a number of conditions:

1. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

REASON: To ensure that adequate information is available for the proper consideration of the detailed proposals.

2. No part of the development hereby approved shall be commenced until:  
The access road has been laid out, kerbed, drained and constructed up to base course level for the first 10 metres back from its junction with the public highway  
A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority

REASON: To ensure that adequate on-site facilities are available for all traffic attracted to the site during the construction period, in the interests of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents;

3. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:
  - (a) the timetable of the works;
  - (b) daily hours of construction;
  - (c) any road closure;
  - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8 a.m. and 6 p.m. Mondays to Fridays inc.; 9 a.m. to 1 p.m. Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the Local Planning Authority in advance;
  - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
  - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
  - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing

- materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works;
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site;
- (k) details of wheel washing facilities and obligations;
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes;
- (m) Details of the amount and location of construction worker parking;
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work.

Teignbridge District Council Housing Enabling Officer (7 March 2019) - I understand that the planning assessment regarding the number of dwellings has been found to be acceptable as a proposal for 7 dwellings (although due to site area and plot size this will be large 5 bed dwellings). Enablers consider that it remains important to note that the site area would have capacity to accommodate more dwellings than this - because site capacity has implications for the adopted Local Plan policy affordable housing threshold, off site calculations and relationship to the National Planning Policy Framework and Written Ministerial Statement.

As previously noted, Housing need in Kingsteignton and Teignbridge remains high. Recent housing affordability research has provided the Council with evidence of the increasing problems with housing affordability in Teignbridge. Local housing cost ratios compared to incomes have gone up from 8.89 in 2014 to 10.78 in 2017. This is a sharp rising trend and we are awaiting figures for 2018 which are expected to be similar to the housing affordability gaps in London. For Teignbridge, the gap between local incomes and house prices is widening, which makes the need for Affordable Housing all the more pressing.

In this case we consider that requesting an off-site affordable housing contribution would be appropriate, and under adopted Local Plan policy WE2 (para 4.7) this would require provision for 1 dwelling. As the proposal is for large detached plots we consider that the off-site affordable housing calculation should be based on 5 bed dwellings to be calculated in accordance with the Interim policies approved by the Executive in Sept 2016. A copy of the Exec report is attached – although the contribution amounts have since been uprated twice due to rising build costs (using BCIS data). A Local Plan policy compliant affordable housing financial contribution in this case would now be £141,193.

Taking account of the National guidance regarding affordable housing thresholds and measures to assist the viability of small residential proposals, while at the same time balancing the local evidence of affordable housing needs, the payment of a moderated affordable housing sum could be considered appropriate in this case. A moderated Affordable housing payment could be required in this case at half the Local Plan compliant amount which would be £70,596.

Housing Enabling would be able to withdraw its objection to the current scheme if an acceptable off-site affordable housing payment were to be secured in association with this proposal.

Teignbridge District Council Environmental Health Officer Contaminated Land (3 August 2018) - No objections.

## 6. REPRESENTATIONS

16 public representations have been received in respect of this outline application at the date of drafting this Committee Report: 8 in objection, 3 in support and 5 general comment.

A summary of the matters raised in objection to the proposed development is as follows:

1. Assessment of traffic conditions in the proposed access changes are not fully considered;
2. Visibility when exiting Tweenways in an easterly direction and exiting Andor Avenue in both directions is restricted to approximately 25 metres, with serious accidents having occurred at both junctions but no fatalities experienced;
3. Current parking availability will be reduced by the change in access to the subject site;
4. Parking facilities at football ground are insufficient for the number of visitors on match and training days, excess vehicles park in surrounding roads creating obstructions;
5. Insufficient safe pedestrian walkways along Broadway Road, which is also poorly lit;
6. Proposed pedestrian crossing provides inadequate visibility for pedestrians and vehicular traffic;
7. Proposed dwellings are located outside the Teignbridge Development Boundary
8. Proposed dwellings close to Flood Zone boundary;
9. Too many family-sized houses on this development;
10. Development would result in a busy junction directly adjacent to Tweenways which is already a busy junction;
11. Development would result in increase in vehicular traffic;
12. Houses would be too close to the siting of a new road which was granted planning permission in 2013;
13. Loss of parking spaces for owners/occupiers of numbers 21 and 23 Broadway Road;
14. Increased noise and air pollution (traffic fumes) from queuing traffic from proposed traffic calming measures;
15. Lack of ecological assessments and flood risk work. Sequential and exception tests must be carried out;
16. Proposed access would be too close to existing football club access;
17. Highways works proposed on land outside the application red lined area;
18. Objection to surface water discharge into existing leat which runs full in storm events;
19. Adverse impacts on ecology including water voles, badgers and bats;
20. No affordable housing proposed;
21. Dwellings would result in adverse neighbouring amenity impacts by way of overlooking and loss of privacy;
22. Proposed dwellings outside of established building line;
23. Unacceptable impacts on the root protection zones of mature trees;
24. The red lined areas includes land not owned by the applicant.

A summary of the matters raised in support of the proposed development is as follows:

1. Re-design of the junction between Broadway Avenue and Broadway Road will reduce speeding, stop vehicles parking on or near the junction, improve visibility for vehicles exiting Broadway Avenue and would improve pedestrian access;

2. CIL will be generated;
3. Nice to see some larger quality bespoke houses;
4. Proposed dropped kerb crossing at end of Tweenways which will ease access for pedestrians with limited mobility.

A summary of the matters raised in the general comments is as follows:

1. Understand that the owner of Amberley has agreed terms with owners of 21 and 23 Broadway Road to provide them with private parking spaces within their front gardens, in exchange for withdrawing their objections to loss of parking that they would face if the development were to proceed. If this is correct an amendment should be made to reflect this change. [Case Officer note: This would be a separate matter and is not part of the consideration of this application];
2. Works appear to be taking place on the site;
3. Consider the amended FRA to be flawed;
4. Consider Swept Path Analysis shows that vehicles will barely be able to make the intended turns and only if precisely follow the correct paths;
5. The site access road, visitor parking and bin storage area remain very close to football ground boundary and would affect roots of hedge and trees that form boundary;
6. Concern planning boundary does not include land to the north adjacent to Broadway Road. This land will be needed to form the access onto Broadway Road and the developer does not own this land, and ownership situation is not clear;
7. Proposal will reduce current parking availability;
8. There is insufficient safe pedestrian walkways;
9. Access would be better accommodated if directed to the southern end of site;
10. Road calming will slow traffic with the adverse effect of standing traffic creating more fumes.

## **7. TOWN COUNCIL'S COMMENTS**

No further development on Broadway Road should be permitted until Broadway Road is made safe for pedestrians and traffic calming measures and a pavement is put in place. The Town Council consider that additional houses are too much of a strain on the access to this site and would provide additional strain on Broadway Road. As a European Protected Species Development Licence for bats is required the Town Council would ask for a copy of this, when approved, for our records, to ensure this is received prior to commencement of any work.

## **8. COMMUNITY INFRASTRUCTURE LEVY**

This is an outline application. CIL liability will be calculated when the reserved matters application is submitted.

## **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.

**Business Manager – Strategic Place**



# SITE INSPECTION REPORT FOR PLANNING COMMITTEE



CHAIRMAN: Cllr Dennis Smith

<b>REPORT OF:</b>	<b>Site Inspection Team – Councillors Smith (Chairman), Bullivant, Hayes, Nutley and Prowse (for Clarence)</b>
<b>DATE OF SITE INSPECTION:</b>	<b>26 March 2019</b>
<b>APPLICATION:</b>	<b>Kingsteignton - 18/00942/OUT – Amberley, Broadway Road, Outline application for seven dwellings (approval sought for access and layout)</b>
<b>WARD MEMBERS</b>	<b>Cllrs Rollason and Thorne</b>

Also present: Cllr Austen

Apologies: Cllr Rollason and Colclough.

Purpose of Site Inspection: to assess the impact of the proposals on the highway and amenities of the neighbouring properties.

*The report of the Business Manager circulated with the agenda for the meeting of the Committee on 19 March is appended for ease of reference.*

*Additional information submitted by the applicant was circulated to all members of the Committee prior to the site inspection.*

The Planning Officer reported on the extent of the site; the layout and footprint plan for the seven detached dwellings, and the proposed improvements to the existing access.

The access improvements included:

- 1) Build out to create single priority lane travelling westbound through junction of Amberley and Tweenaways.
- 2) Alterations to Tweenaways junction to improve visibility splay in both directions.
- 3) Pavement creation adjacent to 21 Broadway Road - serving Amberley, 21 and 23 Broadway Road and Kingsteignton Athletic Football Club.
- 4) Pedestrian Crossing from new pavement to existing safe pedestrian routes serving Kingsteignton.
- 5) Additional double yellow lines.
- 6) Safe routes identified for pedestrians to walk to village amenities such as schools, medical centre and convenience store.

The Site Inspection Team also noted the surrounding area; the lack of footpath along Broadway Road; proposed alternative safe routes to amenities, particularly to the local shops and primary schools; and that landscaping details was a reserved matters issue.

Members considered the application acceptable subject to the conditions detailed in the report of the Business Manager circulated with the agenda.

Cllr Dennis Smith  
Chairman

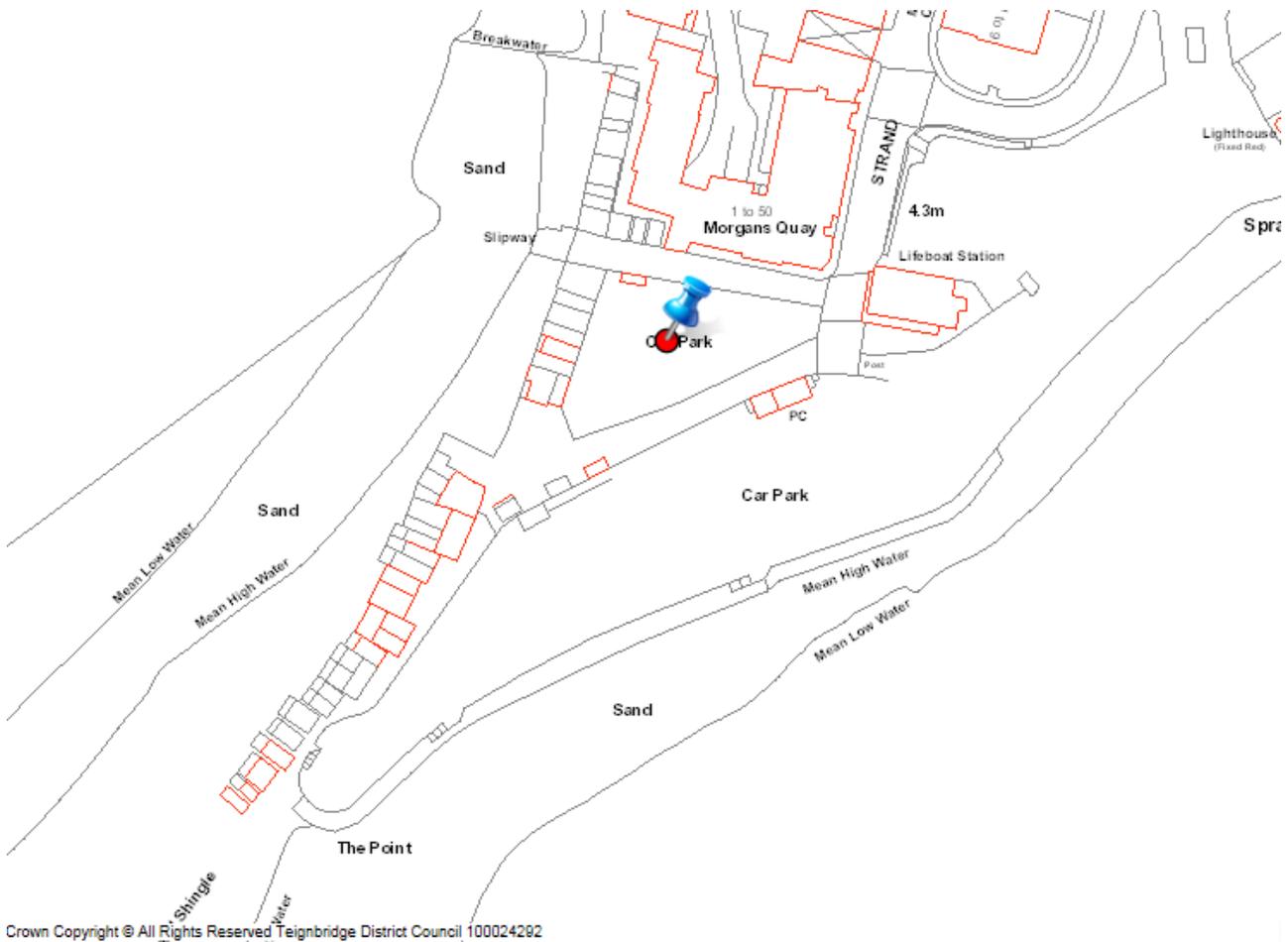
# PLANNING COMMITTEE REPORT

## 16 April 2019

CHAIRMAN: Cllr Dennis Smith



<b>APPLICATION FOR CONSIDERATION:</b>	<b>TEIGNMOUTH - 19/00103/VAR - Lower Point Car Park, Strand - Variation of condition 1 and removal of condition 2 08/02431/FUL (retention of storage container and buoy storage facility) to change design of and permit retention of container</b>	
<b>APPLICANT:</b>	<b>River Teign Rowing Club</b>	
<b>CASE OFFICER</b>	<b>Estelle Smith</b>	
<b>WARD MEMBERS:</b>	<b>Councillor Russell Councillor Fusco</b>	<b>Teignmouth East</b>
<b>VIEW PLANNING FILE:</b>	<a href="https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=19/00103/VAR&amp;MN">https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=19/00103/VAR&amp;MN</a>	





## 1. REASON FOR REPORT

Teignbridge District Council is the land owner.

## 2. RECOMMENDATION

SUBJECT TO: A consultation response being received from the Environment Agency,

PERMISSION BE GRANTED subject to the following conditions:

1. Development to be carried out strictly in accordance with the works shown in the submitted details
2. Sample of finished material to be used for the external walls to be agreed

As well as any other conditions required to remove any concerns raised by the Environment Agency.

## 3. DESCRIPTION

- 3.1 Within the Teignmouth Conservation Area in Lower Point car park, the site is situated between the Grade II Listed Lifeboat Station and Back Beach. Behind the ferry office on the slipway sits a metal shipping container which has been sited within the car park for a number of years. The site is within Flood Zone 2/3.

### 3.2 Planning History

00/02614/FUL - Provision of storage container. Approved on 4 July 2000

03/03084/FUL - Renewal of planning permission 00/2614/28/3 for use of storage container. Approved on 1 August 2003

08/02431/FUL - Retention of storage container and buoy storage facility. Approved on 6 October 2008 with the following additional conditions:

Condition 1 - The structure hereby permitted shall be removed and the land restored to its former condition on or before 2 October 2011 in accordance with a scheme of work to be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of visual amenity.

Condition 2 - The development shall be undertaken in accordance with the submitted flood risk assessment. However, notwithstanding the contents of this document, the structure shall also be securely fixed to the ground.

REASON: In case the structure cannot be temporarily removed, as proposed, in times of flood.

- 3.3 The application relates specifically to the last application for the site, reference 08/02431/FUL, and seeks to vary Condition 1 and the removal of Condition 2 of that

approval to permit retention of the container and to clad it. The container is used by the River Teign Rowing Club (RTRC) for the storage of their equipment, including oars, rudders, life jackets, etc.

- 3.4 The RTRC, we are told, is long established in the local area and has a functional requirement to store items at this location for health and safety reasons. The application submission advises that upgrading the external appearance of the container would remove the need for a temporary permission to be re-issued (reason given for the temporary permission was “in the interests of visual amenity”). The applicant suggests the proposal would result in the structure being in the same style as the local area. Approval of the application would enable the RTRC to continue with their activities in the long term.
- 3.5 Timber shiplap boarding is proposed with a felt covered roof and retention of double doors for access in the west elevation and a steel security door in the north elevation.
- 3.6 Teignbridge Local Plan Policy S1A (Presumption in Favour of Sustainable Development) sets the criteria against which all proposals will be expected to perform well. It advises that the Local Planning Authority should take into account whether the adverse impacts of granting permission would outweigh the benefits of the development.
- 3.7 Impact upon setting of listed buildings and the character and appearance of the Conservation Area
- 3.8 The Conservation Officer has raised no objections. It is considered that the development will not appear unduly incongruous sitting between the two storey beach huts and the Teignmouth/Shaldon Ferry shelter and office and therefore neither the character and appearance of the Conservation Area or the setting of the Listed Building will be compromised. It accords with Policy EN5 (Heritage Assets).
- 3.9 In coming to this decision the Council must be mindful of the duty as set out in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building, its setting and features of special architectural or historic interest which it possesses, and have given it considerable importance and weight in the planning balance.
- 3.10 It must also be mindful of the duty as set out in section 72 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 a conservation area, and have given it importance and weight in the planning balance.
- 3.11 Impact upon the character and visual amenity of the area
- 3.12 Back Beach and the access roads including the slipway are a thriving, bustling mixed use area with holiday makers, visitors, restaurants, cafes, pubs and maritime businesses all working together to create a vibrant atmosphere, especially at weekends and over the summer. It is considered that the activities of the RTRC contribute positively to this and that the permanent retention of the storage use and the upgrading of the appearance of the container would not impact detrimentally on

the character and appearance of the locality. As such it accords with Policy S1 (Sustainable Development Criteria) and S2 (Quality Development) in this respect.

3.13 Impact on residential amenity of surrounding properties

3.14 As the RTRC has used the current structure for at least 18 years it is not considered that the permanent storage use here or the development would detrimentally impact on the amenities of the occupiers of neighbouring properties. As such it would accord with Policy S1 (Presumption in favour of Sustainable Development)

3.15 Land drainage/flood risk

3.16 A late consultation to the Environment Agency is awaited in view of their comments forming their consultation reply in 2008, whereby they requested that the container is fixed to the ground in case of flooding, and that any application for renewal should be reviewed in light of guidance that would be current at that time and following any flood events during that period. If they are satisfied then the development would accord with Policy EN4 (Flood Risk).

3.17 Highway safety

3.18 It is not considered that the use of development would detrimentally impact on highways safety. The land is not part of the public highway and is protected to the west by a yellow box restricting improper parking. Any activity here is clearly visible to car park users so conflict between the use and public parking would be minimal.

3.19 Policy WE13 (Protection of Recreational Land and Buildings) of the Teignbridge Local Plan 2013–2033 seeks to maintain a range of accessible services within an area, the redevelopment or loss of retail, leisure, community, and other key local community and commercial facilities, for another use will not be permitted unless one of the following criteria apply:

- a) there will continue to be a sufficient choice of that type of provision within the local area;
- b) the existing use is causing a significant problem which can only be resolved with relocation and which outweighs the loss of that type of provision;
- c) the proposed replacement use has significant benefits which outweigh the loss of that type of provision; or,
- d) it can be demonstrated that the use is no longer necessary or viable in the long term.

3.20 The RTRC has over 400 members and numbers are growing yearly. The activity is supported by a number of healthcare practitioners (by way of representation) as well as by local and government policy promoting active lifestyles. It is considered that the public benefit of the continued permanent use and operational development, in order to improve the visual amenity here would outweigh any objections and should therefore be supported.

#### **4. POLICY DOCUMENTS**

Teignbridge Local Plan 2013-2033

S1A (Presumption in favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)  
S21A (Settlement Limits)  
WE13 (Protection of Recreational Land and Buildings)  
EN4 (Flood Risk)  
EN5 (Heritage Assets)

National Planning Policy Framework

National Planning Practice Guidance

## 5. **CONSULTEES**

Environment Agency – Awaited (Due 1 April 2019)

Conservation Officer - Do not wish to comment on this application and will accept the Case Officer's decision.

## 6. **REPRESENTATIONS**

212 letters of representation have been received.

13 making comment:

1. There is no clubhouse for the rowing club
2. Club have to manage with assets they have
3. Club already held back by lack of suitable facilities
4. The container has been there for many years
5. Container does need tidying up
6. Proposed cladding is in keeping with the area
7. 350 rowers use the facility, year round
8. Container is used to store safety equipment, oars and rudders and life jackets, etc.
9. Also houses private boat owners equipment (pay to store)
10. Back Beach is the only place to safely launch boats
11. If refused all equipment would need to be transported each time
12. Oars especially difficult to transport, both physically and safely
13. Rowing Club is an important training facility
14. Rapidly growing club
15. Members highly regarded
16. Brings vibrancy to the Back Beach
17. Promotes a healthy lifestyle, physically and mentally
18. Its loss would put Regatta in jeopardy
19. Rowing club is a non-profit making organization
20. British rowing see club as one of the most diverse coastal-run clubs in the country
21. Container only takes up a small amount of car parking space

146 in support. Points raised:

1. Site is a safe and convenient for storage of oars and equipment rather than walk it through town.
2. Site is one of the few spot on rivers edge to launch boats with novice rowers
3. No support from local Council for club, Council should consider full sized club house
4. Valuable asset for local community
5. Club keeps this part of Teignmouth thriving
6. Club will struggle without this facility
7. Facility takes little space

8. Club attracts visitors to town supporting facilities and businesses
9. Club supports local charities
10. Clubs activities supports government policy for health and fitness
11. Car park is rarely used
12. Cladding will improve exterior but location needs to remain the same
13. Structure is a focal point for safety and race briefings
14. Members pay money to park in town
15. Club keeps an old sea-faring activity going
16. Uses up 2 parking spaces, loss would cause hundreds of peoples upheaval
17. Club is real asset to the town and should be supported
18. Club has been reluctant to invest in its upkeep whilst its future and that of a permanent facility and home is uncertain
19. Provides activity for all age groups and abilities
20. Club supports Teignmouth businesses
21. Rowing Clubs activities draw holiday makers and visitors to the Town
22. 400+ members
23. Attracts other rowing clubs to Teignmouth for competitions, etc.
24. Important sport

53 objections. Points raised:

1. Structure is an eyesore
2. It uses much needed parking spaces
3. Club has displayed complete neglect
4. Structure would be better relocated
5. Original consent has expired
6. Should be a Full Application with a Design and Access Statement and Flood Risk Assessment for consideration
7. Impact on Conservation Area
8. Puts visitors off
9. A buoy store has been constructed without planning permission next to Ferry fuel store i.e. a fire hazard
10. It is a planning breach, Council ignored enforcement complaints and there was lack of enforcement action
11. Structure fails to follow linear form of development in area
12. Incongruous feature
13. Impact on Conservation Area
14. Lack of detail in the application
15. Design and materials incongruous
16. Danger to highway users – conflict with parking cars
17. Conflict with lifeboat launchers
18. Conflict with commercial use of Back Beach
19. Loss of parking spaces
20. Large number of members cannot provide upkeep of structure
21. Club have other site/s in town within 2 minutes walk
22. Plenty of room for structure at Polly Steps
23. Car park too small

## **7. TOWN COUNCIL'S COMMENTS**

Councillor Phipps proposed, Councillor Orme seconded, unanimous.

Decision deferred to Teignbridge District Council Committee decision, however Teignmouth Town Council notes the overwhelming public support for 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.

**Business Manager – Strategic Place**

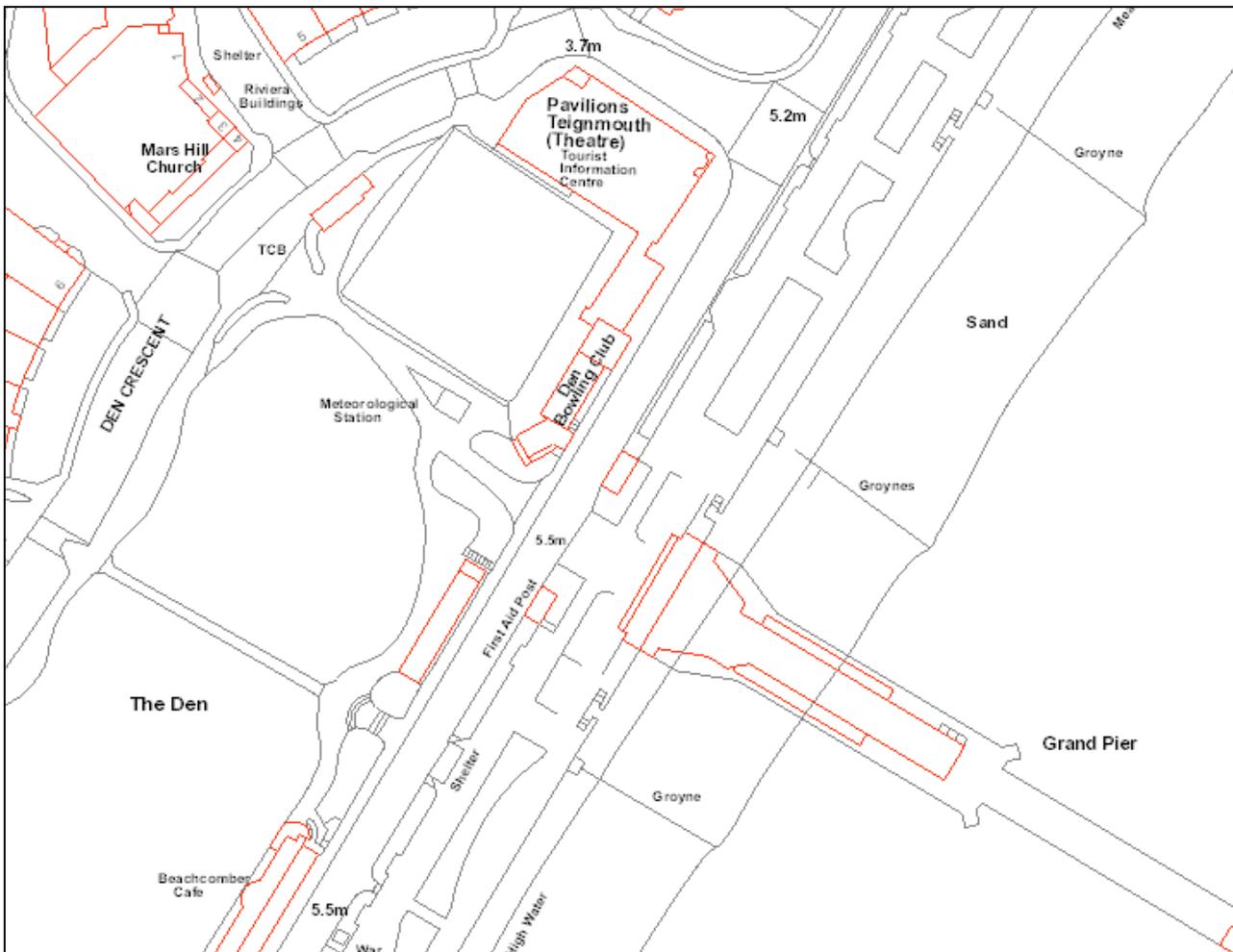
# PLANNING COMMITTEE REPORT

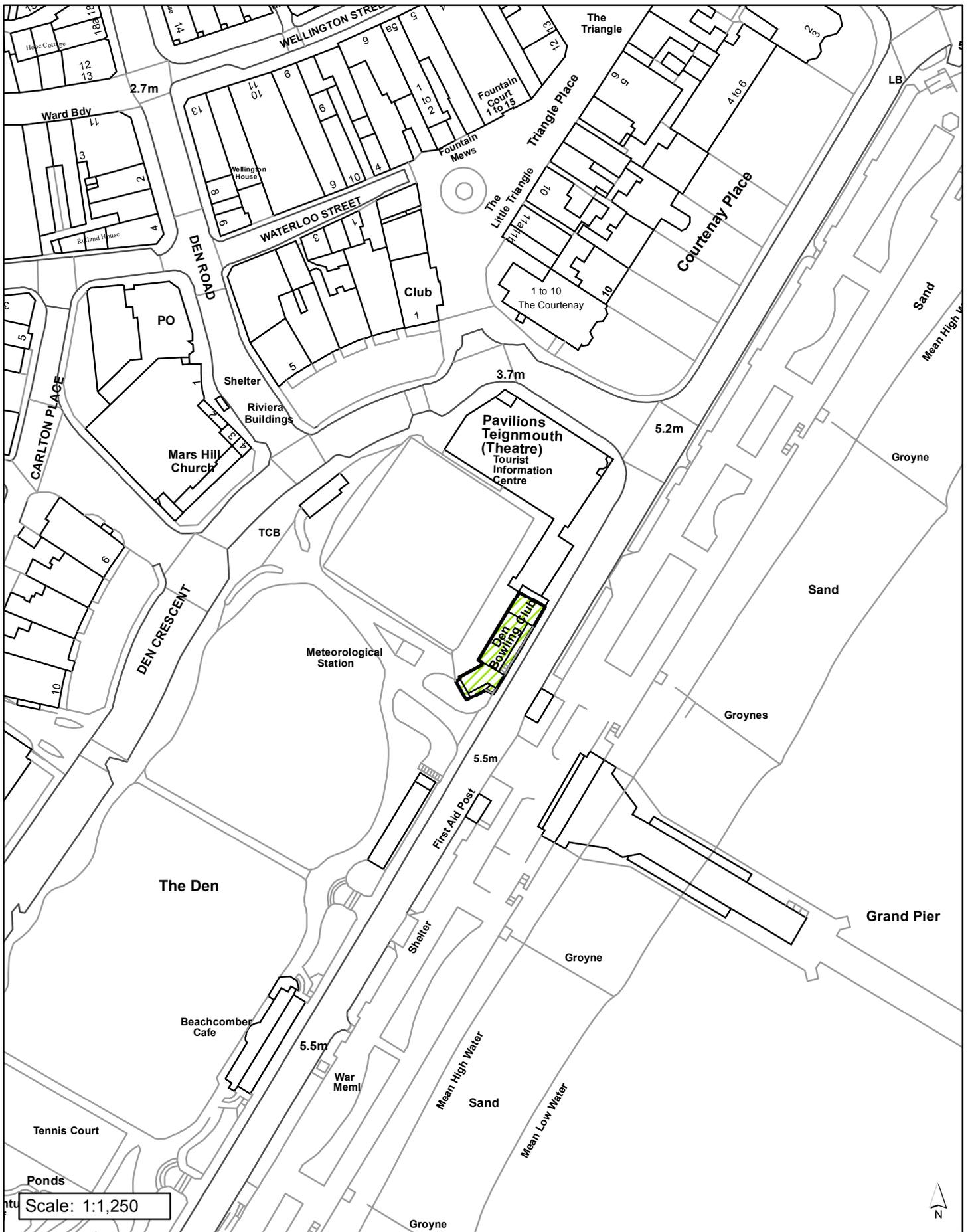
## 16 April 2019

CHAIRMAN: Cllr Dennis Smith



<b>APPLICATION FOR CONSIDERATION:</b>	<b>TEIGNMOUTH - 19/00299/FUL - The Goldfish Bowl, Promenade - Change of use and conversion of storage building to mixed use (A3/A4/A5 cafe and bar premises with takeaway), alterations to front elevation to replace full height sliding doors, amend rear elevation to add screen protection and re-rendering</b>	
<b>APPLICANT:</b>	<b>Mr T Cullen</b>	
<b>CASE OFFICER</b>	<b>Verity Clark</b>	
<b>WARD MEMBERS:</b>	<b>Councillor Mrs Russell Councillor Fusco</b>	<b>Teignmouth East</b>
<b>VIEW PLANNING FILE:</b>	<a href="https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=19/00299/FUL&amp;MN">https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=19/00299/FUL&amp;MN</a>	





19/00209/FUL The Goldfish Bowl, Promenade, Teignmouth, TQ14 8BB



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## 1. REASON FOR REPORT

The building is owned by Teignbridge District Council.

## 2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

1. Standard three year time limit for commencement;
2. Works to proceed in accordance with the approved drawings and documents;
3. Samples/details of the external materials on the building including their colour to be submitted to and agreed in writing by the Local Planning Authority;
4. Bin store shown on drawing 1846 P013 version A shall be provided prior to first use and shall be retained thereafter to ensure that adequate refuse/recycling storage facilities are provided to serve the development;
5. Hours of operation to be restricted to 7 a.m.–midnight Monday to Friday and 8 a.m. to 11 p.m. on Sundays and bank holidays;
6. Retention as food / drink outlet (removal of permitted development rights to change use)
7. Should any extract vent flue be required, precise details to be submitted to and agreed in writing by the Local Planning Authority

INFORMATIVE - Advertisements may need a separate advertisement application; the applicant is advised to contact the Local Planning Authority for guidance

## 3. DESCRIPTION

### The Site

- 3.1 The application site is a concrete, brick and glass structure located on the upper deck of the Bowling Pavilion. The site sits approximately 1.2 metres above pavement level on the Promenade from which it is accessed by two sets of steps. The site has two existing terraces on the north east and south west of the building. The site is currently used for storage purposes.

### Proposals

- 3.2 This application seeks planning permission for a change of use and conversion of the existing building to a mixed use of A3/A4/A5 cafe and bar premises with takeaway.
- 3.3 Externally the proposal seeks permission for alterations to the front elevation to replace the existing fenestration with full height sliding doors, the addition of a bin storage area under an extended concrete overhang, alterations to the rear elevation with the addition of screen protection cladding, the addition of new balustrading and the re-rendering of the building.

### Principle of the development/sustainability

- 3.4 Teignbridge Local Plan Policy S1A (Presumption in Favour of Sustainable Development) sets the criteria against which all proposals will be expected to perform well. It advises that the Local Planning Authority should take into account

whether the adverse impacts of granting permission would outweigh the benefits of the development.

- 3.5 It is proposed to operate a café and bar with takeaway service from the facility. The site is located within the town centre and it is considered that the proposed use would offer a service that would contribute to bringing footfall to the town. The site is also considered to be a sustainable location for such a development, being located within the settlement. Policy S13 (Town Centres) of the Teignbridge Local Plan 2013-2033 seeks to support the key role of small scale, independent outlets and the sale of local produce as part of their local distinctiveness and character. The proposed small-scale business development providing an independent outlet would be in accordance with the aims of this policy and the location of the site within the town would accord with the sequential approach to selecting appropriate retail sites where the policy takes a town centre first approach.
- 3.6 The proposal is therefore considered to be a sustainable re-use of the building. It is concluded that the principle of development is acceptable and accords with the objectives of Policy S1A of the Teignbridge Local Plan 2013-2033.

#### Impact upon the character and visual amenity of the area

- 3.7 The Conservation Officer has noted that the Goldfish Bowl is a mid-20th century building on the Den in Teignmouth Town Centre Conservation Area. It forms part of the wider setting of the listed buildings fronting the Den, in particular 1-10 Den Crescent. The building known as the Goldfish Bowl is a negative element in the Conservation Area. It has a dated appearance which detracts from the elegant Regency character of the historic building around the Den, and also detracts from the recently-built contemporary Pavilions theatre adjacent to the application site. While the Conservation Officer welcomes the intention to improve the visual appearance of the Goldfish Bowl and to bring it back into use, there are concerns about some elements of the proposed scheme, particularly the slatted screening proposed. There is a concern that it may block positive views in the Conservation Area and introduce a visually jarring element into the street scene.
- 3.8 At the pre-application stage the Conservation Officer noted that views around the Den and the seafront Promenade are important to the character of this part of the Conservation Area. Because of the changes in levels, one has a good view of the listed buildings of Den Crescent from the Promenade. The preference would be for clear glazed balustrading where necessary for safety reasons.
- 3.9 As noted by the Conservation Officer the current building represents a negative element within the Conservation Area. The concerns with the slatted screening are noted, particularly in respect of the elements used as balustrading due to the impact on views from the Promenade to the listed buildings of Den Crescent. However, the overall works to the building are considered to result in a largely improved visual appearance and it is considered that the use of the cladding on the building and around the terrace area results in a level of coherence which is an improvement on the existing appearance. A level of views and permeability will be lost with the proposal, however on balance it is considered that the proposal would result in a net impact which is neutral on the character and quality of the Conservation Area and the setting of the listed buildings. The proposal is therefore considered to accord with Policy EN5 (Heritage Assets) and S2 (Quality Development) of the

Teignbridge Local Plan 2013-2033. A condition is recommended for the submission of details of the external materials to ensure an acceptable visual appearance.

#### Impact on residential amenity of the occupiers of surrounding properties

- 3.10 Whilst the site does have residential properties along Den Crescent, given the distance and the existing uses in close proximity, including the Pavilions Theatre, the hours suggested, 7 a.m. to midnight Monday to Friday and 8 a.m. to 11 p.m. on Sundays and bank holidays, are considered to be acceptable. The proposal is not considered to adversely affect the residential amenity of the occupiers of neighbouring properties in terms of operations, noise nuisance/disturbance or odour. A condition is recommended to be applied to restrict the hours of operation to the hours applied for in the interests of residential amenity of surrounding occupiers. The proposal is therefore considered to accord with Policy S1 (Sustainable Development Criteria) of the Teignbridge Local Plan 2013-2033.

#### Other matters

- 3.11 One letter of objection has been received which has noted the lack of disabled access. The design and access statement notes that the site is currently only accessed by 8 steps onto the terraces and the addition of a ramp would not be a viable proposal due to the excessive length required under Building Regulations. The principle of installing a freestanding mechanical lift is not technically possible due to the configuration of the bowling club below which is operated by a different tenant. Alternatively a major rebuild of the structure would be required however this is not considered realistic at this time and there are concerns with installing the machinery at this proximity to the sea due to salt corrosion.
- 3.12 The site can be accessed from the Upper Den Carriageway for servicing purposes. There are not considered to be any highway safety or access constraints to the proposal.

#### Summary and Conclusion

- 3.12 The Planning Act, the National Planning Policy Framework (NPPF) and Policy S1A (Presumption in Favour of Sustainable Development) of the Teignbridge Local Plan 2013-2033 require that all applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 3.13 It is considered that this proposal accords with the policies listed below and it is therefore concluded that the proposal is acceptable and the recommendation is to approve the application subject to conditions.

## **4. POLICY DOCUMENTS**

#### Teignbridge Local Plan 2013-2033

S1A (Presumption in favour of Sustainable Development)  
S1 (Sustainable Development Criteria)  
S2 (Quality Development)  
S13 (Town Centres)  
S21A (Settlement Limits)

EN5 (Heritage Assets)

Teignmouth Conservation Area Character Appraisal

National Planning Policy Framework

National Planning Practice Guidance

## 5. **CONSULTEES**

Conservation Officer - The building known as the Goldfish Bowl is a negative element in the Conservation Area. It has a dated appearance which detracts from the elegant Regency character of the historic building around the Den, and also detracts from the recently-built contemporary Pavilions Theatre adjacent to the application site. While I welcome the intention to improve the visual appearance of the Goldfish Bowl and to bring it back into use, I have concerns about some elements of the proposed scheme, particularly the slatted screening proposed. I am concerned that it may block positive views in the Conservation Area and introduce a visually jarring element into the street scene. At pre-application stage I made it clear that views around the Den and the seafront Promenade are important to the character of this part of the Conservation Area. Because of the changes in levels, one has a good view of the listed buildings of Den Crescent from the Promenade. My preference would be for clear glazed balustrading where necessary for safety reasons. Since the present building is a negative element in the Conservation Area, and since some improvement of the appearance of the building is proposed, I leave it to your professional judgement as a planning officer to weigh up whether the proposal will on balance lead to additional harm to the character and appearance of the Conservation Area and setting of the listed buildings, or whether the net impact will be neutral. This is a matter of planning judgement. Policies EN5 and S2 will be relevant, as will paragraphs 192, 193 and 200 of the NPPF.

Environmental Health (Noise) – No response.

Environmental Health (Odour) – No response.

Economy and Regeneration – No response.

Town Centre Manager – Teignmouth and Dawlish – No response.

Devon County Council (Highways) – Refer to the standing advice.

## 6. **REPRESENTATIONS**

One letter of objection has been received raising the following issues:

1. Lack of disabled access.
2. Cladding design unclear.
3. Design does not respect the integrity of the appearance of the building.
4. Impact on Conservation Area.
5. Question over durability of proposed cladding.

## 7. **TOWN COUNCIL'S COMMENTS**

No objections.

**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.

**Business Manager – Strategic Place**

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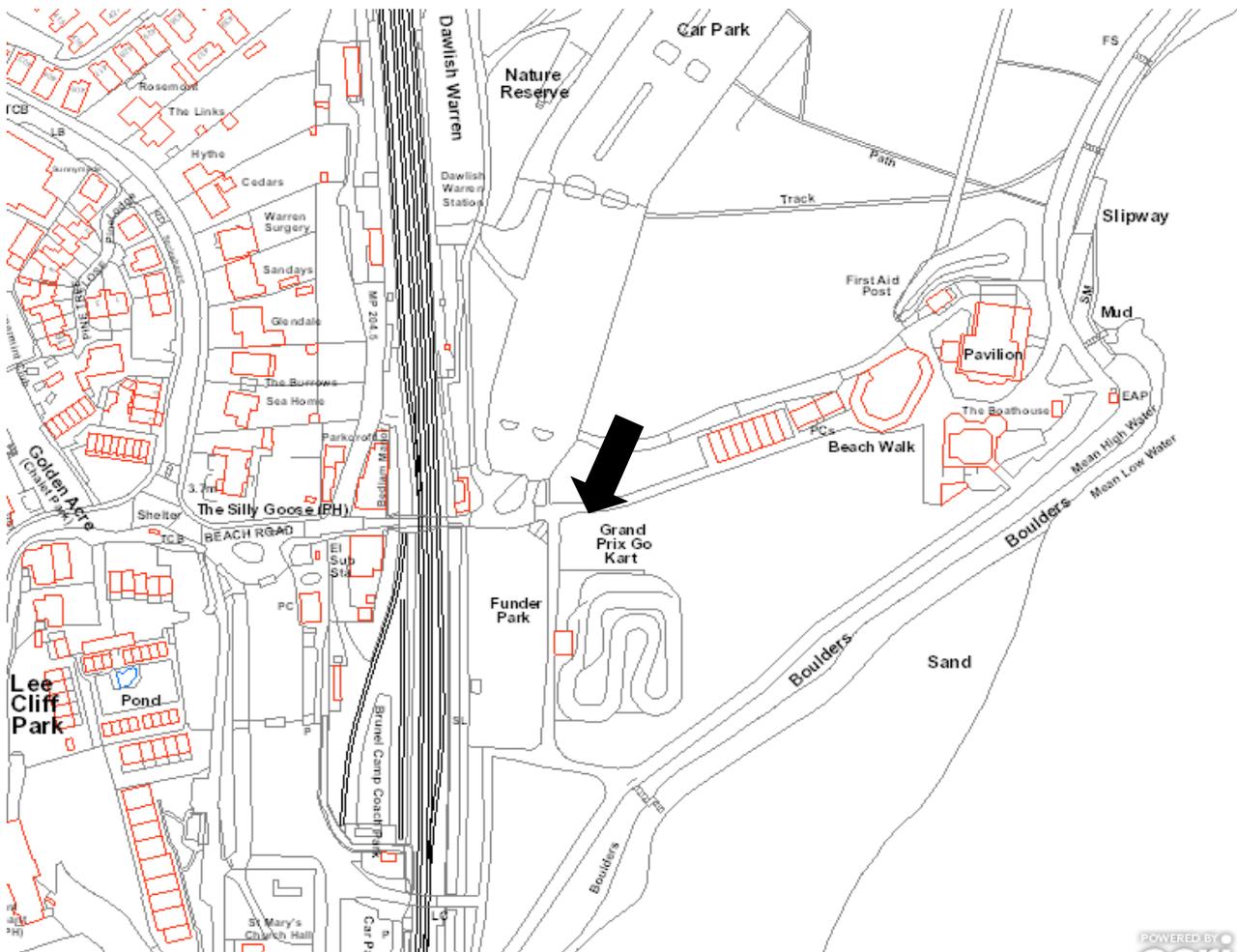
# PLANNING COMMITTEE REPORT

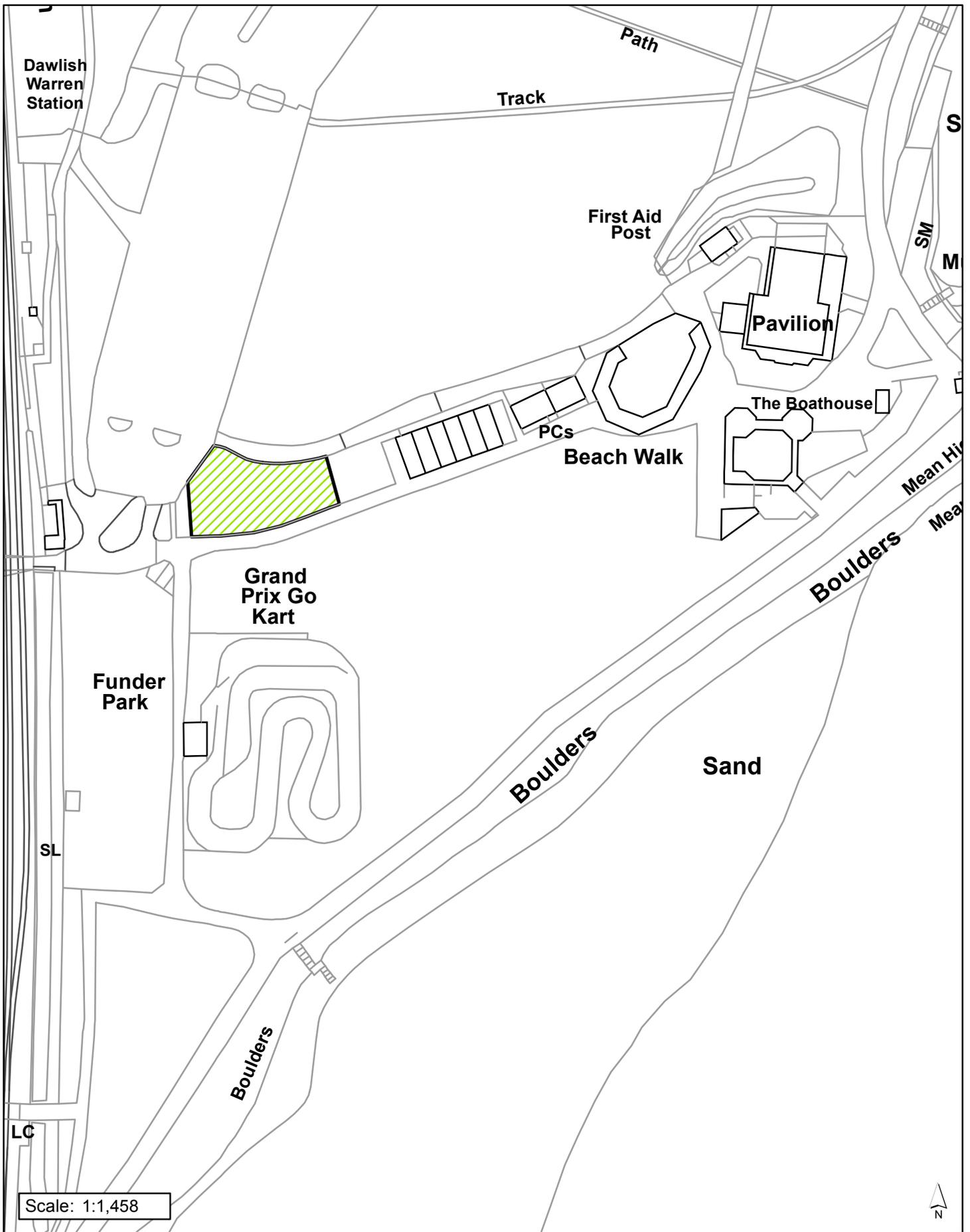
## 16 April 2019

CHAIRMAN: Cllr Dennis Smith



<b>APPLICATION FOR CONSIDERATION:</b>	<b>DAWLISH - 18/00950/FUL - Dawlish Warren Main Resort Grassed Area, Dawlish Warren - Installation of 34 metres high observation wheel, loading and unloading platform with guarding and kiosk</b>	
<b>APPLICANT:</b>	<b>Mr Wallis</b>	
<b>CASE OFFICER</b>	<b>Anna Holloway</b>	
<b>WARD MEMBERS:</b>	<b>Councillor Hockin Councillor Wrigley Councillor Mayne</b>	<b>Dawlish Central And North East</b>
<b>VIEW PLANNING FILE:</b>	<a href="https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=18/00950/FUL&amp;MN">https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=18/00950/FUL&amp;MN</a>	





**18/00950/FUL Dawlish Warren Main Resort Grassed Area,  
Dawlish Warren, EX7 0NF**



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## **1. REASON FOR REPORT**

This application has been referred to the Planning Committee as the site is within the ownership of Teignbridge District Council.

## **2. RECOMMENDATION**

SUBJECT TO: the completion of the Appropriate Assessment in consultation with Natural England, the imposition of any additional/amended conditions and or obligations required as part of the Appropriate Assessment, and a Section 106 agreement to fund and facilitate a visitor survey to inform the calculation of a habitat mitigation contribution that will be required for future years' operation and to fund an interim mitigation contribution, PERMISSION BE GRANTED subject to the following conditions:

1. Standard 3 year time limit for commencement of development;
2. In accordance with approved plans;
3. Temporary permission for one season commencing from the installation of the wheel, to enable quantification of impacts before longer, or permanent, permission is granted;
4. The wheel and any associated structures to be removed and the site restored on or before the expiry of the temporary permission;
5. The wheel may only be erected and operated on or after 1 April and must be dismantled before 4 September in any one year; the wheel shall not be erected or operated within the main Special Protection Area bird season, from September to March inclusive;
6. The hours of operation shall be limited to 10.00–22.00 and all lighting shall be switched off within 15 minutes of the wheel closing or by 22.00, whichever is the earlier; apart from on 10 occasions per season when the wheel may be operated until 23.00;
7. No placement or storage of any materials, vehicles or equipment in the County Wildlife Site (CWS), including vegetation, sand or soil; and to prohibit winning of any materials from the CWS;
8. Prior to first use, a fence shall be installed to help avoid trampling impacts on the CWS, the fence location and style to be submitted and agreed;
9. Any sand dug out for site levelling, footings and base shall be retained within the Warren system in accordance with a plan to be submitted to the Local Planning Authority and agreed;
10. Illuminance levels no greater than shown in lighting reports;
11. Light to have wavelengths of 550nm or more (light temperature 3,000K or less);
12. The wheel to be finished in white.

## **3. DESCRIPTION**

- 3.1 The application is for the installation of a 34 metres high observation wheel, loading and unloading platform with guarding and kiosk at Dawlish Warren. The wheel is to have 108 seats in 18 gondolas. The wheel itself is to be 31.4 metres in diameter which, with ground clearance for gondolas, gives an overall height of 34 metres.
- 3.2 The application site covers 0.08 hectares of recreation grassland between the seaward car park and amusements area at the landward end of Dawlish Warren sand spit.

- 3.3 The site is located in close proximity to Dawlish Warren Special Area of Conservation (SAC)/Site of Special Scientific Interest (SSSI), which occupies the majority of the sand spit, and the Exe Estuary Special Protection Area (SPA)/Ramsar site/SSSI.
- 3.4 It is separated from The Old Beach Huts CWS, by a 5 metres wide service road. The CWS is designated for 'maritime grassland with plant interest'. The CWS provides 'functionally-linked habitat' for the SAC, increasing the area of fixed dune grassland and the size of the population of rare dune-specialist plants and fauna, so adding resilience to the SAC populations.

#### Principle of Development

- 3.5 The site is located within the Countryside in an Area of Great Landscape Value (AGLV); however, it forms part of the Dawlish Warren resort area and is adjacent to the car park, existing buildings and Funder Park.
- 3.6 Strategic Policy S12 (Tourism) of the Local Plan sets out that a growing, sustainable tourism sector will be promoted and proposals to lengthen the tourism season and encourage higher spending by visitors will be supported. Policy S22 (Countryside) states that development in the countryside will be strictly managed, and limited to uses (including tourism uses) which are necessary to meet the overall aim to provide attractive, accessible and biodiverse landscapes, sustainable settlements and a resilient rural economy. This in principle support is subject to any proposal being assessed in terms of any impact on the distinctive characteristics and qualities of the landscape, integrity of green infrastructure and biodiversity networks, and travel patterns.
- 3.7 Policy EC12 (Tourism Attractions) supports the sustainable expansion of the tourism industry and states that tourist attractions will be acceptable in principle where they expand or improve an existing tourist attraction. However, the policy goes on to state that development of tourist attractions will not be permitted unless/until a satisfactory scheme has been submitted to and agreed by the Council to ensure that the development will not have an adverse effect on the integrity of a European Site.
- 3.8 Policies EN8 (Biodiversity Protection and Enhancement), EN9 (Important Habitats and Features), EN10 (European Wildlife Sites) and EN11 (Legally Protected and Priority Species) seek the protection and enhancement of biodiversity including legally protected and priority species and European Wildlife Sites. Development that is likely to have a significant effect on the integrity of a European Wildlife Site will be subject to assessment under the Habitat Regulations.
- 3.9 The proposed installation of an observation wheel at Dawlish Warren adjacent to the existing tourist attractions would therefore be acceptable in principle subject to assessment in terms of the impact on the landscape, travel patterns, and biodiversity/European Habitats. Given the proximity to and potential impact on Dawlish Warren SAC/SSSI and the Exe Estuary SPA/Ramsar site/SSSI, an Appropriate Assessment for is required.

## Economy and Tourism

- 3.10 The proposed development would expand the number of tourist attractions at Dawlish Warren and, therefore, as set out above, Local Plan policy is supportive of the development in principle. The wheel is likely to have a positive impact on the tourism offer at Dawlish Warren and the local economy by potentially boosting visitor numbers and/or length of stay. However, this benefit needs to be carefully considered in terms of the potential impact on biodiversity and in particular the European Wildlife Sites.

## Biodiversity

- 3.11 The RSPB, Natural England and the Teignbridge Biodiversity Officer have all raised concerns about the potential for the proposed development to result in significant impacts on the Exe Estuary SPA/Ramsar Site and Dawlish Warren SAC (please see Consultee responses below). However, limited data is available to accurately assess visitor numbers; whether the wheel would attract additional visitors to the area and whether those visitors would also visit the European Wildlife Sites.
- 3.12 The Case Officer and Biodiversity Officer have therefore given careful consideration to the proposal and how planning conditions and obligations could enable permission to be granted for a temporary period of one season to allow for visitor numbers to be fully assessed prior to consideration of granting permission for a longer period. This initial season would provide an opportunity for visitor numbers to be surveyed. Data should be collected at the applicant's expense, but its collection and analysis should be subject to appropriate oversight by the Local Planning Authority. The data can then be used to calculate an appropriate level of mitigation contribution for future years, should the applicant wish to apply to renew the temporary planning permission.
- 3.13 Any permission should also be conditioned for the wheel to be removed for the main SPA bird season, from September to March inclusive, to minimise the potential impact on birds during these months both in terms of disturbance and collision risks. In addition, conditions should also be imposed about lighting (including luminance and wavelength), hours of operation, fencing, no storage or equipment within the CWS, and no loss of sand.
- 3.14 The hours of operation and lighting have been discussed with the Biodiversity Officer. Due to the sensitivity of the site, it is considered appropriate to condition that operational hours (and any associated lighting) finish by 10 p.m. However, it is considered that the condition could allow for later opening to take place on a limited number of days per season.
- 3.15 Subject to the completion of the Appropriate Assessment and provided mitigation measures are secured, Teignbridge District Council could conclude that there would be no Adverse Effect on the Integrity of the Exe Estuary SPA/Ramsar site and/or the Dawlish Warren SAC. Therefore, it is requested that Committee, if minded to grant permission for a temporary trial period, delegate to officers the completion of the Appropriate Assessment in consultation with Natural England and the imposition of any additional/amended conditions/obligations required as a result of the Appropriate Assessment.

### Landscape and Visual Impacts

- 3.16 The application site is located within an Area of Great Landscape Value and within the Exe Estuary and Farmlands Landscape Character Area.
- 3.17 The proposed development would have an impact on the landscape; however, the proposed development is within an area that is already developed as a pleasure grounds and the wheel has the potential to appear as a sculptural element within this landscape. Due to its height, the proposed wheel would likely have an impact on a wider area than the existing structures at Dawlish Warren. It is noted that a similar observation wheel has been granted consent for a temporary period of 2 years by East Devon District Council at Beach Gardens, Exmouth (EDDC ref. 17/1668/FUL and 17/02948/FUL) and was visible from Dawlish Warren during the site visit.
- 3.18 The installation of a wheel on a permanent basis would likely raise concerns about the impact on landscape character. In particular there would be a concern about the potential impact that a dilapidated structure would have in future years. It is proposed to condition an initial temporary period of one season on biodiversity grounds. However, if following this initial period a longer period for the wheel is sought it would be appropriate to time limit any further permission and require the structure to be removed, to protect the long term amenity of the area.
- 3.19 To minimise the visual impact of the proposed wheel it is also considered appropriate to condition the colour and lighting. A white finish is preferable (rather than galvanised) to match the Exmouth observation wheel and for the sculptural characteristics to be emphasised.
- 3.20 Subject to the imposition of conditions as set out above, it is considered that the impacts on the landscape could be considered temporary in nature and therefore the benefits of the proposed wheel granted on a temporary basis would outweigh the impact on the landscape.

### Highways

- 3.21 The proposed observation wheel would be served by the existing car parks at Dawlish Warren. At the current time it is unclear how many new trips would be generated by the wheel; however, it is considered that given the existing number of visitors to Dawlish Warren the proposed wheel would not result in a significant impact in terms of parking provision and highway safety.
- 3.22 In addition, given the proximity to the railway station and bus route, the wheel would be accessible by public transport.
- 3.23 It is not considered that the proposed development would result in an impact on highway safety which would warrant a refusal of permission.

### Flood Risk

- 3.24 The application site is located within flood risk zones 2 and 3; however, given the nature of the proposed development and the existing character of the pleasure grounds where it would be located, it is not considered to give rise to significant concerns in this regards.

### Amenity

- 3.25 The proposed wheel is considered to be located a sufficient distance from nearby residential properties and, subject to a condition limiting the hours of operation, is not considered to give rise to significant impacts in terms of noise, disturbance or overlooking.

### Conclusion

- 3.26 This is considered to be a finely balanced case; however, subject to the completion of the Appropriate Assessment and provided mitigation measures are secured, it is recommended that permission for the proposed observation wheel be granted for an initial period of one season subject to the imposition of conditions and obligations as set out above.
- 3.27 Furthermore, it is requested that Committee, if minded to grant permission for a temporary trial period, delegate to officers the completion of the Appropriate Assessment in consultation with Natural England and the imposition of any additional/amended conditions/obligations required as a result of the Appropriate Assessment.

## **4. POLICY DOCUMENTS**

### Teignbridge Local Plan 2013-2033

S1A (Presumption in favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

S5 (Infrastructure)

S6 (Resilience)

S9 (Sustainable Transport)

S12 (Tourism)

S22 (Countryside)

EC12 (Tourist Attractions)

EN2A (Landscape Protection and Enhancement)

EN4 (Flood Risk)

EN8 (Biodiversity Protection and Enhancement)

EN9 (Important Habitats and Features)

EN10 (European Wildlife Sites)

EN11 (Legally Protected and Priority Species)

### National Planning Policy Framework (NPPF)

### National Planning Policy Guidance (PPG)

## **5. CONSULTEES**

RSPB - The RSPB has concerns that the wheel may result in adverse impact on Dawlish Warren SAC and Exe Estuary SPA/Ramsar site as a result of increase in visitor numbers (so adding to the existing damaging recreational impacts in combination with other developments). There is potential for adverse impact on the waterbirds including waders and wildfowl that are designated features of the Exe Estuary SSSI, SPA and Ramsar site including disturbance as a result of the light,

noise and movement of the wheel, disruption of flightpaths (displacement) and potentially collision risk for birds moving through including on migration in autumn and spring.

The proposed wheel is within 120 metres of the Dawlish Warren SSSI and SAC and the Exe Estuary SSSI/SPA/Ramsar. The designated sites of the Exe Estuary lie to the north, east and south. Given the proximity, that the proposal is not connected with or necessary for the management of these sites and the lack of ecological assessment, there is potential for this proposal to have a significant effect on a European site. Paragraph 63 of The Conservation of Habitats and Species Regulations 2017 (the Habitat Regulations) sets out the process for assessing implications of proposals. If this concludes that there will be a likely significant effect on the SAC and/or SPA, a full Appropriate Assessment is required.

In our view, the application should only be granted if it can be demonstrated the wheel can be constructed and operated to avoid adverse impacts or that it is possible to adequately mitigate for any impacts (e.g. wheel is only erected and operational at times where birds will not be impacted and it can be ensured that any additional visitors to the wheel do not also visit the SAC and/or SPA).

No evidence is presented that the proposal will not result in an increase in visitor numbers to Dawlish Warren SAC and Exe Estuary SPA. In our view, there is potential for the wheel to result in more visits to the designated sites, particularly the Dawlish Warren SAC. It is possible for visitors to arrive by train and outside the summer months when there is likely to be capacity in nearby car parks.

The proposed wheel is large and will sit broadside onto the Exe Estuary. It will be operational year round, in daylight and darkness, and will be lit. In our view, there is the potential to disrupt birds flying across the Warren. We have information that gulls, oystercatchers, cormorants and shelducks fly over the footprint of the proposed wheel. We recommend research into the species and number of birds that fly in the area to inform assessment of the likely impact (disturbance, displacement and potential collision risk). Many species fly at night so diurnal vantage point studies may not be sufficient.

We recommend that information is provided on current light levels at Dawlish Warren and the proposed wheel lighting.

We are aware that a wheel in Portsmouth was dismantled to avoid adverse impacts on brent geese.

Natural England - There is insufficient information to enable Natural England to provide a substantive response.

No assessment has been provided of the potential impacts that the proposal will have on Dawlish Warren SAC and the Exe Estuary SPA/Ramsar Site. There is therefore currently insufficient information to undertake a Habitat Regulation Assessment. We advise you to obtain the following information:

- Survey information of the species and numbers of birds that fly in the area proposed for the observation wheel – to be used to assess potential impacts from increased recreational disturbance, displacement, the potential for collision risk during daylight and dark hours and the potential for increased predation of SPA birds from predators that may use the wheel as a perching place.

- Information on the current artificial light levels and the proposed lighting associated with the wheel to establish whether there will be an increase in artificial light levels on the designated sites.
- Evidence to support assertions that the wheel will not increase visitor pressure on the designated sites.
- An assessment of the potential for increased erosion of the dune habitats resulting from increased recreation pressure.

In terms of the SSSI, providing appropriate mitigation is secured to avoid impacts upon the European sites occurring there should be no additional impacts upon the SSSI interest features of Dawlish Warren and the Exe Estuary.

Given the height and prominence of the proposed wheel and its sensitive location, we are concerned at the lack of any assessment of landscape and visual impacts. We appreciate that the East Devon AONB is some 3.3 km away from the site but suggest you consult the AONB Partnership. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision.

TDC Biodiversity Officer - The Biodiversity Officer objected to the proposals (as originally proposed, i.e. for a permanent wheel), which may negatively impact Dawlish Warren SAC and/or the Exe Estuary SPA. An Appropriate Assessment is required to consider the potential impacts and what mitigation measures may be needed.

The proposal is within 200 metres of Dawlish Warren Special Area of Conservation and the Exe Estuary Special Protection Area. The qualifying features of these European wildlife sites are suffering damage and disturbance resulting from recreational use of the sites. A wheel is likely to attract more visitors to the Warren who may then go on to visit parts of the SAC and SPA, adding to in-combination impacts. The structure of the wheel may also present a collision hazard to night-flying SPA birds. There is also a possible issue of loss of fixed dune turf to the footprint of the development. I will survey the application site to ascertain whether this habitat has developed here since the site was cleared some years ago.

The outcome of the Appropriate Assessment will determine whether permission may be granted and what conditions may be needed to make this possible.

The Biodiversity Officer has undertaken a draft Appropriate Assessment. A number of potential impacts have been identified both during the construction and operational phases including noise and activity during construction and operation, lighting, additional visitor numbers and the potential impact of the wheel itself on the habitat and migratory birds.

The SPA birds are present for much of the year. They start to arrive in August and remain until the end of April. They are vulnerable to disturbance when feeding and roosting, as they are on a very tight energy budget (particularly in the colder months) feeding up after migration in autumn, surviving winter weather and preparing to migrate and breed in spring. It is important that the birds can both feed and rest undisturbed. They have to feed for as long as possible and to conserve energy while their intertidal feeding grounds are submerged. If too much time and energy is expended avoiding disturbance (especially by flying) the birds may die here or during migration, or may have insufficient reserves to breed successfully

when they return to their summer breeding grounds. This problem will increase with increased recreation from additional visitors.

There is a possibility of birds colliding with the structure, resulting in death or injury. Various species of wader and wildfowl fly at night so collisions are more likely at night when the structure will be less visible. Predators of SPA birds may use the wheel as a perch, giving potential for increased predation. During daylight hours SPA birds avoid the busy areas of the Warren closer to the proposed site. They do use parts of the golf course on quiet days and it is possible that they use the golf course more, and move further down the beach when human visitors are absent at night. The wheel will attract human activity and noise into the evening (9 p.m. or later). Whilst intervening structures may dampen noise at ground level, noise from users in the upper gondolas may travel as far as places the birds frequent.

The Design and Access Statement says: "The wheel itself will be silent running. The Observation Wheel is more of a leisurely experience rather than a thrill attraction." The noise of the wheel itself is unlikely to be an issue. However, no measures are proposed to mitigate human noise and activity which may disturb birds.

#### Visitor Numbers, Damage and Disturbance

Studies show that damage is already being caused to SAC features in parts of the Warren by trampling of sensitive habitats and species; dog eutrophication of low-nutrient habitats; and occasionally by barbeques/fires getting out of control. High levels of visitor use and periodic vandalism making the site harder to manage for its wildlife.

The wheel is likely to act as an additional attractor of visitors to the Warren; once at the Warren, people may then explore the SPA and SAC areas, adding to the existing pressures of recreation use. Studies show that recreational activity is already causing significant disturbance to the birds that form the SPA's special interest. At the Warren, walking and dog walking along the beach (at the Neck and beyond), around The Bight, in parts of the mobile dunes (at the Neck and beyond) and in the saltmarsh area are especially likely to disturb SPA birds.

This problem will increase with increased recreation from additional visitors. See the Disturbance Study at <http://www.teignbridge.gov.uk/article/15169/Why-is-Habitat-Regulations-mitigation-needed>

The Design and Access Statement says: "During Pre-Planning Consultations, although agreement in principle was achieved for the proposal, concern was raised that the Observation Wheel would attract more visitors to the SPA. We believe that the wheel will be more beneficial than detrimental to the Warren and SPA as visitors will be encouraged to use this facility rather than walking over the SPA." Therefore no mitigation has been proposed for potential impacts on the SPA, or the SAC. However, no evidence is offered to support the applicant's belief.

In one 6 week season, the Exmouth wheel is reported to have received 12,000 visits. The Warren wheel may attract similar numbers of users. It is likely that a proportion of these will be 'additional visits', i.e. by people who have come specifically to ride on the wheel. It is not unreasonable to suppose that, while in the area, these people may then explore the other attractions of the area, including the

beach (which is within the SPA) and the nature reserve (in the SPA and SAC). Indeed, having viewed these areas from the wheel, visitors may be more likely to want to explore them on the ground.

### Loss of Habitat

The footprint of the proposal and its immediate surrounds were surveyed by Teignbridge's Biodiversity Officer. The sward can be characterised as species-poor and semi-improved, with much buck's-horn plantain among common grasses. Buildings occupied this area in the late twentieth century. These were cleared and the area reseeded between 2000 and, probably, 2005. Loss of/damage to this area will not affect functionally linked habitats. No mitigation is needed for loss of the site footprint.

The footprint would be 14 metres x 20 metres, i.e. 280m<sup>2</sup> of vegetation will be lost. Works may result in harm to the functionally linked CWS habitats, through storage of materials and equipment, tramping or winning of material to level the application site. Placement or storage of equipment or materials (including soil) on habitats, can shade out or smother plants and invertebrates, and it can pollute or enrich sensitive, low-fertility habitats. Trampling, vehicle use and storage can compact soils. Vegetation in the vicinity of the proposed footprint is likely to become trampled by people heading to and from the wheel, watching or awaiting their turn.

The geomorphological processes of the sand spit and dunes are an important feature of the functioning of the SPA and SAC and need to be protected (and enhanced). Loss of any sand from the system, e.g. when digging foundations or levelling the site, must be avoided.

### Lighting

Lighting of the structure may help avoid collisions, but may cause disturbance to SPA birds elsewhere nearby, and to other protected species such as bats. Lighting is proposed until 23.59 in summer and 21.00 in winter. Later in the night there will be no lighting to deter collisions.

The Design and Access Statement says: "Any lighting will be less than 3000K and limited to 10.00 to 23.59 during summer months and 10.00 to 21.00 all other times as suggested in the pre-planning consultation." A lighting report has been submitted. The length of the summer period, with lighting until midnight, is not defined. It is possible that lighting until midnight might extend from May through to September, with SPA birds present from August. In August and September, therefore, the SPA birds (and other legally protected wildlife) could be disturbed by the wheel's light for several hours a night, over several weeks.

To minimise negative impacts on biodiversity, ultra-violet light and light at the blue end of the spectrum need to be avoided, while light from the red end of the spectrum is more acceptable. The total amount of light needs to be minimised. Light colour can be expressed in wavelength or temperature. The Bat Conservation Trust recommends light wavelengths of 550 nanometres or more. This equates to light temperatures of around 3,000 Kelvin or less. (Note that longer wavelengths are better, while lower temperatures are better and, confusingly, what we would think of as 'warm' colours actually have lower temperatures.) It should be noted that the light colour issue is based on research relating to mammals and

insects. I do not have information relating to impacts on birds. Unfortunately, on most of the graphs the lighting wavelengths shown are too short to be acceptable for bats and other wildlife, i.e. below 550nm. So whilst the total amount of light (illuminance) measured in lux (as shown on pages 12 to 27 of the Lighting Report) is acceptable, the light colour is not.

### Joint Approach Contribution

Recreation impacts during the operational phase could be mitigated via a Joint Approach financial contribution. It will be necessary to calculate the size of the contribution based on the likely number of additional visitors attracted by the wheel. Alternatively, it may be appropriate for the applicant to provide (some) mitigation measures more directly. Initially permission should be granted for one season only, to enable quantification of impacts before longer, or permanent, permission is granted.

The only figure found to inform likely use levels of the wheel, is that of 12,000 visitors (or uses) of the Exmouth wheel in six weeks. Unfortunately there is no information on how many of the visitors came to the area specifically because of the wheel, rather than using the wheel on a trip they were making anyway. Nor is there information on what else people did before and after their ride on the wheel.

It might be possible to make a rough estimate based on people's anticipated use of the wheel. This would require gathering survey data from existing Warren visitors and non-visitors who might be attracted by the wheel when otherwise they would not visit the site. The existing visitors should include summer season tourists as well as winter/spring visitors who would include a high proportion of Teignbridge residents. Answers gathered would reflect what people imagined they might do rather than their actual behaviour.

By contrast, information collected from actual wheel users would better reflect actual user demographics and behaviours. However, this would necessitate the wheel being allowed to operate for a season before the correct level of contribution had been calculated. Visitor information could be collected by a combination of on-line survey and face-to-face interviews. The questionnaire should include asking people if they have come specifically for the wheel, or whether they were visiting anyway; whether the presence of the wheel will make them more likely to visit again; what else they will be doing while at the Warren; and which parts of the Warren they have/will be visiting (face-to-face visitors can be asked to show this on a map). These techniques have been used to collect visitor data on the SAC and SPA before.

Data should be collected at the applicant's expense, but its collection and analysis should be organised by the Local Planning Authority. The data can then be used to calculate an appropriate level of mitigation contribution for future years, should the applicant wish to apply to renew the temporary planning permission.

It will be necessary to require some level of contribution, to cover mitigation for impacts during the first season, and/or to require delivery of identified appropriate mitigation measures. A list of required measures needing funding is contained in the SE Devon European Sites Mitigation Strategy: <https://www.teignbridge.gov.uk/media/4049/south-east-devon-european-site-mitigation-strategy-9th-june-2014.pdf>

One measure which should be secured in advance of the first season (to protect functionally linked-habitat) is fencing of the south east corner of the Buffer Zone County Wildlife Site.

Obligations are needed requiring the applicant to fund and facilitate a visitor survey to inform the calculation of mitigation contribution that will be required for future years' operation. In addition, for an interim mitigation contribution, with agreement that this amount will be adjusted up (a further mitigation contribution by the applicant) or down (repayment by the Local Planning Authority) as is indicated to be necessary by the results of the visitor survey.

#### List of Proposed Mitigation Measures

A condition that operation, erection and dismantling will occur outside the main SPA bird season (from September to March inclusive) i.e. the wheel may only be erected on or after 1 April and must be dismantled before September in any one year. Initially permission should be granted for one season only, to enable quantification of impacts before longer, or permanent, permission is granted.

A condition is needed prohibiting placement or storage of any materials, vehicles or equipment in the CWS, including vegetation, sand or soil; and to prohibit winning of any materials from the CWS.

A condition or obligation is needed that, prior to first use, a fence shall be installed to help avoid trampling impacts on the CWS, the fence location and style to be agreed with Local Planning Authority and erected at applicant's expense.

A condition is needed that any sand dug out for site levelling, footings and base shall be retained within the Warren system in accordance with a plan agreed with the Local Planning Authority.

Lighting conditions to specify: illuminance levels no greater than shown in lighting reports; and light to have wavelengths of 550nm or more (light temperature 3,000K or less).

A condition/obligation is needed requiring the applicant to fund and facilitate a visitor survey to inform the calculation of mitigation contribution that will be required for future years' operation.

An obligation is needed requiring the applicant to make an interim mitigation contribution; with agreement that this amount will be adjusted up (a further mitigation contribution by the applicant) or down (repayment by the Local Planning Authority) as is indicated to be necessary by the results of the visitor survey. Joint Approach payment to be secured by up-front payment/Unilateral Undertaking/Section 106 Agreement. With a condition to allow and facilitate monitoring, then calculate size of contribution for permanent permission, or subsequent temporary permissions.

## In Conclusion

Subject to the listed mitigation measures above, the proposal will not result in an Adverse Effect on the Integrity of the Exe Estuary SPA/Ramsar site and/or the Dawlish Warren SAC.

Devon County Council Highways - Recommend that Standing Advice is used to assess the highway impacts.

Conservation Officer - Having read the heritage assessment, I am satisfied that there will not be harm to the setting of heritage assets provided that the external lighting and the external appearance is controlled by condition. I also suggest you consider whether it would be appropriate to grant a temporary consent with conditions relating to the removal of the structure at the end of the period.

Landscape Officer - The proposed 34 metres high observation wheel will be a conspicuous element in the landscape, easily seen from the immediate locality, particularly Mount Pleasant. It will also be visible from the far end of Dawlish Warren, Exmouth and from the sea.

Whether, in landscape terms, the observation wheel is perceived as adverse or not, is likely to vary amongst public receptors. Dawlish Warren is, in part, a tourist resort and, in part, an area of semi-natural landscape. The site is an area that is already developed for tourism, however because of the size of the observation wheel its impact extends to cover a wider area.

Many will perceive Dawlish Warren as a place where a further development of an urbanising character should be resisted, whereas others will perceive the area as a recognised beach holiday resort where the addition of an observation wheel would not be seen as out of character. Both of these opinions are warranted and of equal merit and I think it would be wrong for me to make judgement of which of these views is right. Judgement of what is right, in landscape terms, may need to need to consider local political opinion.

However I think that the following should be considered in making judgement as to its suitability:

- The proposed development is within an area that is already developed as a pleasure ground.
- The site is not designated as Undeveloped Coast.
- Policy would seem to be supportive of tourist attractions where they have no adverse effect on the integrity of European sites.
- I am content that the settings of Registered Parks and Gardens, in the vicinity of the site, will not be adversely affected.
- The development will have an adverse impact on the wilder part of Dawlish Warren - the far end of the beach and Nature Reserve - however it will provide the opportunity for the public to enjoy the visual amenity of the area.
- The observation wheel will do well to appear as:
  - a) a piece of sculptural art; and,
  - b) have a relationship with the Exmouth observation wheel. Unless it can be demonstrated that there are good practical reasons not to, I am of the opinion that the wheel should have a white finish rather than left as a

galvanised finish, and so match the Exmouth observation wheel and for the sculptural characteristics be emphasised.

- It would help the perception of the development if permission for the structure was time limited, to say 20 years. It would also address concerns that, although at the start of its life the structure would have abstract, sculptural characteristic, over time, with weathering and decay, the structure could begin to look like an unsightly pile of scrap metal.

## 6. REPRESENTATIONS

Three letters of objection received to the application, raising the following summarised concerns/objections (see case file for full representations):

1. Dawlish Warren is a low key resort;
2. Sits uneasily next to an internationally famous nature reserve;
3. Exmouth observation wheel attracted 12,000 visitors over its 6 week season: the proposed wheel would be larger, the season would be longer and presumably the number of tourists will be substantially greater than Exmouth;
4. Will attract tourists from a wider area who are not staying in Dawlish Warren;
5. Large numbers of new customers will have to be brought in by car to make the wheel profitable;
6. Will have good views of the nature reserve and will encourage many more to walk round the nature reserve and the dunes;
7. The existing fairground attractions are substantially hidden by the large sea wall, so its impact on the coast from the sea perspective is relatively small. The wheel will be very prominent addition to the coastline. It will be an eyesore. Better views can be seen from the cliff path;
8. It will be visible from my property; concerned that people will see into garden;
9. Opening hours to 23.00 hours are excessive and the lighting to 23.59 is unnecessary and anti-environmental;
10. Impact of cement foundations;
11. A fire engine with high reach ladder could not access the site;

One letter of comment received to the application, raising the following summarised comments (see case file for full representations):

1. Will attract more people to a sensitive area.

Seventeen letters of support received to the application, raising the following summarised comments (see case file for full representations):

1. A real asset to the area;
2. An attraction which is suitable for all ages;
3. Will modernise and add to the attractions of the area;
4. Will provide views of the fantastic coast;
5. Will encourage people to explore the region;
6. Will bring in visitors to Dawlish Warren. Most of the hotels and guest houses in neighbouring Dawlish and Teignmouth have closed down in recent years, making Dawlish Warren vital to the local economy;
7. As the nearest residential dwelling, which is above our business, we are very much in favour of it;
8. Will benefit local businesses.

## **7. TOWN COUNCIL'S COMMENTS**

Recommends refusal of this application as the size of the structure is too big, the proposal to have the lights on until midnight is too late causing unnecessary pollution and disruption to local residents and wildlife. Dawlish Warren is a family-based site and therefore is not busy that late.

The proposal is also a direct contradiction to the letter from the Principal Delivery Officer at Teignbridge District Council about Dawlish Warren dated 16 August 2018.

The application also mentions that district councillors were consulted but Councillor Wrigley wished to note that he was not one of them and also abstained from the vote.

Members further suggested that a temporary, seasonal wheel like Exmouth have opted for might be a more appropriate attraction for the location.

## **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.

**Business Manager – Strategic Place**

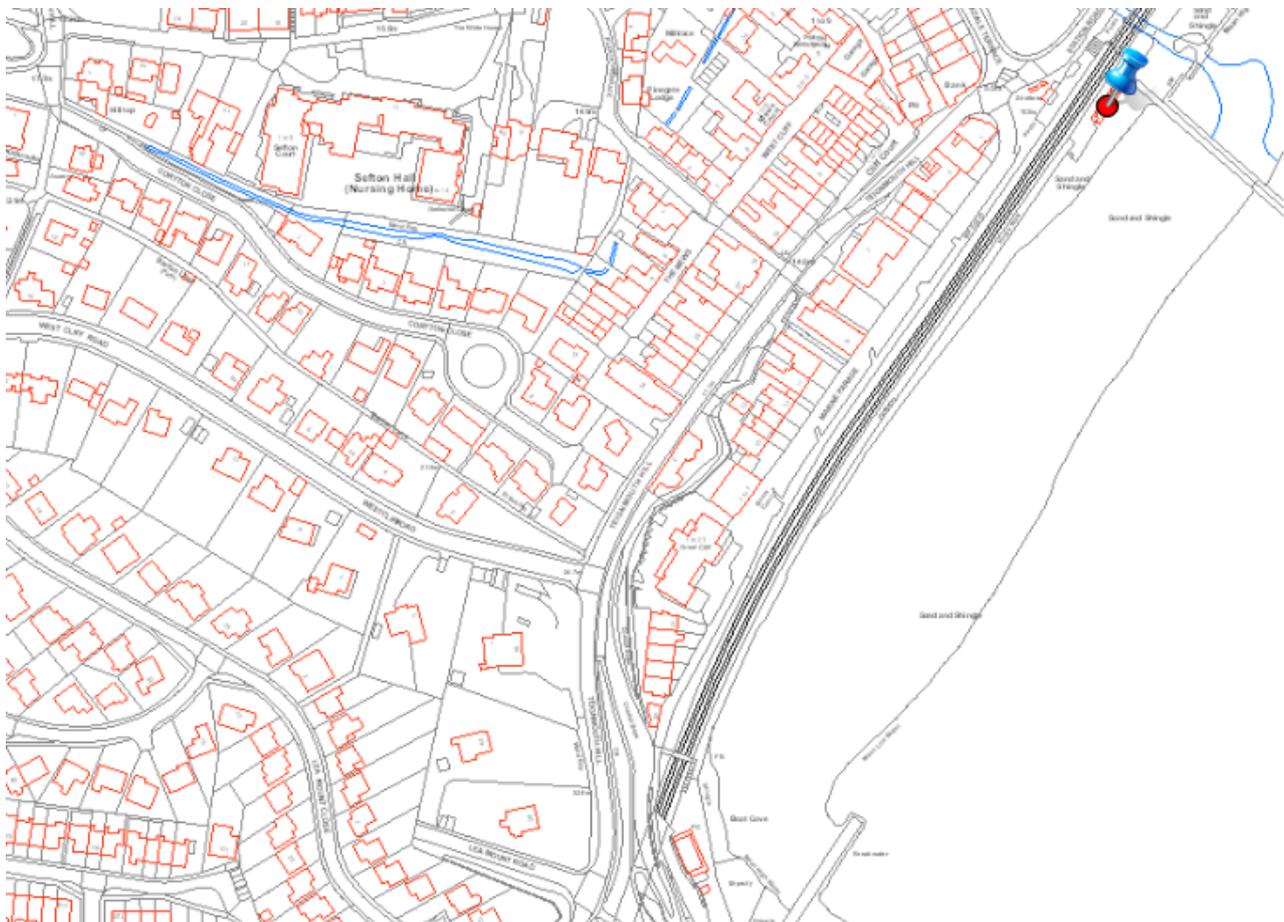
# PLANNING COMMITTEE REPORT

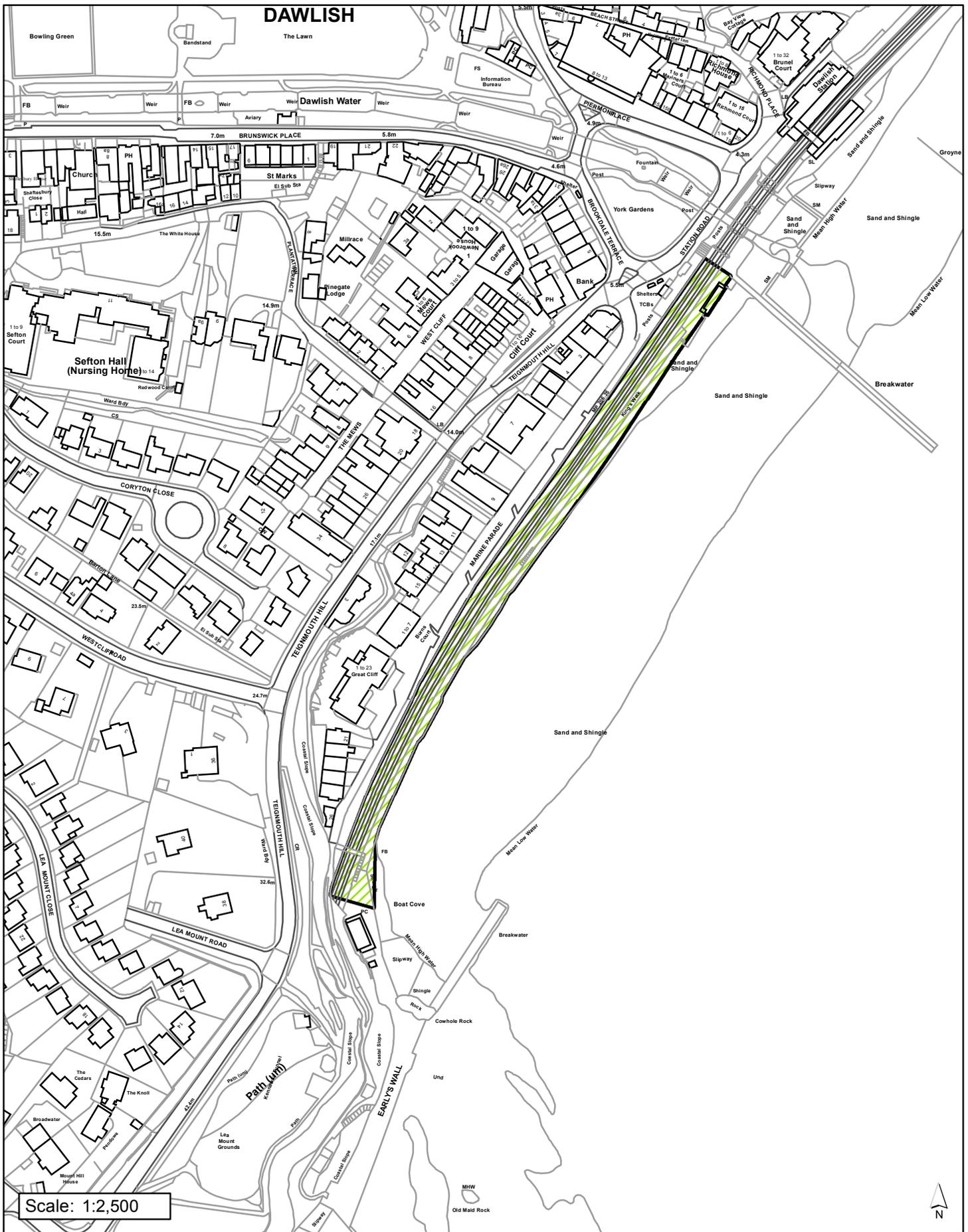
## 16 April 2019

CHAIRMAN: Cllr Dennis Smith



<b>APPLICATION FOR CONSIDERATION:</b>	<b>DAWLISH - 19/00237/NPA - Marine Parade - Application for prior approval of siting and appearance under Part 18 Class A of the Town and Country Planning (General Permitted Development Order) 2015 of a new taller sea wall and wider promenade between Boat Cove and the Breakwater as part of the South West Rail Coastal Resilience Programme.</b>	
<b>APPLICANT:</b>	<b>Network Rail</b>	
<b>CASE OFFICER</b>	<b>Helen Addison</b>	
<b>WARD MEMBERS:</b>	<b>Councillor Hockin Councillor Wrigley Councillor Mayne</b>	<b>Dawlish Central And North East</b>
<b>VIEW PLANNING FILE:</b>	<a href="https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=19/00237/NPA&amp;MN">https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=19/00237/NPA&amp;MN</a>	





## 19/00237/NPA Marine Parade, Dawlish



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## **1. REASON FOR REPORT**

This prior approval application includes land within Teignbridge District Council's ownership and is therefore required to be determined by Planning Committee.

Councillor Wrigley has requested Committee determination if the Case Officer's recommendation is approval because the application has significant adverse effects on the setting of a listed building, heritage assets and Dawlish Town Conservation Area. There have been significant public objections and the Town Council also objected to excessive height and the design. Teignbridge District Council looks to benefit from the plans with developments to Boat Cove.

## **2. RECOMMENDATION**

PRIOR APPROVAL BE GRANTED subject to conditions addressing the following matters, the precise wording of the conditions to be determined under delegated authority by the Business Manager – Strategic Place:

1. Details of external materials to be agreed including design of new railings, handrails and bollards
2. Details of benches to be agreed
3. CEMP to include pollution prevention guidelines
4. Specification of external lighting
5. Times of operation of external lighting
6. Recording of sea wall as requested by Historic England
7. Details of heritage boards in terms of size and location.
8. Detailed plans of viewing area
9. Details of movement joints between panels
10. Details of stone facing on wall elevation facing Marine Parade to be agreed
11. Details of alterations to footbridge adjacent to Kennaway Tunnel
12. Annual monitoring of changes to levels of beach and in the event of accelerated loss of sand submission and implementation of a scheme to address impact of new wall on beach levels.

## **3. DESCRIPTION**

- 3.1 The site comprises a 360 metres long stretch of the mainline railway and the adjacent sea wall situated between the Colonnade Underbridge, south of the railway station, and Kennaway Tunnel. The existing sea wall is finished with natural stone facing and dates from the early 1900s when the railway was widened from a single to double track. Along the top of the seawall is a paved promenade which is publically accessible. There is no parapet or railings on the seaward-side of the walkway. Along the boundary to the railway line are metal railings, a second line of railings runs along the western boundary of the railway line with Marine Parade.
- 3.2 The majority of the railway line is elevated above the level of the promenade. The levels along this stretch of the railway vary, with the height of the line reducing by 0.8 metres between the Colonnades and Kennaway Tunnel. There are also level changes on the adjacent walkway with ramps dropping down at either end. To the west on the opposite side of the railway line is Marine Parade which comprises properties in residential, holiday accommodation, commercial uses and a care home.

- 3.3 The site is within the Dawlish Conservation Area. The station to the north of the site is Grade 2 listed, and 10 Marine Parade is Grade 2 listed. There are slipways at either end of the application site. To the south this provides access to Boat Cove and to the north to the Colonnade underbridge. At both of these locations there are masonry breakwaters.

#### The application

- 3.4 This is an application for prior approval for alterations to the sea wall and the promenade. By virtue of Part 18 of the General Permitted Development Order (England) 2015 planning permission is granted for the works subject to the Local Planning Authority giving approval to the design or external appearance of the development to ensure that it would not 'injure the amenity of the neighbourhood'. Therefore the principle of development is already agreed and only issues of design, external appearance and their effect on the amenity of the area can be considered in the determination of this application.
- 3.4 The proposed works are needed to provide resilience to the railway line for the next 100 years to protect it from closure and to reduce the current over-topping of water from the sea by 90%. The proposal is to construct a new pre-cast concrete sea wall in front of and at a higher level than the existing wall. The new sea wall would be taller than the existing by a maximum of 2.5 metres. It would incorporate a 1.1 metres high pre-cast recurve (from the new promenade level) along the top of the sea wall to reduce wave over-topping onto the railway.
- 3.5 The new pre-cast sea wall would be off-set approximately 1 metre from the alignment of the existing sea wall to provide a wider public walkway on the top, 4 metres in width. The gap between the old and new sea wall would be infilled with poured concrete on site. At the base of the sea wall the existing concrete toe would be dug out and a new concrete strip foundation constructed.
- 3.6 The floor level of the new walkway would be raised by approximately 1.6 metres in comparison with the existing walkway. The new walkway would be wide enough for Council vehicles to access and maintain their land and facilities including public toilets at Boat Cove and the beach huts beyond. No public vehicular access is proposed. The increase in height of the walkway level would necessitate provision of a new higher boundary wall with railings above on the opposite side of the walkway adjacent to the railway line. This will be visible across the railway line from Marine Parade. Lighting and seating would be provided on the walkway.
- 3.7 At the northern end of the site adjacent to the Colonnade underbridge, steps and ramped walkways are proposed to address the change in levels. A ramp would also be provided at the southern end of the development to reflect the natural drop in ground levels to Boat Cove. A feature area within the walkway would be created through provision of a build out to provide a viewing area which would be accessible for wheelchair users. A number of benches and interpretation boards are proposed along the length of the walkway.
- 3.8 There is currently stepped access from the existing promenade to the beach. It is not intended to replace this in the new development.
- 3.9 The cost of delivering the proposed works is £30 million. Future applications are anticipated for future phases of resilience works.

### Principle of development/sustainability

- 3.10 The principle of carrying out this development is granted planning permission by the General Permitted Development Order (England) 2015 subject to the decision maker being satisfied that:
- a) The development ought to be and could reasonably be carried out elsewhere on the land; or,
  - b) The design or external appearance would injure the amenity of the neighbourhood and is reasonably capable of modification to avoid such injury.
- 3.11 Considering (a) above, whether the proposal could be carried out elsewhere, as it specifically relates to improving the resilience of this stretch of railway line that has been vulnerable to storm damage resulting in closure of the railway line. It is evident that this development could not be carried out elsewhere.
- 3.12 In respect of part (b) relating to the design and external appearance relative to the impact on the amenity of the neighbourhood the following issues are considered relevant to the determination of this application;
- i. Impact on the character and visual amenity of the area
  - ii. Impact on the setting of listed buildings and the Dawlish Town Conservation Area
  - iii. Impact on amenity of the occupiers of surrounding properties
  - iv. Flood risk
  - v. Impact on ecology/biodiversity
  - vi. Whether the development is reasonably capable of modification to avoid injury to the neighbourhood
- i. Impact on the character and visual amenity of the area
- 3.13 A number of representations have been received that express concern about the impact of the proposal on the visual amenity of the area.
- 3.14 The development would be clearly visible from publicly accessible locations including the Coast Path, the beach and Marine Parade. The height of the new sea wall and the predominant use of pre-cast concrete would inevitably impact on the appearance of the area. From the beach, the sea wall would be up to 2.5 metres higher than the existing walkway. This would increase the scale and dominance of the built form in views across the application site towards the town from the beach. The submitted visualisation from viewpoint 3 illustrates this point and demonstrates that longer distance views will partly obscure the extent of buildings in the town that can be seen from the beach.
- 3.15 Currently the boundary wall to the railway line is finished in natural stone and there is a stone coping at the edge of the existing walkway. The use of natural materials is sympathetic to the character of the Conservation Area and makes a positive contribution to the amenity of the area. The use of pre-cast concrete in the proposed development without incorporating natural materials would aesthetically constitute a less sensitive form of development. It is noted that the current quality of the paving of the walkway is tired and a mix of tarmac and paving slabs, which make little contribution to the character of the area. The proposal presents an

opportunity to improve the pedestrian experience through the use of a consistent surface finish. The width of the walkway would be increased to 4 metres. In addition that the new curved wall projecting above the height of the walkway would improve safety for users, although younger children would not be able to see over the wall. The submitted plans show that wheelchair users would see over the wall, with a line of vision to the horizon. Provision of low level lighting, benches and a viewing area would contribute to enhancing the experience of the user.

- 3.16 In terms of the scale of development the greatest change would happen on the part of the site adjacent to the Colonnades. This is because the extent of the built form here would be increased through the provision of new ramped areas and additional steps that will be constructed on the existing beach. The extent of new development in this location will inevitably impact on the natural setting of this part of the beach. In order to minimise the visual impact of this element Network Rail have revised the submitted plan to reduce the length of the ramp to the beach through increasing its gradient and have reduced its width from 4 metres to 3 metres. In addition the width of the steps has been reduced by 1.5 metres. These revisions reduce the extent of the built form and consequent beach take, which will lessen the impact of the development on the amenity of the area.
- 3.17 There would be a significant impact on amenity in Marine Parade. The increase in height of the new wall by up to 2.5 metres would impact on views from Marine Parade towards the sea. From ground level the existing partially obscured view (by the railway track and railings) to the sea would become fully obscured by the two new walls that would be constructed on either side of the new walkway. This will inevitably affect the amenity of ground and basement floor occupiers and businesses in Marine Parade. It is commonly held that in planning “there is no right to a view”. Whilst this is correct in strictly legal terms a loss of view from a public viewpoint might also have a wider impact on a neighbourhood, and should be taken into account in decision making. Therefore it is appropriate in this case to consider the extent to which the proposal will impact on amenity from publicly accessible points.
- 3.18 There are currently views from public vantage points (pavement and road) in Marine Parade to the sea through the existing railings and over the railway track. This view makes a positive contribution to public amenity as it reinforces the proximity of the location to the sea, provides an attractive outlook, adds to the setting of area and contributes to the tourist character of this part of the town. The total loss of views of the sea from this location would inevitably harm the quality of public amenity in this location and would have an adverse impact on the character of the area. It is understandable that there has been considerable objection to the proposal from residents, as this would be a significant change. It should be noted that any loss of value to properties in Marine Parade that may occur as a result of the development is not a matter that can be considered in determining this application.
- 3.19 In the representations received, the need for a higher wall to provide the necessary resilience to the railway was questioned and further information requested about alternatives that had been considered. Notable local support has been expressed for provision of a breakwater to reduce wave action during a storm.
- 3.20 In response to this point Network Rail has advised that an off-shore solution would not provide the required resilience this location. They have advised that a breakwater would need to be surface piercing to be effective during storms. The

result would be a breakwater structure that is similar to many harbours (Plymouth for example) and would be visible at all tidal states, particularly at low tide.

3.21 In support of their deciding to increase the height of the sea wall Network Rail has responded that any breakwater would need to be of a height such that it remains effective during the storms where elevated sea levels and long period waves combine to cause storm conditions. In order to provide resilience for the next 100 years a breakwater would need to account for sea level rise and would need to take account of the following;

- i. The tidal range variation at Dawlish can typically be as much as 4.0m (4.67 at its maximum) vertically between low tide and high tide.
- ii. Storm surges can add a further 1m of height increase
- iii. Sea level rise by 2115 is advised to be in the region of 0.75-1m.
- iv. The combined sea level variation between low tide and a storm water level can be in excess of 6m vertically. To be effective with this depth of water a breakwater would need a minimum height of about 4m above the low water which would place the crest at 2m above Mean Sea Level. This minimum elevation would be required to sufficiently reduce the energy of long period swell waves that would pass over the structure such that overtopping was significantly reduced at the seawall – it would still require a raising of the existing seawall.

3.22 Providing a low offshore breakwater would reduce the height required at the seawall but requires the construction of two structures, the offshore breakwater and a revised seawall although the height could be reduced. An increase of seawall height would be required in any event as a breakwater doesn't protect against increased water levels (only protects against wave action), this is due to storms and sea level rise putting the existing seawall at risk of being swamped in the during future storms.

3.23 A breakwater would have significantly greater impacts on:

- Footprint taken, this would require assessment of the potential habitat loss of the breakwater footprint that would cover a portion of seabed. The seawall has only a marginal footprint take.
- Sediment movement and hydrodynamics, these would need to be modelled to ensure that the breakwater doesn't have a detrimental effect on the beach and any marine flora/fauna and water quality at Marine Parade. The seawall has minimal impact on sediment and hydrodynamics.
- The above would require submission of an Environmental Impact Assessment.

Constructing a breakwater along this frontage would be expensive compared to the proposed seawall construction as it would require importing a significant volume of rock which can only be placed by marine vessels. This type of construction is an order of magnitude more expensive than the proposed wall construction.

3.24 Network Rail concluded that none of the above points singularly meant that a breakwater was not selected. The selection of the seawall was a holistic consideration of a wide range of technical, environmental, social, and economic factors. The key advantage is that the ability to manage overtopping volumes with only a moderate amendment to the existing seawall alignment was considered to have the least impact.

- 3.25 The Town Council has suggested that the height of the walls should be reduced and marine-style railings used on top of the wall. The shortcoming of this suggestion is that it would fail to deliver the required resilience to the railway line as too much sea water would overtop the wall during a storm event. The design of the proposed scheme is derived from a need to provide a solution that will be fit for a 100 year life span. In the submitted Coastal Morphology study it is advised that over this period sea levels are predicted to rise by 0.8 metres.
- 3.26 From Marine Parade the closest part of the new development would be the new wall with railings above that would be constructed to prevent access onto the railway line. As the site is within the Dawlish Town Conservation Area Network Rail have agreed to stone face this wall so that it would be sympathetic to the appearance and character of the area.
- 3.27 The proposed development would be sufficiently separated by the railway line and the road from the development such that the proposal would not have an overbearing relationship or a harmful impact in terms of loss of light or overshadowing.
- 3.28 In conclusion, it is considered that the proposal would impact the visual amenity of the area by reason of the increase in the scale, height and massing of the built form that would be visible. The development would be more dominant than the existing wall and would inevitably impact the natural setting of the beach. The use of pre-cast concrete for the development to replace the stone-faced wall would be less sympathetic to its setting adjacent to the beach than the existing wall. A number of revisions to the originally-submitted scheme have been negotiated to reduce impact on the amenity of the area. On the basis of these revisions the proposal is considered to be acceptable in amenity terms. As the site is adjacent to the town centre it has an urban backdrop, with views of buildings in Station Road, Marine Parade and the nearby station. The two breakwaters, the existing sea defence wall at the back of the beach and the elevated railway line constitute manmade features that are visible within the area. Given this context of the site it is considered that it has the capacity to absorb the proposed development in amenity terms.
- 3.29 From Marine Parade the amenity of the area would be harmed through a reduction in connection to the sea by reason of the view of the sea from ground level becoming obscured. An improvement to the appearance of the development has been secured through provision of the stone-faced boundary wall facing in this direction. Given the need to provide an increased barrier to prevent wave overtopping there does not appear to be any further opportunity to modify the impact of the proposal.
- ii. Impact on the setting of listed buildings and the Dawlish Town conservation area
- 3.30 There are two Grade II listed buildings in the vicinity of the application site which are the Station and 10 Marine Parade. Material to the setting of both buildings is the relationship with the railway line. The proposed development will maintain this relationship through the works ensuring the continued resilience of the line and hence retaining the operational train service. The proposal will be apparent from 10 Marine Parade and less so from the Station. As a result of the development it is considered that there would be less than substantial harm to the setting of both the Station, and to 10 Marine Parade. This harm would be balanced against the

public benefits of the proposal, which are significant in this case and therefore the relationship with both buildings would be acceptable.

3.31 The Conservation Officer has requested a number of revisions to the proposed development. Where possible the scheme has been amended to incorporate these suggestions. A number of matters can be addressed through the submission of more detailed plans to be submitted pursuant to condition. A number of recommendations to increase the use of natural stone in the development are made.

iii. Impact on amenity of the occupiers of surrounding properties

3.32 As stated above the proposed development would be sufficient distance from properties in Marine Parade that it would not have an overbearing relationship or result in loss of light to residential accommodation.

3.33 It is acknowledged that the increase in height of the new wall would impact on sea views of ground and basement level properties in Marine Parade. As set out above as a general principle the planning system works in the public interest, and matters that affect solely private interests are not usually material considerations in planning decisions. The key consideration is therefore impact of the proposal on views from publicly-accessible spaces. In Marine Parade it is accepted that there would be a loss of sea views from the public domain. Due to the technical requirements of the scheme there does not appear to be an opportunity to overcome or modify this situation.

3.34 The requirement of Part 18 of the General Permitted Development Order (England) 2015 is where a development would injure the amenity of the area it *is reasonably capable of modification to avoid such injury*. In this case it appears not to be possible to modify the scheme to overcome this issue.

3.35 A number of representations have been received expressing concern about the proposal causing an increase in noise levels as a result of the new wall. Paragraph 170 in the NPPF advises that decisions should contribute to and enhance the local environment by preventing new and existing development from contributing to, being put at an unacceptable risk from or being adversely affected by, unacceptable levels of noise pollution. Network Rail's Acoustic Consultant has advised that "any change in noise level will be negligible as the direct sound from the side of the trains facing the properties will dominate. Sound from the wall side of the train, if reflected back will be at least partially screened by the train itself, so may not even reach the train. Even if as much sound energy from the wall side reached the properties as from the road side, the maximum increase in noise level that could theoretically occur would be 3dB, which is around about the level of environmental noise change that would be a borderline perceptible change". The Environmental Health officer's comment is awaited.

3.36 Due to the proposed works being carried out below the high tide line, Network Rail intend to work 24 hours per day, 7 days a week, with no work being carried out between 19 July and 8 September. In order to protect the amenity of nearby occupiers it is appropriate to impose a construction management condition to ensure that the methods of working are agreed with the Local Planning Authority prior to the commencement of construction works.

iv. Flood risk

- 3.37 The application site is within flood zones 2 and 3. As this is a prior approval application no flood risk assessment is required to be submitted. However it is considered relevant for the Local Planning Authority to consider the impact of the development on the risk of flooding in the area.
- 3.38 The primary purpose of the proposed raised wall along the seaward edge of the seawall is to reduce over-topping volumes that currently disrupt train services. A beneficial result of this would be that the amount of seawater reaching Marine Parade would be reduced and therefore the frequency and magnitude of flooding would also be less. It is intended that over-topping volumes will be reduced by more than 90% for present day scenarios. Therefore flooding of Marine Parade road is expected to be significantly less than present.
- 3.39 Measures to ensure water that does over-top the new recurve wall will drain back into the sea will be incorporated into the design of the proposal. On the promenade a drainage conduit spaced at every pre-cast panel will allow water to flow back through the sea wall recurve panel. At the railway trackside water will flow into a new longitudinal track drain behind the upstand boundary wall installed in the ballast. This will fall from the Colonade towards Kennaway Tunnel and this outfall will be through the sea wall. Any water that falls from the railway towards Marine Parade will remain unchanged albeit the water volume from overtopping will be substantially reduced. In terms of the drainage to the highway on Marine Parade this will remain unchanged within the highway itself but where it currently discharges through the sea wall, the existing outflow pipes will be extended through the new wall.
- 3.40 The Environment Agency does not normally respond to consultation responses in respect of prior approval applications. In this case they are not a statutory consultee. Network Rail have advised that they have been working with the EA for the last 9 to 12 months on this project and the wider South West Rail Resilience Programme, and will continue to do so.
- 3.41 It should be noted that the proposed works are not intended to make any change to the outfall of Dawlish Water.
- 3.42 In conclusion, the primary purpose of the development is to reduce flood risk to the railway line, and the consequent benefit of this to the area behind the railway line is that flooding will be reduced.

v. Impact on ecology/biodiversity

- 3.43 A preliminary ecological appraisal is submitted in support of the application. It identifies that the site is 2 km from the Exe Estuary Special Protection Area and Ramsar site, and 2.7 km from the Dawlish Warren Special Area of Conservation. The Dawlish Cliffs Site of Special Scientific Interest is located behind Boat Cove. The Exe Estuary SSSI is within 2 km and the Dawlish Warren National Nature Reserve is within 2.6 km.
- 3.44 The Council has carried out a Habitat Regulations Assessment and concluded that a likely significant effect on the Exe Estuary SPA/Dawlish Warren SAC is not likely either alone or in combination with other plans and projects.

- 3.45 Below high water there is a *Sabellaria alveolata* (the honeycomb worm which is a reef-forming worm) reef which is nationally important priority habitat. The ecological appraisal concludes that it will be sufficiently far away from the development for there to be no harmful impact.
- 3.46 As part of the CEMP (which can be dealt with by condition) Integration of pollution prevention measures will be needed to avoid impacts on sensitive marine habitats.
- vi. Whether the development is reasonably capable of modification to avoid injury to the neighbourhood
- 3.47 A number of modifications to the original submitted plans have been made. Negotiations have been carried out with Network Rail to secure improvements to the proposal in terms of the external appearance of the development. Revisions have been made to the scale of the proposed works adjacent to the Colonnades to reduce the extent of the beach take. The palette of materials has been simplified on the walkway and adjacent walls to make it more recessive and to help the high quality natural setting to be enjoyed by users. Stone facing has been added to the new wall facing Marine Parade in order to improve the appearance and make it more sympathetic to the character of the area.
- 3.48 The reason behind the need for this development is to adapt to climate change. The scale of the new wall is driven by a requirement to provide resilience to the mainline railway line for the next 100 years. In the submitted Coastal Morphology Study it is stated that sea levels are expected to rise by 0.8 metres in the next 100 years. The Town Council and local residents have questioned the need for the protection works to be in the submitted form. Preferences for a breakwater or a lower wall with railings along the top have been put forward in representations. Network Rail has provided details of why a breakwater would not be feasible in this location.
- 3.49 The proposed works to protect the railway line have more than district-wide implications, as a failure in the line in this location impacts accessibility to the South West, including Plymouth, Torbay and Cornwall. The proposal therefore has significant implications for the wider region. At the heart of the NPPF is a presumption in favour of sustainable development. Achieving sustainable development is broken down into three overarching objectives; economic, social and environmental. The proposed development would contribute to all three of these objectives. In terms of the economy the proposal would provide greater certainty that existing infrastructure will remain operational in adverse weather conditions. The economic implications of this are significant. The importance of building a strong competitive economy is identified in the NPPF, particularly making planning decisions that create the conditions in which businesses can invest, expand and adapt. Socially the proposal would provide improved recreational facilities and delivery of improved safety measures. Promoting healthy and safe communities is another objective identified in the NPPF, with an aim to achieve healthy, inclusive and safe places. In terms of the environment the development would deliver a solution to address climate change in order to maintain existing infrastructure provision and ensure the future resilience of the community.
- 3.50 In summary, meeting the challenge of climate change and protecting infrastructure is supported in the NPPF. The opportunity and benefit of providing long term

resilience to the railway line through the implementation of the proposed development is evident. However provision of a scheme to achieve this objective would have implications for the amenity of the area. In order to reduce incursion of sea water during a storm event it is inevitable that some form of physical barrier would be needed. In this case the higher walls would be visible from both the beach and Marine Parade. It is noted that this extent of proposed change has resulted in considerable local objection to the scheme.

- 3.51 In the light of the storm event in 2014 which resulted in closure of the railway line it is evident that the proposed works to increase the resilience to this important section of sustainable transport infrastructure are necessary. Consideration has been given to the amount that the scheme is reasonably capable of modification, and a number of changes to lessen the impact of the development have been achieved.

### Conclusion

- 3.49 This is a prior approval application where planning permission for the development has been granted by virtue of Part 18 of the General Permitted Development Order (England) 2015. The proposal is driven by the need to address an existing flooding problem and to meet the future demands of climate change where sea levels are predicted to rise by 0.8 metre in the next 100 years. The works would protect the existing mainline railway which constitutes a regionally-important part of the sustainable transport infrastructure. In coastal areas vulnerable to flooding it is inevitable that climate change will drive changes to protect the community and infrastructure.
- 3.5 In this case there would be benefits to community and the wider region from confidence in the resilience of the railway infrastructure, a decrease in localised flooding, and an improved public walkway. There would be a negative impact on the amenity of the area from the increase in the height of the new sea wall, its appearance and a loss of views towards the sea from Marine Parade. Network Rail have modified their proposal to reduce its impact in terms of land take and appearance. The principal reason for objection to the proposal by residents and holiday makers is the height of the new sea wall and its implications on sea views in the area. It is not considered that the height of the wall is reasonably capable of modification as any reduction in height would reduce the effectiveness of the development in preventing sea water over-topping. Therefore it is concluded that prior approval should be granted for the proposal subject to the conditions listed above.

## **4. POLICY DOCUMENTS**

Teignbridge Local Plan policies are not applicable as the application is a prior approval application.

The NPPF 2019 and NPPG are relevant to determination of this prior approval application.

## 5. CONSULTEES

Teignbridge District Council Biodiversity Officer - Habitats Regulation Assessment concludes that a likely Significant Effect on the Exe Estuary SPA/Dawlish Warren SAC is not likely either 'alone' or 'in-combination' with other plans and projects and in the absence of mitigation measures.

Teignbridge District Council Conservation Officer – The concrete panel wall will mask the natural limestone wall which will have an adverse visual impact on 10 Marine Parade and the railway station and will not preserve the conservation area. I would consider this to be less than substantial harm.

Requests further details of development, e.g. materials, agrees these can generally be dealt with by condition. Suggests provision of natural stone finish to end of walls/balustrades and inner face of walkway to be stone faced.

Environment Agency – Not a statutory consultee. We have been working with Network Rail over the last 9-12 months on this project and the wider South West Resilience Programme. We support the principles of reducing flood risk to the railway line and we have attended meetings and workshops providing advice on coastal flooding and erosion risk at this location. The design and appearance of raising the sea wall at this location has been informed through this engagement. The submitted design has been chosen by Network Rail to reduce the risk of flooding to the railway line at this location from wave over-topping by up to 90%.

## 6. REPRESENTATIONS

62 public representations have been received. At the date of drafting this report: 58 in objection, 2 in support, 2 in general comment and a petition with 60 signatures.

The matters raised in objection include:

1. A 7.5 metres high wall will negatively impact the appearance of Dawlish, the Conservation Area and the scenic coastline
2. Network Rail should consult and come up with a proposal that is in keeping with its location
3. Proposal would adversely affect small businesses
4. Options for the entire length of the line from Dawlish Warren to Teignmouth should be planned comprehensively.
5. Proposal would deliver an ugly mess of concrete, sanitisation of Boat Cove, concrete benches with limited view of the sea
6. Lighting will detract from the glorious night-time views
7. Response to requests for off-shore barriers or reefs is flimsy
8. Local fishermen may never be allowed back to Boat Cove
9. The view from the train to the beach and cove will be blocked by concrete
10. Charm of Dawlish will be lost to an overpowering wall of concrete
11. Appropriate consultation has not taken place
12. Detrimental impact on the setting of a listed building and heritage assets
13. Will destroy everyone's view
14. A breakwater or off-shore reef is needed
15. No consideration has been given to the drainage situation in Marine Parade
16. A higher wall will make walking along the promenade unnerving
17. Detrimental to tourism

18. Projected increase in sea levels of 0.8 metres does not justify a 2.5 metres high wall
19. The wall will be ugly in a beautiful stretch of coastline
20. Railings would be more appropriate than a wall
21. No consideration has been given to over-topping at the Brook outlet
22. Children and wheelchair users will not be able to see over the parapet

The matters raised in support include:

1. Good access has been included in the development for visually impaired people and those with mobility issues
2. Provision of lighting and benches is a welcome enhancement
3. Will be an improvement from a sea defence aspect and aesthetically

The matters raised in general comments include:

1. Please ensure access to Coryton Cove is maintained at all times
2. Concern about operation of fishing boats from Boat Cove during the work

The matters raised in the petition include:

1. The artist's impressions distributed to the town's residents do not represent the work shown on the submitted plans
2. The options considered by Network Rail have not been put to the towns people as promised by Network Rail
3. The higher wall will destroy the town, seriously affect the tourist industry and ruin the outlook for residents and businesses in Marine Parade
4. The higher wall will not stop the overflow of seawater onto the railway. The height of the sea burst above rail and sea wall height is frequently in excess of 50 feet
5. Water will become trapped on the inside of wall/railway and flood into the street, flooding properties
6. Loss of sea views
7. Loss of view from trains
8. Noise will cause a major nuisance to residents
9. Only and best option is to build in-sea baffles
10. Consideration should be given to funneling effect of water passing below the viaduct and into the Brook
11. Since 2014 the line has only been closed for three days due to wash out and damage. On over 40 occasions Arriva Cross Country trains have had to be stopped due to water

## **7. TOWN COUNCIL'S COMMENTS**

Agree in principle to the work being carried out. Submits the following comments;

- Prefer an alternative design with a lower overall height (1.4 metres increase) topped off with 'maritime-style' railings of 1.1 metres, to avoid light and noise issues.
- Would like reassurance that wheelchair users would be able to see over the parapet
- A base of wall 'toe' should be built at the foot of the wall
- Request rock profile finish C is used
- Raised suggestion of wave-breaking reefs

**8. COMMUNITY INFRASTRUCTURE LEVY**

The CIL liability for this development is Nil as it is an application for prior approval 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.

**Business Manager – Strategic Place**

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## PLANNING COMMITTEE

CHAIRMAN: Cllr Dennis Smith

**DATE:** 16 APRIL 2019

**REPORT OF:** Site Inspection Team – Councillors Smith (Chairman), Bullivant, Hayes, Nutley and Prowse (for Clarence)

**DATE OF SITE INSPECTION:** 26 MARCH 2019

**Dawlish – 19/00237/NPA – Marine Parade, Dawlish**  
**Application for prior approval of siting and appearance under Part 18 Class A of the Town and Country Planning (General Permitted Development Order) 2015 of a new taller sea wall and wider promenade between Boat Cove and the Breakwater as part of the south west rail coastal resilience programme.**

Also present: Cllrs Hockin and Mayne and one representatives of the Town Council  
Apologies: Councillors Wrigley, Colclough and Jones

Purpose of Site Inspection:

In accordance with the procedure relating to major applications, the application below was the subject of a site inspection prior to being considered by the Committee. All members of the Committee were invited to attend the site inspection. The purpose of the inspection was to enable Members to familiarise themselves with the site. Members were unable to form an opinion on the application without having first considered the detailed report of the Business Manager attached.

The Planning Officer advised that the role for the planning authority was to determine if prior approval should be granted in respect of the impact of the proposals on public vantage points and amenity, and to suggest any modifications. The purpose of the application was to protect the railway line from predicted rises in sea levels, and to prevent 90% of sea water overtopping.

The Planning Officer reported on the proposals including the: extent of the site; the detailed plans and design; dimensions; access ramps; lighting; and materials to be used.

Network rail were holding a public consultation exhibition in the town on 10 April 2019 at the Dawlish Methodist Church, Brunswick Place from 3pm to 7pm, which would enable the public to make comment to Network Rail on the proposals.

The Site Inspection Team noted the surrounding area, and the impact on public amenity including loss of sea views.

DENNIS SMITH  
Chairman

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## Planning Committee – Tuesday 16 April 2019

### Late representations/updates

Item No.	Description
1	<p><b>STARCROSS - 19/00049/FUL - 50 Heywood Drive - Two storey side extension</b></p> <p>No updates received</p>
2	<p><b>KINGSTEIGNTON - 18/00942/OUT - Amberley, Broadway Road - Outline application for seven dwellings (approval sought for access and layout)</b></p> <p>The application is subject to the applicant entering into a Section 106 Agreement to secure:</p> <ol style="list-style-type: none"> <li>1. Financial contribution towards affordable housing of £70,596.</li> <li>2. Financial contribution of £5,000 towards a Traffic Regulation Order.</li> </ol> <p>And subject to the conditions listed on page 21 of the Committee report which are unchanged.</p> <p>The reference in the Committee report 'if subsequent reserved matters approval for scale results in the combined gross internal floor area being over 1,000 square metres' is omitted from the recommendation following discussions with the Housing Enabling Officer and therefore the recommendation is that the above affordable housing contribution be sought by S106.</p>
3	<p><b>TEIGNMOUTH - 19/00103/VAR - Lower Point Car Park, Strand - Variation of condition 1 and removal of condition 2 08/02431/FUL (retention of storage container and buoy storage facility) to change design of and permit retention of container</b></p> <p>No updates received</p>
4	<p><b>TEIGNMOUTH - 19/00299/FUL - The Goldfish Bowl, Promenade - Change of use and conversion of storage building to mixed use (A3/A4/A5 cafe and bar premises with takeaway), alterations to front elevation to replace full height sliding doors, amend rear elevation to add screen protection and re-rendering</b></p> <p>Amendment to condition 5 to change hours of operation to 7am to midnight Monday to Saturday and 8am to 11pm on Sunday and bank holidays.</p> <p>Paragraph 3.10 to be amended to refer to the suggested hours of opening as 7am to midnight Monday to Saturday and 8am to 11pm on Sunday and bank holidays.</p>

	1 additional representation has been received which refers to design and the context of the site.
5	<p><b>DAWLISH - 18/00950/FUL - Dawlish Warren Main Resort Grassed Area, Dawlish Warren - Installation of 34 metres high observation wheel, loading and unloading platform with guarding and kiosk</b></p> <p>1 additional objection received raising concerns regarding the potential impact on biodiversity interests as a consequence of increased visitor numbers.</p>
6	<p><b>DAWLISH - 19/00237/NPA - Marine Parade - Application for prior approval of siting and appearance under Part 18 Class A of the Town and Country Planning (General Permitted Development Order) 2015 of a new taller sea wall and wider promenade between Boat Cove and the Breakwater as part of the South West Rail Coastal Resilience Programme.</b></p> <p>Petition received from Newton Abbot Liberal Democrats with 335 signatures asking for a change of design to the proposed sea wall – removing the 1.1m solid parapet – so that it does not remove the sea view from residents and tourists alike. To ensure that historic users of Boat Cove can continue to use Boat Cove for boat storage, commercial and recreational use.</p> <p>Five additional objections have been received and two in support.</p> <p>The objections received raise the following points;  The ugly mass of concrete as you look back from the beach, concrete benches with limited views of the sea, coloured concrete to reflect the natural tones of the cliffs and beach, and hidden lighting. The response to requests for offshore barriers or reefs is flimsy.  New wall has no access to the beach, thus making a higher wall with the same potential of pedestrians falling to the beach, yet no means to rescue them. No consideration has been made to the boat owners at boat cove, or indeed the heritage of the ancient harbour. The owner of the cafe at Coryton cove will have his business decimated.  The new seawall will completely ruin our little holiday town, the famous view from the train, the walkway beside the beach, and the ambiance from Town to Beach.  Serious misgivings about the design of the wall. The increase in height will not prevent overtopping when we experience an Easterly gale.  The design preventing water from returning to the sea will in fact now force the excess water across the track bed and will drain into Marine Parade. We ask for some assurances of significant drainage along the landward side of the footpath and the trackbed itself. Design should have been tested and completed before decisions were made. We are fully aware that nobody is entitled to a view. We request however that you make a considered decision on the likely impact on tourism to Dawlish. Not only will the view from the land be hugely reduced but also the view from the beach and breakwaters of the line will be lost.</p>

We are requesting that the plans are reconsidered and are put to a proper public consultation.

Concerns also raised over; displacement of local fishermen, impact on tourism and visitor experience, seawall's historic setting, decision being made on an application where Teignbridge is a beneficiary during purdah.

The representations in support include the following;

A higher wall with recurve ought to deflect much of the wave action back into the sea. It's a shame to have to have a seaward parapet wall to prevent full uninterrupted views. The current fence line between the walkway and the railway line is not pretty with concrete blocks and cages of ballast. The walking surface is also a hotch-potch of different materials. A properly executed scheme could significantly enhance the aesthetics of this part of town. The seafront in Teignmouth is of modern construction but provides a welcoming environment for pedestrians. The ongoing maintenance plan does need to be considered so future cleaning, removal of sand build-up or more significant ongoing repairs are undertaken sympathetically.

Consultation response from Senior Historic Environment Team Devon County Council

The seawall is a non-designated heritage asset constructed in the early 20th century, it was built over and hides the 19th century seawall. The seawall should be considered part of the town's heritage associated with its role historic seaside resort. This application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of historic building recording work to be undertaken in mitigation for the impact upon the seawall. If a Written Scheme of Investigation is not submitted prior to determination any consent should carry the condition as worded below;

*"No development to which this permission relates shall commence until an appropriate programme of historic building fabric recording and analysis has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority".*

The programme of work should take the form of an appropriate written and photogrammetry record of the seawall as well as any architectural features, fixtures and fittings present.

Consultation response from Public Rights of Way Officer Devon County Council

Public Footpath No. 7, Dawlish follows the promenade. There doesn't appear to be any proposal to alter the alignment of the public right of way.

Teignbridge Council Environmental Health Officer

I have read the extract from the acoustic consultant (below) and their considered response to the question is reassuring, in that state any increase in train noise as a result the new wall will be minimal (barely perceptible). Therefore in respect of noise impacts from the finished structure I have no comments to make on the application.

Additional information supplied by applicant in response to points arising from Members briefing session;

Will there be a slope on the new walkway?

The exact slope will be finalised in detailed design; we would expect the cross fall to be between 1:40 and 1:80 to suit the local 'public realm' detailed design.

What will be the hydrodynamic impact of proposed wall surfaces?

The actual imprint into the panels will make a negligible difference. When considering overtopping on a vertical/battered wall the effect of surface roughness is minimal and is not considered in the calculations. In particular the difference of 4mm in relief would be negligible. The main difference (if any) is that the greater relief pattern will have a tendency to "round" or "smooth" slightly quicker as the edges are more exposed, although this is likely to be marginal.

Could public information be provided during construction about progress of the development, possibly provision of a viewing platform?

We do plan to provide a public information point which will have the daily weekly activities that are taking place together with photos and designs etc. Other projects we have visited during the development of this scheme have provided this by cordoning of sections of the beach, however the beach and walkway at Dawlish is a lot narrower so it is going to be a bit more difficult to do like this. However, when the build contract is formally awarded we can work with them to put something in place in a safe manner.

Will the next phase of development include improving access to the station?

Our design solution for coastal resilience has yet to be designed by Arup albeit the funding for this delivery has been confirmed by government. Our current remit is to focus on coastal resilience, however the design progressed will not preclude the ability to deliver an "Access for All" project to be delivered in the future, albeit this would need to be funded from a separate funding stream. Dawlish station has not been included in government's recent announcement of access for all funded schemes, however this does not mean it won't happen in the future.