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17 October 2022

PLANNING COMMITTEE

A meeting of the **Planning Committee** will held on **Tuesday, 25th October, 2022** in the Buckland Athletic Football Club, Kingskerswell Rd, Newton Abbot, TQ12 5JU at **10.00 am**

PHIL SHEARS
Managing Director

Membership: Councillors Bradford, Clarence, Colclough, H Cox, Goodman-Bradbury (Chair), Dewhirst, Haines, Hayes, J Hook, Jeffery, Kerswell, MacGregor, Nuttall, Nutley, Parker, Peart and J Petherick (Vice-Chair)

Substitutes: Councillors Austen, Daws, Hocking, Jeffries, Phipps, Russell and Connell

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Public Access Statement

Information for the Public

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.

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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

A G E N D A

PART I

(Open to the Public)

1. Apologies for absence.
2. Minutes (Pages 5 - 10)
To confirm the minutes of the last meeting.
3. Declarations of Interest.
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.
4. Chairs' Announcements
5. Public Participation
The Chairman to advise the Committee on any requests received from members of the public to address the Committee.
6. Planning applications for consideration - to consider applications for planning permission as set out below.
 - a) 20/00961/MAJ - Riverside Boatyard, Teignmouth (Pages 11 - 68)
7. Major Decisions Summary (Pages 69 - 70)

8. Appeal Decisions - to note appeal decisions made by the Planning Inspectorate.
(Pages 71 - 72)

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PLANNING COMMITTEE**27 SEPTEMBER 2022**Present:

Councillors Bradford, Clarence, Connett, H Cox, Goodman-Bradbury (Chair), Haines, Kerswell, MacGregor, Nuttall, Nutley, Parker, Peart and J Petherick (Vice-Chair)

Members in Attendance:

Councillors Wrigley, Austen, D Cox

Apologies:

Councillors Colclough, J Hook and Jeffery

Officers in Attendance:

Rosalyn Eastman, Business Manager, Strategic Place

Trish Corns, Democratic Services Officer

Suzanne Walford

Gary Crawford, Planning Officer

Steven Hobbs, Senior Planning Enforcement Officer

Jennifer Joule

Christopher Morgan, Trainee Democratic Services Officer

9. MINUTES

It was proposed by Councillor Haines and seconded by Councillor Parker that the minutes of the previous meeting be agreed as a correct record and signed by the Chair.

The Chair informed the Committee that Councillor Hayes had not been included in the minutes as he had not completed the mandatory planning training and thus was not considered a member of the planning committee.

A vote was taken – the result was unanimous.

Resolved

That the minutes of the previous meeting be agreed as a correct record.

10. DECLARATIONS OF INTEREST.

Councillor Dewhirst declared an interest in application 20/00961/MAJ. The application was deferred to a future date – see minute 11.

Councillor Nutley declared an interest in application 20/00961/MAJ. The application was deferred to a future date – see minute 11.

Councillor J Petherick declared an interested in application 20/00961/MAJ. The application was deferred to a future date – see minute 11.

a) **22/00311/HOU - 1 Higher Holcombe Drive, Teignmouth**

The Planning Officer introduced the application.

Public speaker, objector – Spoke on:

- Loss of privacy
- Top heavy
- Lack of parking
- Concern of setting precedent

Public speaker, supporter – Spoke on:

- Improved off street parking
- Landscaping garden in line with biodiversity
- Improves look of dwelling
- Desirable design

Comments from Councillors included:

- What is the process for adding a level
- Hedgehog holes as part of conditions

In response the officers clarified the permitted development rights and the designed of the application.

It was proposed by Councillor Dewhirst and seconded by Councillor J Petherick that permission be granted as set out in the agenda report with an additional condition relating to hedgehog holes.

A vote was taken. 9 were in favour, 3 were against, and 1 abstained.

Resolved

That permission be granted subject to the following conditions:

1. Time limit.
2. Works shall proceed in accordance with approved plans.
3. The recommendations set out in the Preliminary Ecological Appraisal shall be followed in full.
4. Prior to the occupation of the extensions hereby approved, bat and bird boxes, and hedgehog holes, shall be installed on the host property.
5. Prior to the first use of the first floor accommodation hereby approved, all of the rear first floor windows and the first floor window in the south east flank elevation of the dwelling shall be

fitted with a minimum of level 3 obscured glazing over the entirety of the windows with no clear areas. These windows shall be fixed shut unless opening parts are located higher than 1.7m above finished floor level or they are fitted with a 100mm opening restrictor. The windows shall thereafter be permanently retained in that condition. 6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no windows, doors or other openings, other than those shown on the approved plans, shall be constructed at first floor level in the rear elevation of the host property.

b) **21/00572/FUL - The Field, Dawlish Warren**

The Planning Officer introduced the application.

Public speaker, objector – Spoke on:

- Destruction of wildlife
- High risk flood area
- Fire risk from wood burning

Public speaker, supporter – Spoke on:

- Green energy
- High demand
- Positive customer feedback

Comments from Councillors included:

- Pictures should be more recent
- Concerns over drainage
- Flooding risk
- Statement from South West Water
- Concerns over use of vehicles
- Concerns over lighting
- Flow rates
- Concerns about vehicle use at night
- Possibly overdevelopment
- Concerns over parking run off and connection to sewer

In response the officers clarified the following

- Site is outside critical drainage area
- Minimised energy and water usage
- Habitat mitigation
- Several conditions to cover concerns
- Noise management as part of management plan

It was proposed by Councillor Haines and seconded by Councillor MacGregor that permission be granted as set out in the agenda report with an additional condition regarding drainage.

A vote was taken. 4 were in favour, 6 against, and 2 abstained.

It was then proposed by Councillor Connett and seconded by Councillor MacGregor that in absence of any other proposals, that again permission be granted as set out in the agenda report with an additional condition regarding drainage.

A vote was taken. 4 were in favour, 2 against, and 5 abstained.

Resolved

That permission be granted subject to the following conditions:

1. Time limit.
2. Works shall proceed in accordance with approved plans.
3. Details of the site noise management plan shall be provided with each booking made. The management plan and site booking terms and conditions shall specify noise minimization requirements including specifically after 11.00pm every day.
4. No external lighting shall be installed on, or in association with, the camp site, except for low-lumen, PIR motion-activated lights on a short timer (maximum 2 minutes). Any lights should be mounted at a height no greater than 1.9m from ground level, directed and shielded downward and away from the site hedges and trees. The lights should produce only narrow spectrum, low-intensity light output, UV-free, with a warm colour-temperature (3,000K or less) and a wavelength of 550nm or more.
5. A maximum of 26 bell tents shall be sited on the site, as shown on the hereby approved Block Plan.
6. The site shall be used for the purposes of camping only. This use shall only take place between 1 May and 30 September each year.
7. The camping pitches shall be occupied for holiday purposes only, for no more than three months in any calendar year by any individual occupant, group of individuals or family and shall not be occupied as a main place of residence. The owner shall maintain an up to date register of the detail of all occupiers, including their names and main home addresses, of the camping pitches on the site and shall make it available for inspection at all reasonable times by the local planning authority.
8. The existing trees/shrubs and hedges on the southern, western and northern boundaries of the site shall be retained in perpetuity.
9. Prior to its installation, section details of the decking for the 5 luxury bell tents hereby approved shall be submitted to and approved in writing by the Local Planning Authority.
10. Submission of drainage plans before commencement of works

11. 20/00961/MAJ - RIVERSIDE BOATYARD, TEIGNMOUTH

At the onset of the meeting, the Chair proposed that consideration of the application be deferred to a future meeting – this was to ensure there was adequate time to consider late information circulated by the applicant. This was seconded by Councillor Nutley.

A vote was taken – 10 were for, 0 were against, and 3 abstained.

Resolved

That the item be deferred to a future committee meeting whilst late information is considered.

12. ENFORCEMENT REPORTS

a) 20/00296/ENF - Higher Colleybrook Farm, Ideford

The Enforcement Officer introduced the item.

Comments from Councillors included:

- Is there a public right of way?
- Would the council put in a hedgerow order?
- Concerns about retrospective applications
- Hedgerow should be replaced
- Possibility of media campaign around hedgerows
- Enforcement not considered worth pursuing
- Comms team can be involved in media campaign
- A media campaign would not be a matter for the committee

Officers clarified that there were permitted development rights to create access but a breach of hedgerow regulation. It was noted that not all hedgerow applications would be agreed and that a hedgerow replacement notice could be used.

It was proposed by Councillor Dewhirst and seconded by Councillor Nuttall that no further action be set out in the agenda report as is recommended, but that the committee request to the enforcement task and finish group that they consider a media campaign for hedgerow enforcement.

A vote was taken. 10 were in favour, 2 were against, and 0 abstained.

Resolved

That no further action be set out in the agenda report as is recommended, but that the committee request to the enforcement task and finish group that they consider a media campaign for hedgerow enforcement.

13. MAJOR DECISIONS SUMMARY

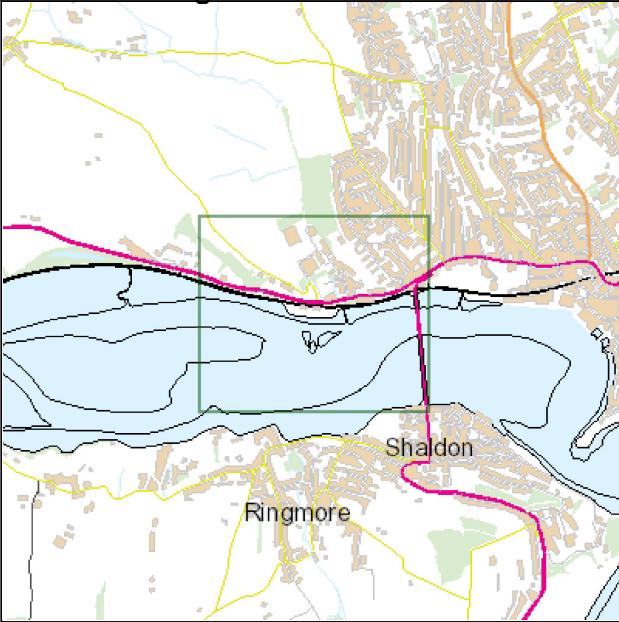
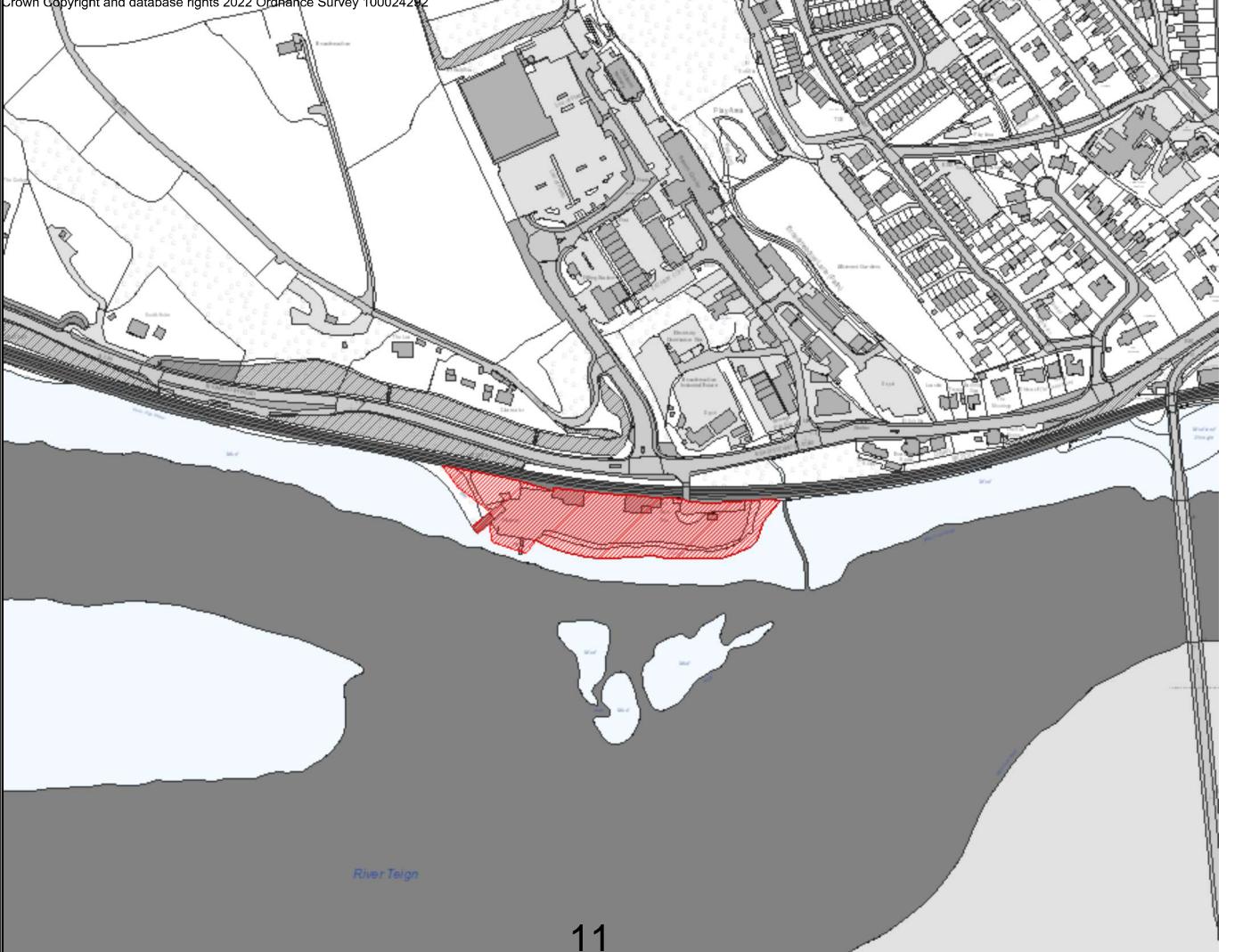
The Committee noted the Major Decisions Summary Sheet.

14. APPEAL DECISIONS - TO NOTE APPEAL DECISIONS MADE BY THE PLANNING INSPECTORATE

The Committee noted the appeal decisions made by the Planning Inspectorate.

The meeting started at 10.00 am and finished at 12.00 pm.

Chair
Cllr Linda Goodman-Bradbury

 <p>Planning Committee Report</p> <p>Chairman: Cllr. Linda Goodman-Bradbury</p>		
Date	25 October 2022	
Case Officer	Jennifer Joule	
Location	Riverside Boatyard Bishopsteignton Road Teignmouth Devon TQ14 9AB	
Proposal	Regeneration of boatyard to provide mixed use development including nine dwellings, industrial units, offices, beach huts, boat storage and repairs and parking	
Applicant	Teignmouth Maritime Properties Ltd	
Ward	Teignmouth West	
Member(s)	Cllr David Cox, Cllr Nina Jefferies	
Reference	20/00961/MAJ	
Online Details and Documents		
RECOMMENDATION: PERMISSION REFUSED - Indicative Plan		
		

1. REASON FOR REPORT

- 1.1. This application was called to Committee by Cllr David Cox regardless of the recommendation with no planning reason given.
- 1.2. This application was also called to Committee by Teignmouth Town Council should it be recommended for approval. The reason given was that members of the Town Council Committee require:
 - A detailed review of the road junction with main A381
 - A limitation on the height of the development not exceeding that of the grain silos on the commercial quays
 - A right of way for a future multi user Teign Estuary Trail to be ensured
- 1.3. Whilst a Committee Call-In request is required to provide a genuine planning reason, Officers consider that there are exceptional circumstances in this case, relating principally to the length of time which has expired since the request was made, such that consideration at Planning Committee can be justified.

2. RECOMMENDATION

The application be refused for the following reasons:

2.1. PRINCIPLE OF THE DEVELOPMENT

The site lies outside the settlement limit for Teignmouth. The principle of the development of open-market residential dwellings in this location is contrary to Policies S1a and S22, which seeks to achieve sustainable development and strictly manage development in the countryside, and Policy EN2, which seeks to preserve the character of the Undeveloped Coast. The principle of the development of new office floorspace in this location is contrary to Policies EN2 and EC2 (this proposal is in conflict with the criteria against which rural employment schemes are assessed). The market residential dwellings and office elements of the proposal are therefore in conflict with the following policies of the adopted Teignbridge Local Plan 2013-33: S21A, S22, EC3 and EN2.

2.2. DESIGN AND ASSOCIATED LANDSCAPE IMPACT

The overall scale and massing of the scheme, particularly of the office/industrial block and the three residential blocks, will result in a significant level of harm to the undeveloped nature of the coastline and the landscape of the Teign Estuary. The layout, form and large expanses of glazing on the buildings compound the visual prominence of the development. In addition, the appearance, form and layout of the scheme fails to meet the requirements for high quality design which is derived from its context, being visually appealing, safe, welcoming and respectful of local landscape character. The design will therefore neither protect nor enhance the undeveloped coast nor the qualities, character and distinctiveness of the locality. As a result, the proposal is contrary to Policies S2, EN2 and EN2A of the Teignbridge Local Plan 2013-2033 as well as the NPPF paragraphs 130 and 131 and the National Design Guide.

2.3. DESIGN AND ASSOCIATED HERITAGE IMPACT

As a result of the scale, position and design of the development, the proposal would result in less than substantial harm to the significance of the grade II-listed Teignmouth and Shaldon Bridge. The public benefits of the scheme do not outweigh this harm to the listed asset. The proposal is therefore contrary to Policy EN5 of the Teignbridge Local Plan 2033 as well as the NPPF paragraphs 199, 200 and 202.

2.4. HRA PAYMENT

In the absence of a sufficient Exe Estuary and Dawlish Warren Habitat Mitigation payment, or a unilateral undertaking to secure the full contribution, the LPA, as Competent Authority, concludes that adverse impacts on features necessary to maintain the integrity of the Exe Estuary SPA and Ramsar Site and Dawlish Warren SAC cannot be ruled out. The proposal is therefore contrary to Policies EN8, EN9 and EN10 of the Teignbridge Local Plan 2013-2033 as well as The Conservation of Habitats and Species Regulations 2017.

2.5. ECOLOGICAL HARM

The proposal will entail the unmitigated loss of 838sq.m. of intertidal habitat within the Teign Estuary County Wildlife Site and risk harm to the native oyster (a S41 priority species), a risk which has been inadequately assessed and unmitigated. For these two reasons the proposal is contrary to the Policies EN8, EN9 and EN11 of the Teignbridge Local Plan 2013-2033.

2.6. AMENITY OF FUTURE OCCUPIERS

The proposal fails to make adequate provision for the residential amenity of future occupiers of the dwellings as a result of a lack of assessment of the noise impacts arising from the boatyard/industrial use of the site. The LPA cannot therefore rule out that occupiers would experience an adverse living environment, contrary to Policies S1 and S11 of the Teignbridge Local Plan 2013-2033.

2.7. GREEN INFRASTRUCTURE

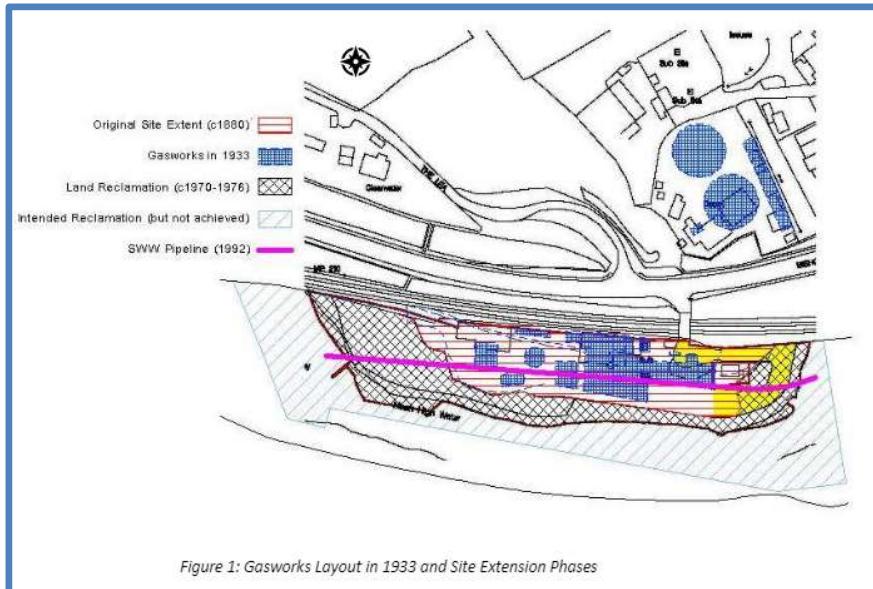
The proposal fails to make adequate provision for green infrastructure and is therefore contrary to Policy WE11 of the adopted Local Plan, as there is no provision to secure the required 110sq.m of green infrastructure per dwelling. Assuming a satisfactory play area of 153sq.m. can be provided on-site, there is a shortfall of c. 837 sq.m. There is no scheme to secure this remaining requirement nor a financial obligation in place. As a result of the small and isolated nature of the parcel of green space on-site, set above and apart from the wider site, the green infrastructure delivery fails to accord with Policy WE11 which requires at point f) that public open space is designed as part of the overall layout of the site, taking advantage of the potential benefits including enhanced play, wildlife, tree planting and landscaping.

3. PLANNING BALANCE SUMMARY

- 3.1. This proposal is for an unusual mix of uses in close proximity on a highly constrained site.
- 3.2. Weighing against the proposal are the following factors:

- The scale and massing of the development within the protected Undeveloped Coast area, such that a significant adverse landscape impact will arise;
 - The design and appearance of the scheme which fails to meet the requirements for high quality design in such a prominent landscape setting;
 - Harm to the significance of the grade II-listed Teignmouth and Shaldon Bridge;
 - The three areas of identified harm to biodiversity (the other areas of concern can likely be dealt with through conditions);
 - The inadequate and poorly-designed green infrastructure provision; and,
 - The potential for an adverse living environment for occupants of the 9 dwellings, owing to their proximity to the boatyard use.
- 3.3. Following negotiation on the scheme, some planning matters have been addressed, such that they now have a neutral weight within the planning balance as long as conditions are imposed on any consent (these factors are neither benefits nor drawbacks of the scheme):
- The economic benefits of the scheme have not been shown to be deliverable. The independent viability assessment of the scheme has found that the development is unviable; it will make a loss. The benefits are therefore very unlikely ever to be realised, and, with this knowledge, Officers consider that they cannot be given weight in the planning balance;
 - The transport and highways impact of the scheme;
 - The flood risk and drainage of the site;
 - The risk of land contamination;
 - The sustainable transport links to and from the site; and
 - The carbon/climate change impact of the scheme.
- 4. SITE VISIT**
- 4.1. A Committee site visit took place on Thursday 4th August 2022. The site visit was attended by Members of the Planning Committee as well as Teignmouth Town Council.
- 4.2. Additional, unauthorised Town Council representatives also attended the site visit and Members of the site inspection team have been advised not to take account of anything said in relation to the proposal by those persons.
- 4.3. Members are advised to disregard any comments or discussion other than that which pertained to the planning facts of the application.
- 5. SITE DESCRIPTION**

- 5.1. The application site comprises c. 1 hectare of land to the far west of Teignmouth. The site lies below the level of the A381 within the estuarine environment. It is immediately south of the Broadmeadow Industrial Estate.
- 5.2. The site was formerly a gas works (understood to have ceased use in the 1950s) and has more recently been occupied by small business units and for boat storage. It is understood from the application submission that there are currently six businesses operating from the site, with seven units leased to occupiers.
- 5.3. Immediately to the north of the site but south of the A381 is the mainline south west railway. Access to the site is over a bridge which is understood to be within Network Rail ownership.
- 5.4. A public right of way (Footpath 9) runs east from the site towards Teignmouth, accessible at low tide.
- 5.5. In planning policy terms the site is located within the designated countryside and outside the settlement boundary of Teignmouth. It is designated as Undeveloped Coast and falls within the Teign Estuary Landscape Character Area.
- 5.6. In ecology terms the site is partially within a County Wildlife Site, which comprises the Teign estuary, it falls within the 10km zones for the Exe Estuary Special Protection Area (SPA) and Dawlish Warren Special Area of Conservation (SAC), and it lies within the Landscape Connectivity Zone for the South Hams SAC.
- 5.7. The site lies within Flood Zones 2 and 3, placing it at the highest risk of flooding. Owing to its location, it is at risk from all three flooding sources: river, tidal and surface water flooding.
- 5.8. Due to its former use as a gasworks, and its proximity to the railway, the site is at risk from sources of contamination.
- 5.9. In visual and landscape terms the site is highly prominent. The principal views of the existing site are available from the (listed) A379 Shaldon Bridge and the western part of Shaldon and Ringmore, looking north.
- 5.10. An overview of the site's development was provided within the Geo-Environmental Desk Study by Red Rock Environmental, reproduced below. It demonstrates the size of the site now versus the gas works in 1933, and shows the extent of land reclamation that took place in the 1970s.



Relevant Planning History

- 5.11. The site has a limited planning history. Only application ref. 19/00661/FUL *Installation of a new retaining wall* (approved June 2019) is considered of relevance to this scheme. The approved retaining wall is located immediately south of the Network Rail bridge, where the two-storey car park is proposed as part of this application.

6. PROPOSAL

- 6.1. It is proposed to comprehensively redevelop the site for a mixed-use scheme comprising:
- Demolition of c. 653sq.m of existing industrial boathouse buildings on site across two buildings;
 - 5 self-contained workshops/industrial units, two larger and three smaller, comprising c. 505sq.m in total;
 - 9 open-market residential dwellings, arranged in three blocks of three terraced houses, predominantly clad in timber;
 - Provision of 718sq.m. of office floorspace;
 - Installation of 16 holiday accommodation units, each with its own bathroom and kitchenette facilities, intended to resemble beach huts;
 - Provision of 60 car parking spaces, arranged principally in a two-storey car park;
 - Boat washing hard standing area;
 - Area of green infrastructure space of c. 153sq.m (albeit the full area may be undeliverable as it falls outside the red line of the application site);
 - Bin storage area within the lower, southern part of the site;

- Installation of new slipway to the eastern side of the site;
 - Retention of area of boat storage within approximately the southern half of the site; and,
 - Retaining wall around the perimeter of the site, to provide flood defence.
- 6.2. The open-market dwellings will be large, family-sized houses. There are six, five-bedroomed dwellings arranged over four storeys. There are three, four-bedroomed dwellings arranged over three storeys. Each house will have a garage, balcony and small outdoor amenity space.
- 6.3. Each of the three residential blocks will comprise three dwellings arranged as terraces, with two larger houses at either end of each block and the smaller dwelling in the middle.

7. PRINCIPLE OF THE DEVELOPMENT

- 7.1. There are four proposed uses within the site: boathouse industrial/storage uses (the existing use of the site), offices, open-market residential dwellings and units of holiday accommodation.
- 7.2. The site lies beyond the settlement limits of Teignmouth and as such Policy S22 and S21A of the Local Plan are applicable. Together these are policies of restraint which seek to direct development to the most sustainable locations within the District. The site also lies within the Undeveloped Coast designation under Policy EN2. Policy EN2 sets out the types of development which will be supported in-principle in the Undeveloped Coast:

EN2 Undeveloped Coast

The protection, maintenance and enhancement of the distinctive landscape and seascape character and ecological qualities of the undeveloped coast, will be a priority alongside the ecological and biodiversity considerations. Development which would have a detrimental effect on the character of the undeveloped coast and estuaries will not be permitted. New development will be regarded as inappropriate except where it has regard to the Shoreline Management Plan and:

- a) is a minor alteration in line with WE8; or
- b) is required for the purposes of agriculture or forestry or involves a use that requires a coastal location and by virtue of its scale, nature and location does not detract from the undeveloped character of the coast.

- 7.3. The development of additional employment uses in the designated countryside is subject to Policy EC3:

EC3 Rural Employment

To support the rural economy, the following developments for business, general industrial and storage and distribution uses in open countryside will be acceptable in principle:

- a) extensions or expansions of an existing business or employment site;**
- b) diversification of a farm;**
- c) change of use or conversion of a permanent and soundly constructed building;**
- d) sites adjoining a defined settlement; and**
- e) uses with a strong functional link to local agriculture, forestry or other existing rural activity.**

Provided that:

- f) the scale of employment is appropriate to the accessibility of the site by public transport, cycling and walking and the standard of highways, and would improve the balance of jobs to working age population within the immediate vicinity;**
- g) proposals respect the character and qualities of the landscape and the setting of any affected settlement or protected landscape and include effective mitigation measures to avoid adverse effects or minimise them to acceptable levels;**
- h) changes to an existing building of historic interest or character sensitively retain its interest, character and appearance;**
- i) they conform with specific and relevant policies affecting the site including protected wildlife, heritage assets and flooding;**
- j) and in particular that proposals do not affect the integrity of the South Hams SAC.**

- 7.4. As the expansion of an existing employment site, the employment elements of the scheme would be acceptable in principle provided points f), g), h), i) and j) of Policy EC3 can be met, but further consideration of the interrelationship of policies within the Plan as a whole is crucial.

Boatyard Facility

- 7.5. The development of the boatyard facility is supported by planning policy in this location as it is both the existing use of the site, and is a marine use which is considered to require a coastal location. The reduced scale of the boatyard floorspace hereby proposed versus that already on-site ensures that the boatyard part of the scheme alone would not detract from the undeveloped nature of the coastline. Policy S22 supports business and industrial uses in the countryside but requires proposals to fit with the landscape character of the area, consider the biodiversity impacts of the development and consider the overall need to travel arising from the scheme. Each of these matters under Policy S22 is addressed in this report.

- 7.6. Subject to compliance with the wider policies of the Local Plan, the boatyard facility can be considered acceptable in principle in this location.

Offices

- 7.7. The principle of office accommodation would be supported by Policy S22, Policy EC3 (subject to meeting the 5 criteria) but not Policy EN2 Undeveloped Coast. The scale of the office building is contrary to the principles of the Undeveloped Coast and there is no clear argument that the office space requires a coastal location.
- 7.8. Offices are a Main Town Centre Use as defined by the NPPF. Main Town Centre Uses should first be directed to existing centres, followed by edge of centre locations and, only if no such locations are available, out-of-centre locations (please refer to the NPPF para.s 87 and 88).
- 7.9. The applicant has not provided any sequential analysis of possible alternative sites for the office part of this proposal.
- 7.10. Assuming a search area within Teignmouth and Shaldon, the LPA is not aware of any alternative sites for development which could accommodate this quantum of office floorspace and are more centrally located. There are however less sensitive possible development sites available in close proximity to this site that should be weighed in the balance.
- 7.11. The scheme is however overall considered to meet the requirements of the NPPF at paragraphs 87 and 88.
- 7.12. It is clear from the assessment of the scheme contained within this report that the proposal is not considered to meet the five criteria of Policy EC3 (copied above) relating to the landscape, ecology and heritage impacts of the scheme.
- 7.13. Despite ‘passing’ the sequential test, the office element of the proposal remains contrary to Policies EN2 and EC3 and cannot therefore be supported in principle.

Housing

- 7.14. In the interests of strictly managing development in the countryside, under Policies S22 and S21A, housing is not acceptable outside the defined settlement limits unless it comprises affordable housing where there is an identified local need – and then this is usually acceptable around rural settlements and not higher order locations such as Teignmouth where development would be expected to progress through the Local Plan.
- 7.15. In addition, new houses are not supported in the Undeveloped Coast under Policy EN2.
- 7.16. Affordable housing is acceptable in locations outside but adjoining rural settlement limits under Policy WE5 Rural Exceptions. It would therefore be expected that the housing component of this scheme was exclusively affordable provision – and even then the conflict with policy EN2 would weigh against it.
- 7.17. The application was submitted as exclusively market housing. The proposed dwellings are therefore unacceptable in-principle.
- 7.18. The applicant submitted viability evidence which set out that no affordable housing contribution was viable for the scheme. Independent analysis of this evidence found not only that no affordable housing was viable, but also that the scheme as a whole is unviable.

- 7.19. If the application as a whole could convincingly demonstrate that the public benefits of the scheme were sufficient to justify a wholly market dwelling development, the LPA may be in a position to support a proposal with no affordable housing. However, given no public benefits are likely to be realised, as the scheme has been shown to be unviable, it is not clear that the development of any market housing can be supported.

Holiday Accommodation

- 7.20. Policies S22 and EN2 do not extend support for holiday accommodation in this location. However, new units of holiday accommodation are acceptable in principle under Policy EC11 Tourist Accommodation, where they adjoin a settlement limit.
- 7.21. Were it to be agreed that the holiday accommodation respected the qualities of the Undeveloped Coast and met the wider requirements under S22 and the Local Plan, it would likely be possible for the LPA to support new holiday accommodation in this location.

Conclusion of Principle of the Development

- 7.22. There is only in-principle support in our Adopted Local Plan for the re-provided boathouse facility.
- 7.23. The holiday accommodation and office uses could be acceptable in-principle if they met the requirements for development in the Undeveloped Coast and the site is sufficiently accessible by sustainable transport infrastructure.
- 7.24. The open-market dwellings are not acceptable in principle.

8. ECONOMIC IMPACT, VIABILITY AND DELIVERABILITY

Viability and Deliverability

- 8.1. The applicant submitted a Viability Statement as part of the application which sets out that the scheme could not support any affordable housing provision, and that in order to be viable, all dwellings provided would be required to be market housing. The applicant's Planning Statement sets out that the benefits of the scheme, which are claimed to include securing the long-term viability of the boathouse business, providing economic benefits through additional employment floorspace, and the improvement in the appearance of the site, justify the development of open market dwellings in a location not supported by policy (the undeveloped coast under EN2 and open countryside under S22).
- 8.2. Policy WE2 requires viability testing of any proposal which fails to meet the affordable housing requirements of the Local Plan.
- 8.3. In accordance with Policy WE2, the applicant's viability appraisal was independently-reviewed by a third party consultancy, Vickery Holman.
- 8.4. Vickery Holman verified the finding that the development could not support any affordable housing provision. However, Vickery Holman also found that the overall scheme was unviable, meaning the overall scheme would make a loss. Vickery Holman considered the values generated by the site to be less than the total costs

of delivering the scheme: only with a 40% uplift in the value of the scheme could affordable housing be viable.

- 8.5. This is of significant concern to Officers. Whilst matters relating to lower levels of profit may be risk based decisions for developers to take, this level of gap suggests that the scheme is undeliverable. This means that it is highly unlikely that it would ever be built in its present form – additional development of the most valuable parts of the scheme would likely be necessary in order to improve its overall viability. Officers cannot recommend approval of a scheme in the knowledge that it is undeliverable and significant changes to the development will be required post-determination – those changes should be applied for at this stage.
- 8.6. The least valuable parts of the scheme are those which are most likely to be lost when the development is redesigned to secure its viability. The lowest value parts of the scheme comprise the employment-generating components (the boatyard and office space) – the only parts that benefit from overt policy support. The highest value is the open-market residential.
- 8.7. The LPA is currently able to demonstrate a five year housing land supply. There is no need for the LPA to support an application for residential development in the countryside and the undeveloped coast, contrary to policy.
- 8.8. Officers also have concerns with the desirability of the housing and holiday accommodation proposals. The LPA's independent reviewer of the scheme considers that, at paragraph 6.50, '*The houses proposed are unusual and there is nothing in the locality that I can find that compares with them. Whilst they will enjoy open estuary views, they will be located on a working boatyard and backing onto the main railway line. The location will attract purchasers interested in marine sports, especially to the currently very active urban relocation market and the accommodation will suit homeworking. The proposal is interesting, but I would suggest it is risky as it is away from the market norm.*'
- 8.9. At 6.90 it is stated: '*The mixture of residential and commercial is [sic] this location would not be appetising for the market. The provision of such a large proportion of commercial space, particularly offices, in any area which has a relatively modest economy is high risk.*'
- 8.10. Officers agree that the siting of dwellings immediately adjacent to the working boatyard is unusual and has the potential to result in an adverse living environment for future occupiers – this matter is considered further below.
- 8.11. There are similar questions over the desirability of siting holiday accommodation immediately adjacent to the boatyard and train line. Would the holiday accommodation be fully occupied in such a location? Whilst the applicant has sought to compare the proposed beach huts to those on the seafront in Shaldon, Officers consider that this scheme is markedly less attractive to tourists due to its distance from the principal local beaches and proximity to the industrial boat yard. It is therefore expected that the holiday accommodation, were it to come forward, would be unlikely to generate the economic benefits seen elsewhere within the locality.

Evidence of Economic Impact Submitted by the Applicant

- 8.12. Although the viability review has set out that the scheme is unviable, and hence unlikely to deliver economic benefits as intended, it is important to consider the applicant's evidence on the economic benefits so that a full assessment of the scheme can be made.
- 8.13. The Marshall Development Economics Viability Statement submitted by the applicant sets out that 7 existing industrial units on the site comprising 653sq.m. of floorspace will be replaced with 5 units at 505sq.m in total.
- 8.14. The Employment Statement submitted by the applicant sets out within the Conclusion that the 1,786sq.m. of new office/industrial floorspace '*is estimated to support 91 gross jobs and half of these would be net additional to Teignmouth, boosting the Town's employment by 1% through private investment.*'
- 8.15. The addition of c. 45 jobs, were this benefit to be realised, is considered a positive feature of the scheme.
- 8.16. The existing boatyard provision is understood to be tired and in need of investment. Whilst there is an overall loss of floorspace for industrial businesses of c. 150sq.m., the provision of modern new units would likely improve the overall offering for boatyard businesses, although it is difficult to qualify or quantify this change as the applicant's submission makes no specific reference to the changes in the boatyard provision. Officers have assessed the scheme and consider that, were the development to come forward as submitted, an overall minor positive benefit would likely accrue for industrial businesses owing to the upgrade in the quality of the provision, despite the overall loss of floorspace.
- 8.17. The key economic benefits in terms of job creation therefore derive from the new office floorspace, were the development to come forward as submitted. Whilst the boatyard/industrial improvements are likely to offer a small net positive economic impact, the office development is set out within the Marshall Development Economics Employment Statement to be the key area of additional jobs provision and would be a significant addition to office stock in Teignmouth which is currently fairly limited.

Conclusion on Economic Viability and Employment Benefits

- 8.18. The applicant has sought to demonstrate that the public benefits of the scheme, which are claimed to include securing the long-term viability of the boatyard business, providing economic benefits through additional employment floorspace, and the improvement in the appearance of the site, outweigh the conflict with planning policy identified by the applicant, comprising conflict with the qualities of the undeveloped coast and the strict management of development in the countryside.
- 8.19. However, it is incumbent upon the LPA to assess whether a scheme which is unviable in its present form is one which should be supported. Officers consider that proposals which, by virtue of their design and the proposed mix of uses, fail to demonstrate viability and deliverability, are not schemes which can be recommended for approval. With the knowledge that amendments to the application will be necessary, and that to achieve viability further conflict with Local Plan policy is very likely to arise, Officers consider that the scheme cannot be supported.

- 8.20. On this basis, there are no public benefits to weigh against the policy conflict, and therefore no policy conflict can be justified. Development of open-market residential dwellings, offices and holiday accommodation in both the designated open countryside under Policy S22 and in the Undeveloped Coast under Policy EN2 cannot be supported. The proposal is therefore in conflict with the following policies of the adopted Teignbridge Local Plan 2013-33: S21A, S22 and EN2.

9. LANDSCAPE IMPACT, LANDSCAPING AND GREEN INFRASTRUCTURE

Landscape Impact

- 9.1. The site lies within the Undeveloped Coast policy designation (Policy EN2) as well as the Teign Estuary Landscape Character Area, as referenced within Policy EN2A.
- 9.2. The commercial building will have a maximum height of 16.5m, width of 42.6m and depth of 15.8m.
- 9.3. The three residential blocks will have a maximum height of 13.1m, width of 21m and depth of 14.5m (including the balconies).



- 9.4. The Town Council have requested that the height of the buildings not exceed those at the commercial quays. There is no planning history for the main port buildings but the latest building to be erected at the quays, which is commensurate with the other buildings, is around 10m in height.
- 9.5. The applicant's Landscape and Visual Impact Assessment has assessed the impact of the scheme on three key factors: impact on the character of the site itself, impact on the character of the wider landscape, and the visual amenity of the scheme. The report concludes that the scheme will have a 'slight adverse' impact on site character, 'slight-moderate adverse' impact on landscape character and 'moderate adverse' impact on visual amenity.
- 9.6. This application was reviewed by the LPA's Landscape Officer. He advised in 2020 that there was objection to the scheme on the basis of harm to the character of the Undeveloped Coast. He advised that a reduction in the scale of the buildings and screening through landscaping could reduce the level of harm.
- 9.7. In response, the applicant advised that the scheme could not accommodate additional landscaping.
- 9.8. The Landscape Officer then responded as follows:

Whereas I accept that there will be constraints to tree planting in some areas, because of services and vehicle turning requirements, I find it hard to accept that there is nowhere that can take some tree planting. The boat storage area for example, beside the estuary edge, this is made up ground, unlikely to have services in it and not in the way of vehicle turning. An occasional group or a line of trees at say 15m centres planted along the boundary with the estuary would help to break up the mass of built development when viewed from Shaldon.

I'm not sure I agree that the context is one where trees are not found, after all there are trees along the whole edge of the Teign estuary, but I agree that the proposed development can stand without trees, however, without some screening / softening, there is greater reliance on the need for a successful delivery of a high quality built development.

*I also accept that the site is exposed but again this does not mean that trees cannot tolerate such conditions. I recommend: pine species (*nigra*, *pinaster*), *quercus ilex*, *poplar*, *lime* and *sycamore*, *sea buckthorn*, *holly* and *elaeagnus*, however there are many other suitable species that would tolerate the conditions.*

I can only reinforce my former comments which recommend that, if the landscape harm can be minimised, such as by reducing the scale of change through lowering the heights of the blocks and better assimilating these with tree planting, then the landscape harm could be reduced such that it would more acceptable.

- 9.9. Following these comments, the applicant submitted revised drawings which reduced the maximum height of the four key buildings. The maximum height of the single-pitched roofs on the residential blocks was reduced by 1.9m. The maximum height of the central staircase spine of the commercial block was reduced by 0.8m. The reduction in height is shown on the latest drawings with dashed lines.
- 9.10. In addition, a revised layout plan was submitted indicating some low-level hedging to the southern edge of the residential blocks and plant building. (It should be noted that the area to the east of the plant building is, on the latest block plan, shown to contain the area of public open space. The acceptability of that arrangement is discussed below).
- 9.11. The final amendments to the scheme have not been reviewed by the Landscape Officer as he is no longer with the LPA. It is the view of the Officers that the proposals remain unacceptable from a landscape and visual perspective for the following reasons.
- 9.12. The application site holds an unusually prominent position within the Teign Estuary. It is an important site when looking up and down the Estuary (east-west) as well as across the Estuary between the settlements and their landscape settings on either side (north-south). The principal views of the site are from Ringmore, Shaldon, the Teignmouth-Shaldon Bridge and, were the development to take place, from the A381 to the immediate north west of the site. Further views are possible from further down the Estuary, such as at Coombe Cellars and from the Teignmouth back beach.
- 9.13. When viewed from the south, the development of Teignmouth slopes down to an end point where it meets the river valley containing the Broadmeadow Industrial Estate. Beyond the Industrial Estate, until Bishopsteignton, the landscape is predominantly comprised of steep-sided agricultural and wooded valley sides, interspersed with occasional clusters of small-scale, predominately residential development. Development of this site with large new buildings would significantly urbanise what is currently an open and estuarine environment.
- 9.14. The special qualities of openness and expansive cross-estuary views are identified within the Landscape Character Assessment as key to the character of the Teign Estuary. The Landscape Character Assessment identifies the potential for new

development on the fringes of the urban areas to affect the undeveloped estuary sides and in turn affect estuary views and erode rural character.

- 9.15. The site has a history of industrial development and is currently occupied by maritime businesses. The rubble which forms the base of the site, and sets it above the mudflats of the Estuary, plus the collection of buildings and boat storage, lend a low key but cluttered appearance to the site when seen from Ringmore, Shaldon and the Teignmouth-Shaldon Bridge. It appears suitable for its estuarine context, and reflects a number of boat storage areas on the northern side of the Estuary up the Teign towards Kingsteignton. It sits quietly within its context.
- 9.16. It is the view of Officers that despite the Undeveloped Coast designation, some development of this site would likely be acceptable were it to be focused on water-compatible/maritime uses, and of a scale which respected the qualities of the Undeveloped Coast.
- 9.17. A low-level form of development would respect the special qualities of openness and expansive cross-estuary views identified within the Landscape Character Assessment as key to the character of the Teign Estuary.
- 9.18. Unfortunately, this application proposes the introduction of a mix of new uses on a particularly large scale. The four-storey heights of the residential and commercial blocks, the use of a 'town house' style design, with narrow but tall buildings, and the introduction of large expanses of glazing, particularly to the commercial block, all form a design which is directly at odds with the need for low-impact, unobtrusive development in the 'Undeveloped Coast' and Teign Estuary area.
- 9.19. The Landscape and Visual Impact Assessment report itself identifies that:

The site does have a history of containing development in the form of quite a dense collection of buildings and structures for around 100 years. The proposed collection of buildings have a similar density but are potentially up to two stories taller than the tallest previous buildings that occupied the site.
- 9.20. Officers do not consider that there is any justification for such a large scale of development. No work has been done to mitigate the impact through tree planting, and the very minor reduction in the height of the buildings during consideration of the application is such a small change to the scale that it will have little discernable impact on the overall impression of the scheme.
- 9.21. The applicant's own Landscape and Visual Impact Assessment concluded that the development would result in an adverse impact on the character of the site, the landscape character of the area and the visual amenity of the area. Officers agree with this assessment, but instead consider that the scheme would result in significant harm to the landscape character and the Undeveloped Coast.
- 9.22. The proposal is therefore considered at odds with the policies of the Local Plan, notably EN2, EN2A and S2. There is insufficient evidence that the proposal responds to or seeks to conserve or enhance the qualities and distinctiveness of the Estuary. Instead, the large bulk and the arrangement of the buildings in tall, narrow blocks has emphasised the visual impact of the scheme.

Soft Landscaping and Green Infrastructure

- 9.23. Policy WE11 of the Local Plan requires development to provide enhanced green infrastructure assets including approximately 10sq.m. per dwelling of children's and young people's play space and 100sq.m. per dwelling of other forms of green infrastructure.
- 9.24. The Green Spaces Officer has set out a required breakdown of green infrastructure provision for the scheme per dwelling. This is broken down between formal and informal green space, amenity greenspace, young people's provision, allotments and active recreation. For example, for a development of this size, a 90sq.m. area of play space would be sought.
- 9.25. The formal and informal green space is requested by the LPA to be delivered on-site. The other areas of provision can be secured off-site through financial contribution, which would likely be the best delivery mechanism for a scheme of this nature, in light of the limited size of the site and the proximity of existing nearby green spaces.
- 9.26. The applicant has submitted a scheme for on-site green space comprising 153sq.m. The applicant has not proposed any means of delivery for the remaining required green infrastructure. As total provision of around 990sq.m is required for the scheme, the lack of provision of around 837sq.m of green infrastructure is given as a reason for refusal of the application. It is considered likely that this matter could be addressed through the submission by the applicant of a financial obligation, which would need to equate to £39,507 (an additional cost to an already unviable development).
- 9.27. Officers also have concerns with the design and positioning of the on-site green space. It is proposed to position a 153sq.m area of green infrastructure between the site's internal access road and the car parking. The introduction of this green space was a post-submission change to the scheme – the original submission proposed a single holm oak tree on this part of the site.
- 9.28. Officers have strong concerns with the design and deliverability / usability of this green infrastructure provision.
- 9.29. Firstly, the space falls partially outside the red line area of the application site, meaning the land on which the applicant proposes to site the green space is not within their ownership, and hence the full 153sq.m. cannot be delivered. (There is an area of land surrounding the on-site South West Water plant building which has been excluded from the red line and is not included in a blue line indicating ownership / control of other land either.)
- 9.30. Secondly, the space is accessible only across the car park and main access route to the site. It is therefore poorly-integrated with the permanently occupied parts of the site – the dwellings, holiday accommodation and offices. Families with small children in the dwellings, for example, are unlikely to allow children to play in this space as there is no natural surveillance of the space and it is accessible only across the road infrastructure.
- 9.31. Policy WE11 requires at point f) that public open space should be designed as part of the overall green infrastructure and layout of the site. It is clear that this green space is an 'add on' and afterthought which sits at odds with, rather than being well

integrated with, the wider site. It is physically demarcated through its boundary level changes, resulting in the formation of a flat and isolated platform, set apart from the wider uses of the site. The formation of a platform leaves a void underneath (as shown on the concept sketches within the applicant's Green Space Proposal), the use of which is unclear, but which raises concerns from the perspective of designing out crime and the need for an attractive and safe development. (No elevation drawings have been submitted by the applicant so the exact design of this part of the site remains unclear.)

- 9.32. Officers therefore consider that the proposal will not result in an attractive and green development as a whole. Further thought and work is required to consider how green infrastructure can be integrated with, and enhance, the overall scheme. There is an obvious opportunity to mitigate the impact on the Undeveloped Coast through tree planting, offering the simultaneous biodiversity-landscape-green space benefits which are needed as part of good design. Instead, the insertion of an 'island of green' within an otherwise highly urban development is insufficient to meet the requirements of Policy WE11 of the Local Plan as well as Policy S2 which requires high quality development. A radical redesign and reduction in the overall quantum of development proposed is likely to be needed.

10 DESIGN

- 10.1. Policy S2 of the Teignbridge Local Plan requires high quality design. It states:

'New development will be of high quality design, which will support the creation of attractive, vibrant places. Designs will be specific to the place, based on a clear process which analyses and responds to the characteristics of the site, its wider context and the surrounding area, creating a place with a distinctive character'

- 10.2. In addition, during the course of the application's determination period, the NPPF guidance on design has been updated. The NPPF at Section 12, paragraph 130 now requires:

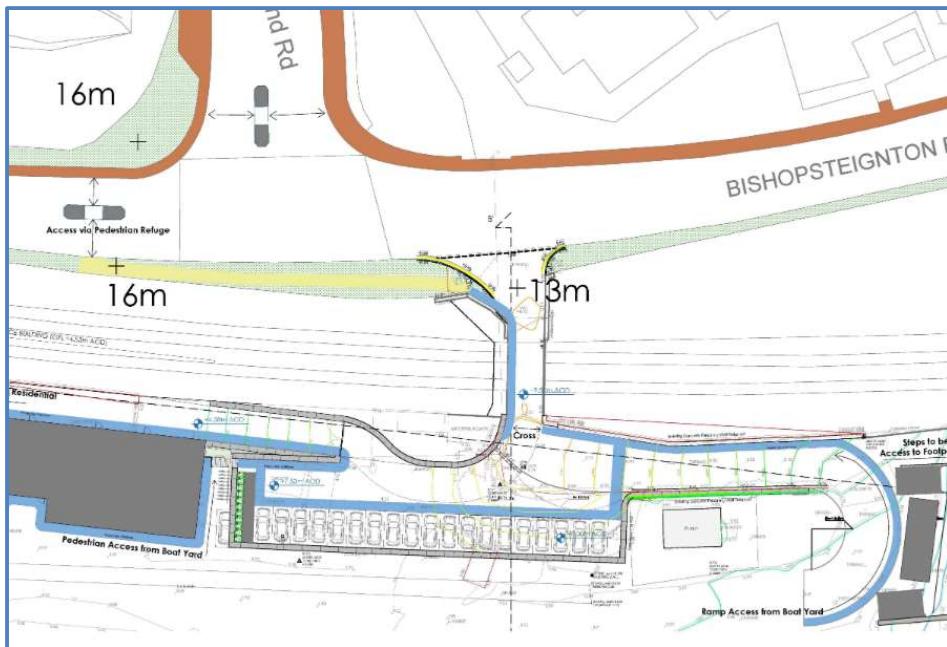
130. Planning policies and decisions should ensure that developments:

- *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*

- *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*
- 10.3. Officers consider the design of the beach hut holiday units to be acceptable responding to wider issues of local character through being diminutive and visually unobtrusive in scale. Furthermore, the five industrial units themselves are of a conventional size and design, which reflects the existing buildings on site. These cannot however be taken in isolation and Officers concerns relate to the remainder of the scheme. The reason for refusal arises from the following factors:
- 10.4. The overall design and visual appearance of the site, principally the four development blocks, is not drawn from its context: there has been no analysis undertaken of local development forms or character and no apparent attempt made to replicate or respond to successful local design features. There is no rationale for the shape, form and layout of the four large buildings provided, and Officers consider that they do not clearly relate to the characteristics of the local area.
- 10.5. For example, there is a rubble limestone and brick wall within the site. This is a characterful feature which is noted as an undesignated heritage asset within the applicant's heritage report and which could have been incorporated into the scheme or at least used as a basis for the design of buildings on site. Instead, its demolition is proposed.
- 10.6. The proposed housing and commercial blocks feature large, flat facades (particularly the southern elevation of the western-most residential block) which are visually unattractive and of a standard and mass-produced appearance. In such a prominent and important landscape setting, the highest standards of design are required. Officers do not consider the visual appearance of the scheme of sufficient quality such that the erosion of the landscape setting and the undeveloped nature of the coast can be justified.

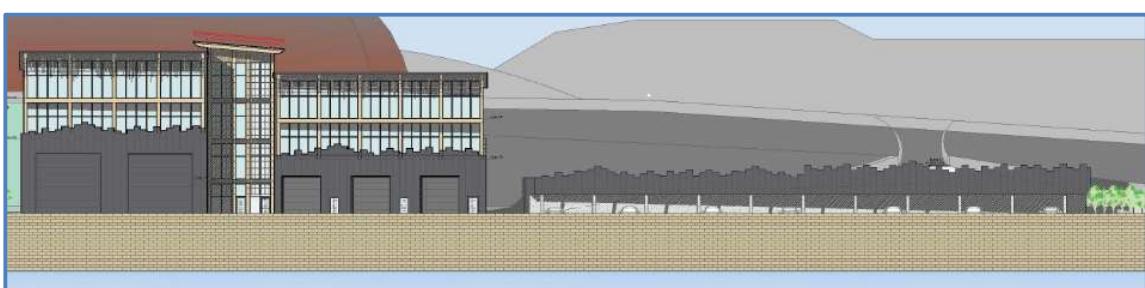


10.7. Officers have concerns with the layout of the scheme. For example, the decision to install a two-storey car park at the site's entrance does not appear an effective layout for the site. It does not provide a welcoming or attractive entrance to the site, as is required by the NPPF, nor a convenient arrangement for occupiers. Visitors to the western group of beach huts will need to leave their cars and walk with luggage across the industrial/boatyard area. Pedestrians entering the site are required to take a route to the dwellings which clearly does not reflect desire lines (most obvious route) to the houses (see extract of pedestrian access plan below where the pedestrian route within the site is shown in blue). This arrangement is, at best, an inconvenience, and, at worst, an unsafe arrangement for pedestrians. Justification for the central location of the cycle parking is also unclear – for example, why could each beach hut not have its own cycle parking provision?



10.8.

- 10.9. The large expanses of glazing on the four principal blocks will introduce significant light spill across the Estuary during the night and reflective glare during the day – this will increase the impression of built development in the Undeveloped Coast.
- 10.10. The unusual concept of using multi-level standing seam metal cladding to the commercial building and the car park is unsuccessful as a screening device for the car parking. If screening is required, the LPA would prefer the use of soft landscaping – better still a scheme that sits well within its environment and does not require screening from the wider environment.



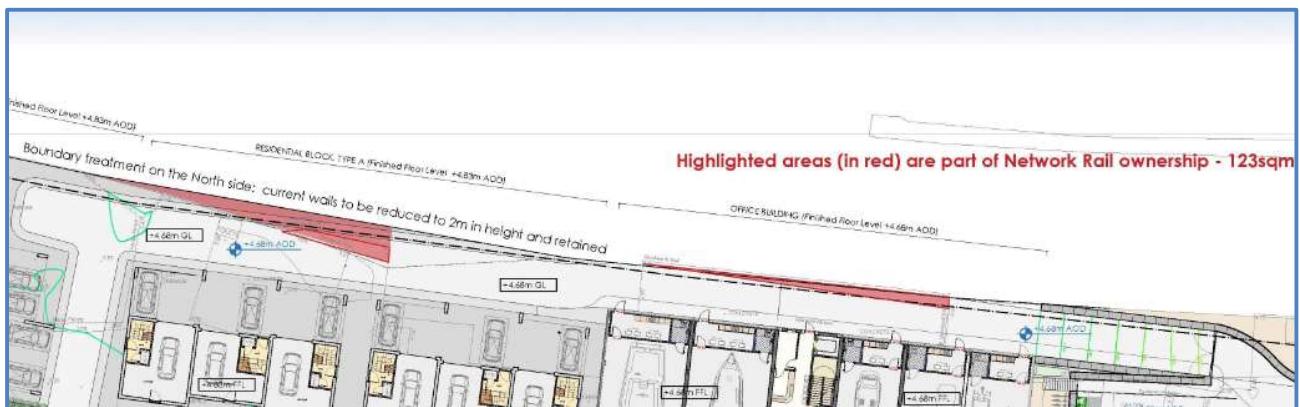
- 10.11. The Police Designing Out Crime Officer has raised concern with the design of the two-storey car park and cycle parking:

'The open access under-croft car parking provisions for both the residential town houses and the two-storey car park, offer very little surveillance opportunities and create potential places for concealment that can attract crime, misuse and anti-social behaviour.

The cycle storage area does not appear to be well overlooked which leaves cycles vulnerable to theft.'

10.12. On the basis of this response, Officers strongly advise that the design of the car and cycle parking is revised such that surveillance is provided.

10.13. Network Rail ownership extends into the site on its northern boundary to form two 'wedges', totalling 123sq.m. Without the agreement of Network Rail, the applicant will not be able to develop in these areas. This could preclude formation of appropriate access to the two western residential blocks under the current design. A 2.1m-wide area of access remains, which should be sufficient for smaller vehicles, but would present access difficulties for larger vehicles.



10.14. It is proposed to provide a central bin store along the western edge of the upper car park level. This location is considered unworkable for residents of the 9 dwellings, as they will have to walk anywhere between 85 to 140m to their bins. This is considered too far to be usable by residents and does not constitute good design – it is recommended that this element of the layout is revised.

10.15. As a result of these design concerns, it is considered that a full re-think of the proposal would likely be required were Officers to be able to recommend approval of the scheme. Beyond the in-principle concerns already discussed, the layout of the site, the appearance of the buildings, their height and massing, and more detailed design considerations such as designing-out-crime and bin, car and cycle parking have not been demonstrated to be workable. The LPA strongly advise the applicant to make use of a Design Review Panel service prior to the resubmission of any application.

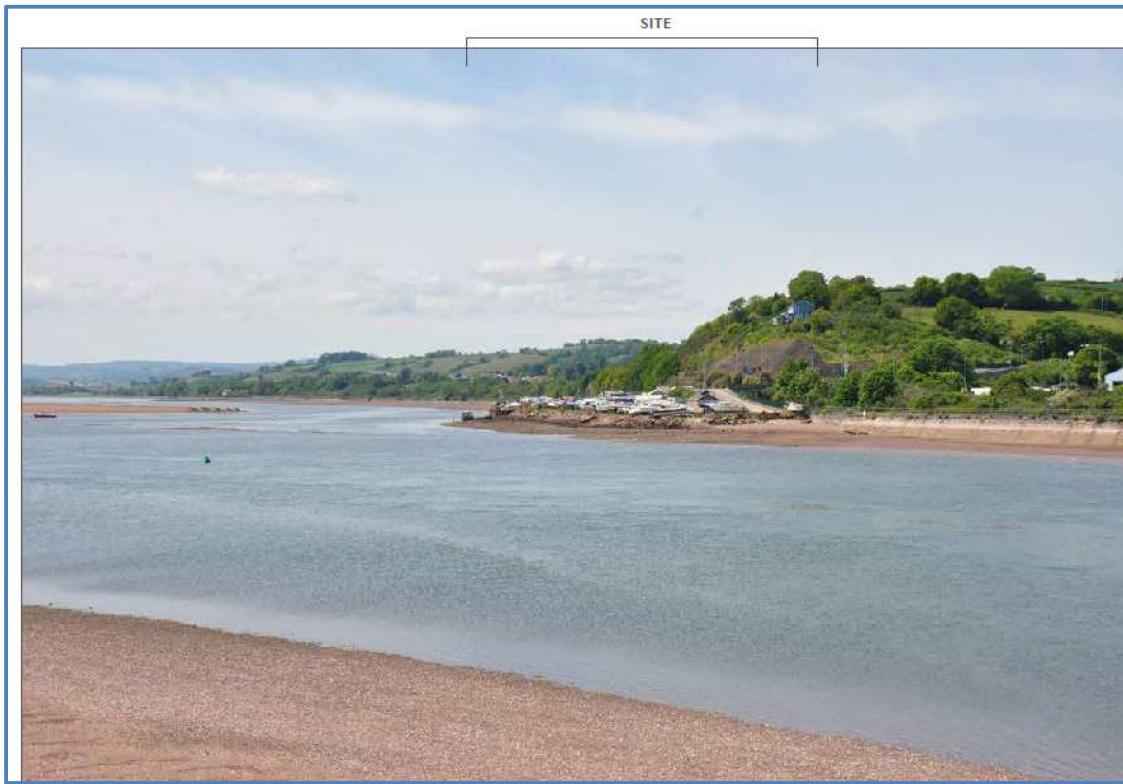
11 HERITAGE

- 11.1. The site lies c. 350m west of the Teignmouth-Shaldon Bridge, a grade II listed asset, and the bridge Toll House, also listed at grade II.
- 11.2. Other heritage assets in the vicinity of the site include the Shaldon and Ringmore Conservation Areas, the listed buildings along and in close proximity to The Strand in Ringmore and Ringmore Towers (grade II).

- 11.3. Within the site itself are the remains of a limestone and brick wall, considered by the applicant's Heritage Appraisal and Impact Assessment to be a non-designated heritage asset.
- 11.4. When assessing a development proposal, it is necessary to consider the impact on the significance of any heritage assets. 'Significance' refers to the value of a heritage asset to this and future generations because of its heritage interest. Such interest may be archaeological, architectural, artistic or historic and it may derive not only from a heritage asset's physical presence, but also from its setting. Setting refers to the area around a heritage asset which in some way contributes to the special heritage interest of the asset.
- 11.5. Officers broadly agree with the applicant's Heritage Appraisal and Impact Assessment.
- 11.6. The Teignmouth-Shaldon Bridge is considered to derive its significance from its historic and architectural interest, amongst other factors. It is an impressive feat of engineering from the early 19th Century (completed in 1827, the longest in the UK at the time), removing the need to travel in-land or by ferry to reach the other side of the Estuary. The approaches of the Bridge retain architectural significance but the main body of the Bridge no longer comprises historic fabric.
- 11.7. The setting of the Bridge contributes to its significance: the open expanse of water either side, the views west up the Estuary and east to central Teignmouth, Shaldon and the sea, are important markers of the impressive engineering feat, as well as allowing the user / traveller to appreciate the attractive seaside landscape for which Teignmouth became a fashionable town in the early 19th Century.
- 11.8. The Toll House's significance is derived from its association with the Bridge (it is prominently located at the northern end of the Bridge) as well as being a well-preserved example of an early 19th Century toll house.
- 11.9. The Toll House's setting is more immediate, comprising the Bridge itself, and its immediate curtilage, but is not considered to extend beyond the confines of these two components.
- 11.10. The application site is the next area of existing estuary side development within the Estuary when looking west from the Bridge. The application site is considered to fall within the setting of the Bridge, but not within that of the Toll House.
- 11.11. The impact of the proposal on the setting of the Bridge has been assessed. Officers consider that the development would result in harm to the significance of the Bridge. In accordance with the approach set out within the NPPF, this harm is considered to amount to less than substantial harm. The applicant's heritage assessment agrees with this view, stating (p18):

There are areas where there clearly would be some adverse heritage impact; notably, from the northern end of the Shaldon Bridge, where the rural view up the estuary would be partly blocked, resulting in some less than substantial harm to the significance of the heritage asset.
- 11.12. The applicant's Landscape and Visual Impact Assessment (LVIA) assesses the impact of the development on existing views from public vantage points. The

photographs from the LVIA have been included within this report to illustrate the impact on views from the Bridge.



- 11.13. From a heritage perspective, the comprehensive redevelopment of this site with large new buildings will result in a significant change to the character of the area. The development will dominate the view west and up the Estuary, introducing substantial new built form on to a site which currently reads as part of, and at the level of, the estuarine environment. The significance of the Bridge as the largest built environment structure within the Estuary will be harmed, as will an appreciation of its attractive open setting.
- 11.14. Within the site itself are the vestigial limestone rubble walls (one part of which has industrial brick arches) - evidence of the former gas works. This is noted by the Heritage report to be a non-designated heritage asset as a result of its historical value in reflecting the development of Teignmouth and provision of gas lighting in the town. It is proposed to demolish this feature.
- 11.15. The NPPF at paragraph 199 states that great weight should be given to the conservation of an asset, and that **any** identified harm requires clear and convincing justification (paragraph 200). The NPPF requires the LPA to assess whether any public benefits could outweigh this harm and therefore whether there is clear and convincing justification for the harm to take place (paragraph 202).
- 11.16. Regarding non-designated heritage assets, the NPPF requires the effect of an application on the significance of a non-designated heritage asset to be taken into account in determining the application. It specifically states (paragraph 203): 'In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

- 11.17. In accordance with the wider assessment of the scheme within this report, Officers do not consider that the limited economic benefits which could arise from the enhanced boatyard, tourist accommodation and office floorspace are likely to be realised, and hence consider it likely that no public benefits could arise from the development. Furthermore, there are concerns with the particular design and the landscape impact of the scheme. For example, were the scheme redesigned, the non-designated heritage asset incorporated into and reflected in the scheme, and the scale and massing of the four larger buildings reconsidered so that the landscape impact was reduced, Officers consider that support for the proposal could be forthcoming. However, in light of the particularly prominent and harmful design of the proposal, and concerns with its viability, the very limited public benefits of some additional employment development are not considered to outweigh the harm to the heritage assets (the protection of which MUST be given great weight in the decision making process).
- 11.18. From a heritage perspective, therefore, weighing the harm to the designated grade II Teignmouth-Shaldon Bridge and the harm to the non-designated asset within the site, it is considered that there are insufficient public benefits to outweigh the harm to the grade II asset. This matter forms a recommended reason for refusal of the scheme.

12 BIODIVERSITY IMPACT

- 12.1. The application site sits as part of the Teign Estuary, a County Wildlife Site. It also lies within the 10km impact zone for the Exe Estuary and Dawlish Warren, and within the Landscape Connectivity Zone for the South Hams SAC (designated for greater horseshoe bats).
- Exe Estuary and Dawlish Warren
- 12.2. An Appropriate Assessment of the scheme has been undertaken in light of the potential for Likely Significant Effects ‘alone’ and/or ‘in combination’ on features associated with the Exe Estuary SPA and Ramsar site and Dawlish Warren SAC, in the absence of mitigation.
- 12.3. The applicant has offered a standard joint approach contribution by way of a unilateral undertaking (UU). A total of £7,884 has been offered, subject to indexation. This equates to 9 x £876 (9 dwellings at the 2020 per-dwelling rate).
- 12.4. Holiday accommodation is also subject to the HRA payment, albeit at a reduced rate (52% of the dwellinghouse rate for self-catering holiday accommodation). As this scheme in fact contains 16 units of holiday accommodation as well as 9 dwellings, the total contribution required is £15,132.32 (at 2020 rates).
- 12.5. Without the full contribution secured through UU, the LPA cannot conclude that there will be no adverse effect on the integrity of the SPA and/or SAC. An insufficient contribution therefore forms a reason for refusal of the scheme. The proposal is therefore contrary to Policy EN8, EN9 and EN10 of the Teignbridge Local Plan 2013-2033 as well as The Conservation of Habitats and Species Regulations 2017.

County Wildlife Site (CWS) and Intertidal Habitats/Species

- 12.6. It should be noted that all intertidal habitats and areas are included in the CWS designation, and its associated policy protection, as part of the Estuary as a whole, with its bio- and geo-processes.
- 12.7. There is currently a biodiversity objection to the scheme on the basis of adverse impact on the native oyster and the inter-tidal habitats of the County Wildlife Site. The Environment Agency's Biodiversity Officer has also requested the provision of replacement inter-tidal habitat within the Teign Estuary in order for the scheme to be acceptable (this habitat will be lost through the formation of the sea wall around the perimeter of the development site).
- 12.8. The full response from the Biodiversity Officer in relation to the inter-tidal habitat can be summarised as:
 - There is a total intertidal area loss of 1,010sq.m.;
 - The new sea wall, containing ready-made potential habitats in the form of small arches and inbuilt 'flaws' for mollusc, algae and barnacles, will be at least 172sq.m.;
 - If the inbuilt 'flaws' extend over the whole of the intertidal area of the sea wall and slipway walls (rather than being scattered at intervals), this will compensate the loss of the existing seaweed zone. If permission is granted, incorporation of the proposed inbuilt 'flaws' should be conditioned to offset loss of some of the existing intertidal habitats; and,
 - This will leave a remaining shortfall of (1,010 – 172 =) 838m² of intertidal habitat being lost within the County Wildlife. Compensatory habitat creation within the Teign Estuary is required to offset this loss to comply with Local Plan Policy EN9, NPPF paragraphs 174 and 180. A quantum of intertidal biodiversity net gain is also required in line with Local Plan Policy EN8, the NPPF 174.
- 12.9. It would be necessary for the applicant to overcome the objection by entering into a legal agreement with a land owner elsewhere within the Teign Estuary for inter-tidal habitat recreation and/or enhancement. However, as no such obligation (or an alternative solution) has been agreed, the biodiversity objection stands.
- 12.10. The applicant/agent appear to be under the impression that this matter can be dealt with through condition. Unfortunately, however, because the habitat will need to be created elsewhere within the Estuary, outside the applicant's current control, the re-creation and/or enhancement needs to be dealt with through legal agreement as there is otherwise insufficient certainty that it can be secured as it would not be on the applicants' or on a recognized public body's land as currently proposed.
- 12.11. Regarding the oysters, the Biodiversity Officer has commented as follows:

Native oyster has been lost from much of its former range due to a range of anthropogenic factors and is now a S41 priority species of conservation concern. Its reintroduction to the Teign Estuary by a local shellfishery firm, is a welcome measure towards its conservation locally. In August 2020 Devon and Severn Inshore Fisheries and Conservation Authority undertook a survey due to concerns over potential impacts on the species from the development. Their report 'Native

Oyster Survey on the Teign Estuary adjacent to Riverside Boatyard' showed that native oyster is present in the intertidal zone to the south and east of the application site (unfortunately, no survey was undertaken to the west of the site), where the local shellfish firm had been placing native oysters in this area when they found them elsewhere on the estuary. However, the range of sizes of oyster present indicated that the population is now establishing well and breeding. The population should therefore be regarded as a reintroduced wild population, rather than a collection of farmed individuals, and therefore due protection/conservation.

There is potential for damage to native oysters and other intertidal species during construction and during the operational stage. During construction any vehicle/plant/machinery use, material storage, general human activity, etc., in the intertidal zone, could destroy creatures by crushing, smothering, etc. During the operational stage, there will also be risks of crushing by human activity, for instance to launch and retrieve watercraft at lower states of the tide, and especially where cars and larger vehicles are used to launch craft.

- 12.12. The Biodiversity Officer has therefore concluded that the likely extent of impacts on the oyster are not known and the avoidance, mitigation and (as a last resort) compensation measures required have not been fully explored. There is therefore a biodiversity objection to the proposed development on the grounds of inadequately assessed and unmitigated impacts of the S41 priority species native oyster.

Other Ecology Matters

- 12.13. Water pollution: There is a need for pollution-control during the construction and operational stages. Conditions are recommended by the Biodiversity Officer which can be secured should the application be approved.
- 12.14. Lighting impacts: There is potential for an adverse ecology impact arising from additional lighting. A condition will be needed for details of the lighting to be installed at the site.
- 12.15. Estuary birds: There could be disturbance of estuary birds during the construction phase. A Construction and Environmental Management Plan (CEMP) will need to be secured through condition if approved and this may limit timing of construction activities.
- 12.16. Terrestrial habitats: To mitigate the loss of terrestrial habitat, albeit limited in extent and value, a landscaping scheme should be submitted to the LPA, should the application be approved.
- 12.17. Biodiversity net gain: All applications are required to offer ecological enhancement/net gain under the Local Plan Policy EN8 and the NPPF. The Biodiversity Officer has set out, as above, that this could be provided through additional intertidal habitat replacement, or it can be met through the provision of bird boxes on the tall buildings. Again, if approved, these measures will need to be secured through condition.

Water Framework Directive

- 12.18. The Environment Agency (EA) require applications to demonstrate that there will be no deterioration of the Water Framework Directive (WFD) status of the Teign

Estuary Waterbody as a result of the development. The applicant has completed the WFD form and, following amendments, its content has been agreed with the EA.

13 AMENITY FOR FUTURE OCCUPIERS

- 13.1. The site lies immediately adjacent to the mainline south west railway and the A381. Proposed within the site is a mixed-use development of residential and holiday accommodation uses adjacent to offices and a boatyard.
- 13.2. The submitted Noise Impact Assessment by Acoustic Associates SW Ltd states:
 - The existing background noise levels exceed the recommended standards for residential amenity both during the daytime and at night;
 - This impact is particularly pronounced at the rear of the terraced dwellings, which face the road and railway;
 - It will not be possible for occupants of the dwellings to open windows on the railway-facing elevations without an adverse impact on amenity (ie a breach in the recommended noise levels);
 - Therefore, to achieve the noise levels sufficient to demonstrate an adequate level of amenity, enhanced insulation and an alternative ventilation strategy will be required; and
 - It is likely to be possible to achieve the required sound levels with the use of a MHVR system, a system of air recycling within a building, as well as a certain grade of window glazing.
- 13.3. Whilst the LPA considers that an inability to open windows on the railway-facing elevations is a concern for future occupiers, an alternative solution has been proposed and is hypothetically possible. The ability to open a window and enjoy low levels of noise is not an absolute requirement for residential amenity, although it would likely be desirable for residents.
- 13.4. Were the application to be recommended for approval, it is likely this matter could be dealt with through condition, and conditions would be required to cover the specification of the ventilation strategy, insulation and glazing to the railway-facing elevations of the dwellings.
- 13.5. The level of noise likely to be experienced by occupants of the 16 holiday units has not been considered within the Noise Impact Assessment. However, Officers consider that, as the units are very small, and would likely only be occupied for short periods of time, an adverse noise environment would likely be acceptable for occupants of these units. Whether holiday makers would wish to book a stay within a potential adverse noise environment is difficult to assess but likely questionable in the view of Officers.
- 13.6. Following receipt of the Noise Impact Assessment, the Environmental Health Officer raised no concerns with the impact on the residential accommodation from the existing railway and road, but did raise concern that no assessment of the impact of the industrial units and boat yard uses on the proposed residential uses had been

considered. Furthermore, no operational hours for the industrial units and boat yard have been provided.

- 13.7. Officers consider that whilst sufficient mitigation could be put in place to prevent an adverse noise environment for residents of the dwellings as a result of the adjacent road and railway, there is currently no understanding of the level of noise likely to be generated by the boathouse itself.
- 13.8. For example, there has been no assessment of the level of noise arising from activities such as boat maintenance, boat washing, and any other uses which may take place within the proposed B2 Use Class. B2 refers to 'general industrial' uses, which would not typically take place immediately adjacent to residential or holiday uses.
- 13.9. Given the physical proximity of the mix of uses, there is the particular potential for an adverse impact on the front/boathouse-facing elevations of the dwellings, where the balconies and outdoor amenity areas of the two easternmost blocks of dwellings are to be located.
- 13.10. Officers consider that the hours of operation (and hours of construction activity) could be secured through condition. The noise impact of the boathouse itself cannot be dealt with through condition because there is the potential for a fundamental objection with the proximity of the uses. As it is the industrial element that receives policy support and that we would be most keen to see developed at this site, it would not be appropriate to limit the operation of this element so as to enable the creation of a satisfactory residential environment and whilst ventilation etc strategies may be able to address concerns with regard to internal noise environments, this would not address the need for a satisfactory external noise environment too – the proposed houses are sandwiched between noise sources with unknown but likely unacceptable consequences for amenity.
- 13.11. The LPA can therefore not confirm that there would be no adverse impact on amenity, where it relates to noise, for occupiers of the proposed dwellings. The proposal is therefore currently in conflict with Policy S1 of the Local Plan, particularly points d) and f).
- 13.12. Officers consider that the other aspects of amenity, notably natural light, privacy and access to private outdoor space, are adequately provided for within the proposal.

14 HIGHWAYS

- 14.1. The proposal makes use of a single point of access and egress over the mainline railway. It joins the public highway just east of the A381/Broadmeadow Industrial Estate junction.
- 14.2. The Devon County Council Highways Officer has reviewed the scheme and considers that the highways network does have capacity to accommodate the proposal.
- 14.3. The Highways Officer requested pedestrian links to the A381 and Footpath 9 be provided as part of the scheme.

- 14.4. The applicant has submitted updated information to address these points and subject to the imposition of conditions relating to a Construction Management Plan, requirement for detailed highways drawings to be submitted to and approved by the LPA, and requirement for all off-site highways works to be in place prior to occupation of the site, the proposal is considered acceptable.
- 14.5. The link with Footpath 9 has been considered elsewhere in this report and Planning Officers do not consider that a public right of way linking to Footpath 9 can be reasonably requested for the scheme, even though it would be a benefit of the scheme which the applicant could look to provide.

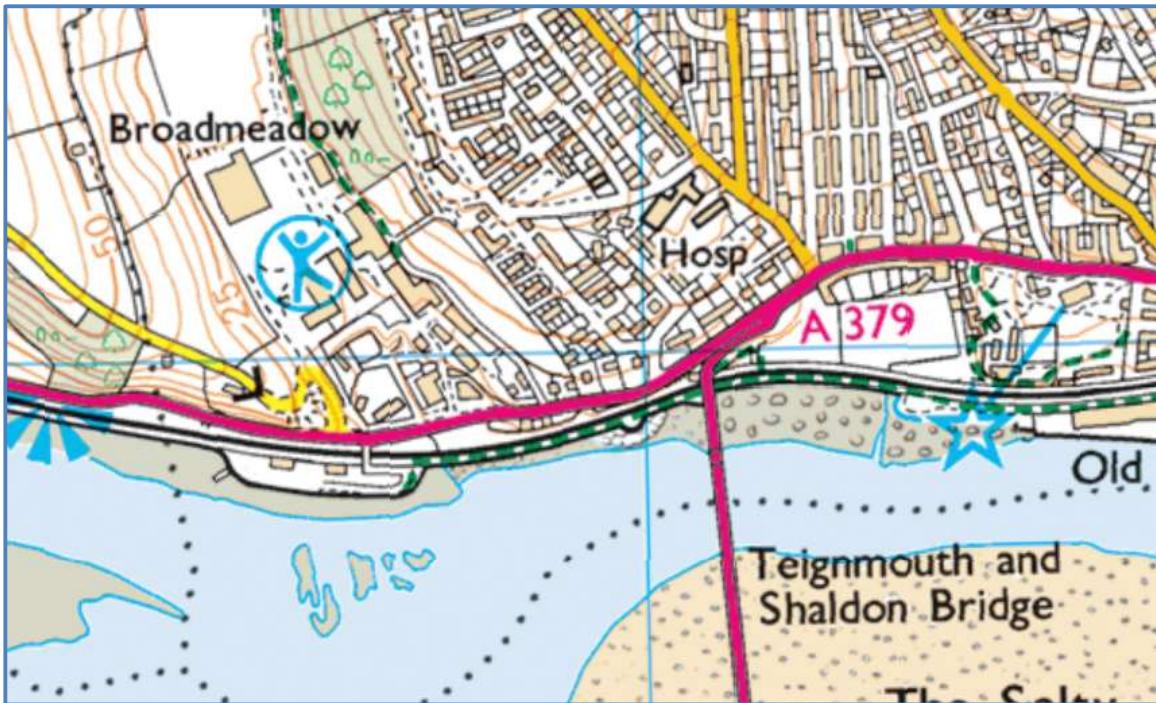
15 FLOOD RISK AND DRAINAGE

- 15.1. The site lies within Flood Zones 2 and 3, placing it at the highest risk of flooding.
- 15.2. The NPPF and Local Plan require a sequential approach to development within Flood Zones 2 and 3. Whilst the applicant would ordinarily prepare the 'sequential test' evidence themselves, to demonstrate that the development could not be sited elsewhere within a lower area of flood risk, the sequential test was for this application undertaken by the LPA. The conclusion of the process was that the development could not be sited elsewhere within the District at a lower level of flood risk – the location of marine businesses close to the coast is a key consideration here. There are clearly alternative locations for, for example, residential development across the District and within Teignmouth itself.
- 15.3. Following the completion of the sequential test, the applicant is required to demonstrate compliance with the 'exception test'. This test is required to show that there are sustainability benefits of the development which outweigh the flood risks, and that the site will be safe from flooding over its lifetime, taking in to account the impacts of climate change. It is this part of the policy requirement which has been subject to extensive negotiation with the applicant. The Environment Agency (EA) have provided five separate consultation responses to the scheme.
- 15.4. The EA advise, in their latest response, and following receipt of the December 2021 flood risk assessment, that they do not object to the scheme, subject to the application of conditions on any consent. These conditions relate to:
 - Detailed design of the Wave Return Wall;
 - A Construction Environment Management Plan;
 - Securing Biodiversity Net Gain;
 - Site investigation and remediation; and
 - Unsuspected contamination.
- 15.5. Were the application to be recommended for approval, these conditions would be applied to any consent.
- 15.6. A report regarding the required maintenance regime for the sea wall has been received from TMS Maritime. Should the application be approved, this maintenance regime will need to be secured through condition.

- 15.7. Due to the risk of flooding, were the application acceptable and approved, an emergency evacuation plan will need to be prepared and submitted to the LPA prior to occupation of the site.
- 15.8. Regarding the drainage of the site, the Lead Local Flood Authority (Devon County) objected to the scheme in 2020 on the basis that no SUDS (sustainable urban drainage) scheme had been drawn up for the proposal. Having discussed the application again with the LLFA in 2022, in light of the subsequent work with the EA, the LLFA have advised that a conventional SUDS scheme would not be needed for this site as it forms part of the Estuary. Betterment on the current scenario would be sought, in line with standard procedure, and this would ideally be provided prior to determination of the application. However, it could be dealt with through condition if necessary.
- 15.9. The LPA therefore consider that, whilst the application would ideally have provided full details of the drainage scheme up front, provision through condition would be acceptable.

16 SUSTAINABLE TRANSPORT LINKS

- 16.1. The site is located on the western edge of Teignmouth, within walking distance of the Broadmeadow Industrial Estate and with access to Footpath 9, a public right of way (PROW) available at low tide, which leads to the centre of Teignmouth.
- 16.2. The site is a c. 25 minute walk from Teignmouth train station and an approximately half hourly bus service is available within a 5 minute walk from the site, which leads to central Teignmouth and Newton Abbot.
- 16.3. The LPA's Green Infrastructure Officer has provided comments to the application explaining that she does not object to the proposal subject to securing certain sustainable transport measures through the development. The pedestrian and cycle crossing she requests is discussed in the highways section of this report. It is agreed and can be secured through condition. She also requests that a public right of access over the site's access bridge (currently in Network Rail's control) is secured, to be used as part of the future Teign Estuary Trail and to allow public access through the site to Footpath 9.
- 16.4. Footpath 9 can be seen in dashed green leading east from the site on the below Ordnance Survey extract. The footpath is underwater at high tide.



- 16.5. The Teign Estuary Trail is an ambition of Teignbridge and Devon County Councils. Officers would strongly support the provision of a PROW across the access bridge to this site. It would provide a possible basis for the Teign Estuary Trail to central Teignmouth, and would generally improve the sustainable transport network of the area by providing an alternative walking route to the Broadmeadow Industrial Estate from central Teignmouth, and vice versa. The applicant sets out within the Design and Access Statement and Transport Assessment that such a public pedestrian and cycling link is proposed. However, more recently, the applicant has withdrawn this aspect of the scheme, and has set out that a PROW over the Network Rail bridge is not proposed. Officers are disappointed with this outcome.
- 16.6. It is therefore necessary for the LPA to consider whether the lack of a public pedestrian facility is a reason for refusal of the scheme. Officers consider that, on balance, although such provision would greatly enhance the scheme, it is not absolutely necessary for the development to be acceptable in planning terms. It is only the impacts of the scheme itself which need to be considered. It could be considered unreasonable of the LPA to require a pedestrian link for the benefit of the wider community whilst the occupants of the development itself would be able to access Footpath 9 in any case. A means of access to Footpath 9 for those occupying the holiday accommodation, offices and dwellings will be available.
- 16.7. Whilst this change to the scheme since its submission is disappointing, Officers do not consider it a specific reason to refuse the scheme.
- 16.8. Electric vehicle charging infrastructure, for dwellings and businesses would be required and whilst not shown on the drawings, can be secured through condition.

17 CARBON/CLIMATE CHANGE IMPACT

- 17.1. Teignbridge District Council has declared a climate emergency and is aiming to be carbon neutral by 2025. Policies S7 and EN3 of the Local Plan set out requirements for new development to reduce carbon emissions and provide a carbon reduction plan to indicate how this could be achieved. Policy S7 states the Council seeks to

achieve a reduction in carbon emissions of 42% by 2030, which was increased to 48% more recently.

- 17.2. The Climate Change Officer has set out a number of concerns with the scheme. It is considered that they could be dealt with through the imposition of conditions on any consent.
- 17.3. It is also important to note that recent changes to Building Regulation standards mean that the carbon emission targets required under the Local Plan are now exceeded by the standard requirements under Building Regulations. This is a recent change which means it has now become unnecessary for the applicant to update the carbon calculator required under Policy EN3.

Such conditions would require:

17.3.a Details of the ventilation strategies for the buildings

Given the site is located immediately adjacent to the mainline railway, and that noise levels will likely influence how occupants use natural ventilation systems, if provided, it will be necessary for a planning condition to be imposed to require agreement of the buildings' ventilation strategies and to confirm that buildings are not susceptible to overheating in the absence of natural ventilation (e.g. openable windows and doors). The Climate Change Officer advises that this could be achieved by running an overheating risk assessment using standards set out in CIBSE TM59.

17.3.b Embodied Carbon

With regards to the selection of building materials and construction methods under Policy EN3, credible carbon reduction plans will provide an evaluation of embodied carbon (in tonnes CO₂) and the steps taken to reduce embodied carbon, including the use of recycled materials, low carbon materials, locally-sourced materials and minimising the production and transport of waste. Given the quantities of materials required to raise flood defences, this policy is of particular importance to the proposed development. A scheme to reduce the embodied carbon emissions of the development should be submitted to and approved by the Local Planning Authority prior to the commencement of development.

17.3.c Electric vehicle infrastructure

In compliance with Policy S9, the LPA expects car parking to be equipped with passive EV charging infrastructure capable of supporting the future connection of a Model 3 Type 2 32A EV charger by future residents and business occupiers (and the holiday units). Again, this measure would be secured through condition should the application be approved.

- 17.4. Whilst the LPA has a number of outstanding concerns with the scheme, in light of the recent changes to Building Regulations, it is considered that such concerns could likely be dealt with through the discharge of condition process rather than prior to determination of the application. No specific reason for refusal therefore relates to the carbon impact of the scheme.

18 LAND CONTAMINATION

- 18.1. The application site has had a number of historic commercial/ industrial uses. As is stated above, the site was previously a gas works and more recently has contained the boatyard and a road haulage depot.
- 18.2. TDC's Environmental Health Officer has advised that he has no objection to the scheme subject to the imposition of conditions relating to:
 - A phase 2 contamination assessment of the site;
 - Submission and implementation of a remediation scheme; and,
 - Reporting of any unexpected contamination.
- 18.3. It is therefore considered that, despite likely extensive and potentially high risk contamination, the site could likely be successfully remediated to a point at which residential occupation of the site would be acceptable.

19 MANAGEMENT OF THE APPLICATION

- 19.1. The LPA has worked positively and proactively with the agent during the course of this application. Over the two year determination period some of the complex issues associated with this development have been resolved, namely the flood risk and highways matters, as a result of the submission of extensive additional information by the applicant and a large number of additional consultation responses by the Environment Agency, Devon County Council Highways Officer, amongst others.
- 19.2. Owing to this unusually long period of negotiation, which led to the removal of some areas of objection but not all, in May 2022 the Case Officer advised the agent that no further negotiation or amendments would be accepted, and that the application should now be brought to determination. The applicant was advised to withdraw, address the issues identified, and resubmit with a redesigned scheme.
- 19.3. The applicant has expressed a desire to continue negotiation on the scheme and submitted further documents/supporting evidence in August 2022. Unfortunately, due to the extensive negotiation which has already been undertaken, the LPA is not willing to accept submission of further documentation, and has not reviewed this further work. To do so would further delay the application and place undue burden on the LPA's time and resources when extensive work and negotiation has already taken place.
- 19.4. The LPA therefore advises the applicant to submit this additional work to a revised submission of the application.

20 CONCLUSION

- 20.1. Drawing the planning balance together, Officers conclude that the drawbacks of the scheme are such that the application should not be supported. Whilst Officers welcome the applicant's intention to secure the viability of the boatyard for the long-term, the scheme as put forward has been shown to be undeliverable. It is unclear that the limited public benefits in terms of the enhanced boatyard and employment generation through the office floorspace could be realised. Officers cannot

recommend approval of a scheme in the knowledge that it is undeliverable and changes to the development will be required post-determination – those changes should be applied for at this stage or the application withdrawn.

- 20.2. The scale of the landscape harm is substantial. Development of this site will permanently detract from what is a largely undeveloped and attractive landscape – one which contributes to the strong tourist economy in Teignmouth and Shaldon and which is visible to all travelling south west along the mainline railway. The erosion of that landscape character through the formation of several particularly large buildings will permanently damage the Teign Estuary and harm the setting of the nearby listed heritage assets. There are also significant concerns with the detailed design of the scheme.
- 20.3. This LPA has supported some employment development in the Undeveloped Coast where the landscape impact is limited and in light of the shortfall in employment floorspace provision in the District as a whole since the adoption of the Local Plan. However, the LPA has only done so where there were landscape mitigation measures in place such that the impact on the Undeveloped Coast was low, and where there was a real prospect of the development coming forward.
- 20.4. In this case, there is a real question over the deliverability of the scheme and the realisation of its benefits, and yet the drawbacks of the development are clear. On this basis, it is not a scheme which the LPA should support.
- 20.5. Officers advise the applicant to promote the site to the emerging Local Plan. Consideration through the Local Plan preparation process is the appropriate route for major development outside current settlement limits. The site's constraints would then be fully considered, its capacity for development appropriately reviewed, and its suitability for development weighed against a sustainability analysis of the Plan as a whole.

21 POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A Presumption in favour of Sustainable Development

S1 Sustainable Development Criteria

S2 Quality Development

S3 Land for Business, General Industry and Storage and Distribution

S4 Land for New Homes

S5 Infrastructure

S6 Resilience

S7 Carbon Emission Targets

S9 Sustainable Transport

S10 Transport Networks

S11 Pollution

S12 Tourism

S13 Town Centres

S18 Teignmouth

S21A Settlement Limits

S22 Countryside

EC1 Business Development

EC3 Rural Employment

EC11 Tourist Accommodation

WE1 Housing Plan, Monitor and Manage
WE2 Affordable Housing Site Targets
WE11 Green Infrastructure
EN2 Undeveloped Coast
EN2A Landscape Protection and Enhancement
EN3 Carbon Reduction Plans
EN4 Flood Risk
EN5 Heritage
EN7 Contaminated Land
EN8 Biodiversity Protection and Enhancement
EN9 Important Habitats and Features
EN10 European Wildlife Sites
EN11 Legally Protected and Priority Species
EN12 Woodlands, Trees and Hedgerows

National Planning Policy Framework

National Planning Practice Guidance

22 CONSULTEES

- 22.1. Summaries of the latest consultation responses are set as follows. Full responses, including any earlier versions, can be viewed on the application file

TDC Biodiversity Officer 18th August 2022

SUMMARY

- 22.2. There is a **biodiversity objection** to the proposal on three grounds:

- an insufficient Habitats Contribution has been offered;
- loss of intertidal habitat in a County Wildlife Site; and
- there is risk of harm to native oyster.

Other biodiversity concerns can be addressed by Conditions.

ISSUES

European Sites

Exe Estuary SPA/Dawlish Warren SAC Habitat Regulations Contribution

- 22.3. A Unilateral Undertaken was submitted in 2020 for 9 residential units x £876 = £7,884 (index linked). However, the application documents indicate that the 16 Beach Huts will constitute holiday accommodation, for example the Wave Overtopping Assessment dated 25 June 2021 classes the Beach Huts as residential and assesses potential impacts on them accordingly (e.g. see figure 2.3 page 9). The revised Appropriate Assessment finds that adverse impacts on the SPA and SAC can be avoided if the correct contribution for 9 residential plus 16 holiday self-catering units is secured.

- 22.4. At the current contribution rate (£973 as of April 2022), and the average self-catering-unit occupancy rate of 52%, the total contribution required is calculated as:

$$(9 \times £973) + 16 \times (£973 \times 52\%) = £8,757 + £8,095.36 = \textbf{£16,852.36}$$

- 22.5. A revised UU or a S106 Agreement is required to secure a Habitat Regulations contribution of **£16,852.36** (index linked), or the proposal will not pass Appropriate Assessment.

Intertidal Habitats/Species

Loss of Intertidal Habitats

- 22.6. The Ecological Impact Assessment (EclA) reports (section 5.3) that:

- 22.7. “The proposed development will result in the loss of the following upper shore habitats:

- 23.1.1 786m² of barren shingle [this is the layer of tipped brick, rubble and other materials at the highest levels of the tide]
- 23.1.1 96m² of *Pelvetia canaliculata* and *Fucus vesiculosus* [seaweeds] on mixed sediment [a narrow strip of seaweeds and associated creatures below the rubble in the tidal range]
- 23.1.1 128m² of mixed sediment with *Mytilus edulis* [common mussel] adjacent to the existing slipway” [below the seaweed strip in the tidal range, supporting mussels, cockles, periwinkles, crabs, etc]

- 22.8. This is a total intertidal loss of 1,010m², the majority of which is at the highest state of the tide which is described as ‘barren shingle’, but which may still support some estuarine wildlife.

- 22.9. In compensation for these losses the EclA offers (section 7.0):

- 22.10. “To create new habitats for intertidal species, the quay wall and slipway will be designed with in-built ‘flaws’.

23.1.1 “* Small arches 10cm high and 20cm deep will be created within the lower tidal concrete moulds.

23.1.1 “* Blocks within the sea wall will be dry-jointed creating gaps into which mollusc, algae and barnacles can recruit.”

- 22.11. In an Ecology submission dated March 2021, the applicant’s ecologist states that the area of sea wall and slipway created will be at least 765m². However, section 1.3 of the applicant’s Water Framework Directive Compliance Assessment, received 3/8/21, gives a much smaller figure of 172m²:

[The lost intertidal habitats “will be replaced with a sea wall and slipway (at least 172m²) that are immersed during certain tidal periods.”]

- 22.12. Perhaps the larger figure represents the total area of the sea wall and the smaller figure is that which will be regularly inundated by the tide. As the smaller figure is the most recent, this should be taken as the correct figure.

22.13. As with the current sloping shore, the lower parts of vertical sea wall/slipway wall will be subject to the fluctuation of the tides, thus providing for a range of tidal communities dependent on hard substrates. If the inbuilt 'flaws' extend over the whole of the intertidal area of the sea wall and slipway walls (rather than being scattered at intervals), this will compensate the loss of the 96m² of existing seaweed zone and should provide an alternative rocky substrate for any intertidal species that do currently occupy the 'barren shingle' zone of tipped rubble. If permission is granted, incorporation of the proposed inbuilt 'flaws' should be conditioned to offset loss of some of the existing intertidal habitats.

22.14. Prior to commencement of the sea wall and slipways, a Sea Wall and Slipway Habitat Plan shall be submitted to and approved by the Local Planning Authority showing:

- The detailed design of the 'inbuilt flaws' to be incorporated into the sea wall and slipway walls, to provide habitat for intertidal species;
- The density at which the 'flaws' will be incorporated, which should be as high as possible whilst retaining structural integrity of the walls;
- That the 'flaws' will be incorporated across the whole length of the sea wall and slipway wall and from the foot of the wall to at least the Mean High Water Springs level;
- Plans, elevations and diagrams of these details.

Once approved the plan shall be implemented.

REASON: to provide partial compensation for loss of intertidal habitats.

22.15. This will leave a remaining shortfall of (1,010 – 172 =) 838m² of intertidal habitat being lost within the County Wildlife Site (the 'mixed sediment with *Mytilus edulis*' community). Compensatory habitat creation within the Teign Estuary system is required to offset this loss to comply with Local Plan Policy EN9, NPPF paragraphs 174 and 180. A quantum of intertidal biodiversity net gain is also required in line with Local Plan Policy EN8, the NPPF 174.

22.16. The Environment Agency has a policy of no (net) loss of intertidal area to development, and so takes the position that any loss of intertidal area must be compensated. The EA is also seeking 10% net gain in intertidal area/habitats, in line with the emerging requirements of the 2021 Environment Act, to be delivered in/around the Teign Estuary. As there is no way of delivering the outstanding compensatory habitat creation on-site, the EA has suggested locations along the southern bank of the Teign Estuary that offer suitable locations/projects through which it could be delivered. As these areas are off-site, a S106 Agreement will be needed to secure the compensation and net gain. The EA should be fully involved in the development of the project and may need to be a signatory to the S106 agreement, as may the landowner of the identified project area.

22.17. As the applicant has not submitted a draft S106, Heads of Terms, or any other indication that they are working towards delivery of the outstanding compensatory intertidal habitat/net gain, **there is therefore a biodiversity objection to the proposed development on the grounds of uncompensated loss of County Wildlife Site intertidal habitat.**

Damage to Native Oyster and Other Intertidal Species

22.18. The intertidal areas around the site support various ‘sessile’ estuarine species, including molluscs, barnacles, crabs, sponges and seaweeds. Notably there is a population of native oyster re-establishing close to the site. Native oyster has been lost from much of its former range due to a range of anthropogenic factors and is now a S41 priority species of conservation concern. Its reintroduction to the Teign Estuary by a local shellfishery firm, is a welcome measure towards its conservation locally. In August 2020 Devon and Severn Inshore Fisheries and Conservation Authority undertook a survey due to concerns over potential impacts on the species from the development. Their report ‘Native Oyster Survey on the Teign Estuary adjacent to Riverside Boatyard’ showed that native oyster is present in the intertidal zone to the south and east of the application site (unfortunately, no survey was undertaken to the west of the site), where the local shellfish firm had been placing native oysters in this area when they found them elsewhere on the estuary. However, the range of sizes of oyster present indicated that the population is now establishing well and breeding. The population should therefore be regarded as a reintroduced wild population, rather than a collection of farmed individuals, and therefore due protection/conversation.

22.19. There is potential for damage to native oysters and other intertidal species during construction and during the operational stage. During construction any vehicle/plant/machinery use, material storage, general human activity, etc., in the intertidal zone, could destroy creatures by crushing, smothering, etc. During the operational stage, there will also be risks of crushing by human activity, for instance to launch and retrieve watercraft at lower states of the tide, and especially where cars and larger vehicles are used to launch craft.

22.20. The conclusion of D&S IFCA’s report is that “Any development adjacent or close to native oysters and habitat should undertake a thorough impact assessment and any proposed works should avoid impacting the shellfisheries in the Teign Estuary and prevent damage to them and their intertidal habitats.” No such assessment has been submitted.

22.21. It may be possible to condition certain measures to help reduce impacts, but the likely extent of impacts is not known and the avoidance, mitigation and (as a last resort) compensation measures required have not been fully explored. **There is therefore a biodiversity objection to the proposed development on the grounds of inadequately assessed and unmitigated impacts of the S41 priority species native oyster.**

Pollution

22.22. During construction, there is a risk that ground works, including creation of the sea wall, may release on-site contaminants that could pollute the estuary and its wildlife. I believe the Environment Agency and/or Environmental Health have advised on how best to avoid this occurring.

22.23. Pollution during construction may also occur via oil/fuel spills; use of vehicles/plant/equipment in the intertidal area; storage of materials or disposal of waste in the intertidal area; run off containing dust/sand/grit, or other materials stored or generated on site; wind-blown dust; cement/ curing of cement; disposal of waste materials, etc.

22.24. Avoidance of potential pollution events should be addressed via the CEMP and any specific measures advised by EA/Environmental Health.

22.25. As well as possible pollution during construction, there is an ongoing risk of pollution, during operation. As well as possible pollution from cars and householder activities, there is a potential risk from activities in the industrial units and from people working on/washing down boats.

22.26. Measures will be needed to minimise pollution during the operational stage and should be secured by condition.

Lighting Impacts on Wildlife

22.27. Studies have shown that increased artificial lighting (including external lighting and spill from windows) can result in increased night-time foraging activity among water birds, with potential benefits for the birds, although potentially adverse effects on their prey from increased predation. The ecologist points out that existing levels of light spill across the site from the A381 probably prevent use of the site by light-averse bats. However, other species are also adversely affected by artificial lighting. A lighting condition should be attached to minimise such impacts.

22.28. Prior to installation of any external or internal lighting or fenestration, details shall be submitted to and approved by the Local Planning Authority showing that:

- Low light transmission glazing will be used throughout in order to reduce light spill from windows and glazed doors; and
- Internal lighting fittings will be of recessed, ceiling-mounted design; and
- All external lighting shall be low-lumen, PIR motion-activated lights on a short timer (maximum 3 minutes), sensitive to large objects only (to avoid triggering by bats or other wildlife). Any such lights shall be mounted at a height no greater than 1.9m from ground level, directed and shielded downward and away from the estuary. The lights shall produce only narrow spectrum, low-intensity light output, UV-free, with a warm colour-temperature (3,000K or less) and a wavelength of 550nm or more.
- The development shall be delivered in strict accordance with the approved details.

REASON: for the benefit of light-averse wildlife and public amenity.

Other Disturbance of Estuary Birds

22.29. During construction, activity, vibration, noise and lighting during construction may cause disturbance to birds foraging on the estuary. The EcIA says that the intertidal habitats immediately around the site are sub-optimal for estuarine birds and points out that there is currently noise and activity at the site (trains, boatyard, cars). There will be a lesser level of potentially disturbing activity during the operational phase. Increased recreational activity associated with use of beach huts and small watercraft is likely to concentrated in the summer season when estuary birds are mostly absent.

22.30. To reduce potential disturbance during construction, a condition or the wording of the CEMP, should require that:

- works will be limited to normal working hours; and

- that no construction or security lighting will be left on at night (PIR motion activated security lighting may be used if needed, directed downwards and away from the estuary, on a short timer (max3 minutes) and complying with the light output requirements in the lighting condition.

Terrestrial Habitats/Species

Protection of Nesting Birds

- 22.31. It is possible that nesting birds will be present at the time of works, in buildings and/or in scrub. To avoid illegal harm to nesting birds, an informative should be applied:
- 22.32. Although the protected species survey found no evidence of nesting birds, there remains a possibility that they might be present at the time that works take place. All nesting birds are protected by law. Woody vegetation and existing buildings should therefore only be removed outside the bird breeding season, i.e. outside the period 1 March to 15 September. If works must be undertaken outside this period, an ecologist should first inspect the building/vegetation for signs of nesting birds. If any nesting birds are discovered, works should cease until the fledglings have departed the nest.
- 22.33. Teignbridge District Council's Biodiversity Officer (tel. 01626 215794) can provide further information.

Loss of Terrestrial Habitat

- 22.34. The existing terrestrial habitat is limited in extent and value, comprising an area of amenity grassland, an area of bramble scrub and a grassy 'fringe' just above the high-water mark. Loss of terrestrial habitats could be compensated by a combination of landscape planting and bird nesting provision. There is no proposed landscape scheme at the moment, but this could be secured via a LEMP condition.
- 22.35. Landscape planting of value to wildlife should be secured by conditioning the submission of a Landscape and Ecology Management Plan, for the LPA's approval.

Terrestrial Biodiversity Net Gain

- 22.36. To deliver compensation for loss of terrestrial habitats and terrestrial biodiversity net gain, on-site planting should be secured (in conjunction with landscaping and green space provision) AND integral bird boxes should be installed on the tall buildings (not on beach huts). Swift boxes should be used as these are appropriate for a range of species. A condition will be needed:
- 22.37. Prior to development above damp-proof course level, a swift Box Plan shall be submitted to and approved by the Local Planning Authority showing:
- The design of integral swift boxes that will be installed in the structure of the dwellings;
 - That the boxes will be installed at a rate of one per dwelling and three per 10m of commercial buildings wall length;

- That the boxes will be erected in clusters of 3 to 5, on the residential and commercial buildings;
- That the boxes will be installed at least 5m above ground level, with a clear fly-in route in front of and below the boxes; and
- That the boxes will be mounted on the north, east and/or west elevation, or if mounted on the south elevation will be located just under the overhang of the eaves to prevent the sun falling directly on the boxes.

Once approved the plan shall be implemented

REASON: to provide compensation for biodiversity loss and to provide biodiversity net gain.

22.38. POLICIES THAT APPLY

NPPF including paragraphs 174, 180, 181 and 182

182: The presumption in favour of sustainable development (paragraph 11) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined.

Teignbridge Local Plan Policies:

EN8 Biodiversity Protection and Enhancement

EN9 Important Habitats and Features

EN11 Legally Protected and Priority Species

TDC Climate Change Officer 26th November 2021

22.39. Policy S1(i): requires construction and demolition materials to be re-used on-site where possible. The Carbon Reduction Statement will need to be updated and approved by the planning Authority prior to works starting on site, and identify how materials will be re-used on site where possible to prevent the production and transport of wastes.

22.40. Policy S2(g): requires the use of locally sourced materials where possible. The Carbon Reduction Statement will need to be updated and approved by the planning authority prior to works starting on site, and identify how locally sourced materials have been included where possible in the design to reduce embodied carbon emissions.

22.41. Policy S6a & S6b: requires that the future effects of climate change are accounted for in the design of developments. The Carbon Reduction Statement will need to identify how resilience policies S6a and S6b have been accommodated in the design with particular regard to building overheating.

22.42. Policy S6c: requires the use of energy, water, soil and materials to be minimised. Where the design allows for cooling systems in non-residential buildings, the Carbon Reduction Plan should show how the development design minimises the demand for cooling in the first instance through passive means.

- 22.43. Policy S7: requires a 48% reduction in carbon emissions. The Carbon Reduction Plan, dated July 2020 suggests that dwellings and non-residential buildings will achieve an average reduction of 11% and 23% respectively relative to Part L 2013. The minimum carbon reduction for compliance is 26% for dwellings and 24% for non-residential buildings, which both translate to a 48% reduction in emissions relative to Part L 2006.
- 22.44. Non-residential aspects of the development are narrowly non-compliant in this instance, where the building fabric aligns closely with the notional building specification, actions such as reducing air permeability levels and increasing the (assumed) VRF efficiencies may be considered to achieve policy compliance.
- 22.45. Dwellings fall short of the required 26% reduction in emissions by approximately 15%; the design also appears to rely on the use of solar photovoltaics to reduce the Dwelling Emissions Rate, which will not deliver long term carbon reductions due to decarbonisation of grid supplied electricity. In this instance, the applicant is advised to reduce emissions following the energy hierarchy and in the order of: improved fabric standards, energy efficient equipment, low-carbon heating and on-site generation. Where on-site generation is used to meet the required level of carbon reduction, the Carbon Action Plan should include robust evidence showing that all other reasonable options have been considered. A condition should be set against the application requiring an updated Carbon Action Plan to be submitted to the planning authority for review demonstrating S7 policy compliance before works start on site.
- 22.46. Policy S9(e): supports the provision of electric vehicle charging infrastructure.
- 22.47. Where dwellings include off-street parking, passive EV charging infrastructure must be provided as a minimum for each and every dwelling and meet the minimum requirements of a 32A Mode 3 Type 2 charger. Passive EV charging infrastructure includes a point of connection to the electricity board, cabling (power and data) and ducting up to an AC isolator installed in a suitable location to enable connection of a future EV charging point.
- 22.48. Non-residential buildings should be equipped with at least one “Active” EV charging bay on completion of the development with a further one in five parking bays provided with passive EV infrastructure. Passive EV charging infrastructure should support 32A Mode 3 Type 2 charging equipment and include a point of connection to the electricity board, cabling (power and data) and ducting up to an AC isolator installed in a suitable location to enable connection of a future EV charging point. A condition should be secured against the application to achieve the above requirements for EV charging.

Environment Agency 20th December 2021

- 22.49. On the basis of the revised plan, updated FRA Letter (1st December 2021 V2) and Method Statement, received in December 2021, we are able to withdraw our previous objection (set out in our letter dated 14 October 2021). However, we consider that the development will only be acceptable if conditions are included within any permission granted in respect of:

- Detailed design of the Wave Return Wall;
- A Construction Environment Management Plan;

- Biodiversity Net Gain;
 - Site investigation and remediation; and
 - Unsuspected contamination.
- 22.50. Before determining the application, your Authority will need to be content that the flood risk Sequential Test has been satisfied in accordance with the National Planning Policy Framework if you have not done so already. As you will be aware, this needs to be considered prior to consideration of the Exception Test and failure of the Sequential or Exception Test is sufficient justification to refuse a planning application.
- 22.51. The suggested wording for our recommended conditions is set out below, together with advice on flood risk. Please refer to our previous correspondence for advice on water quality (letter dated 29 October 2021), biodiversity (letter dated 1 September 2021), flood risk sequential and exception tests, environmental permitting, contaminated land and waste management (all contained in letter dated 1 December 2020).
- Lead Local Flood Authority (DCC Flood and Coastal Risk Management Team)**
30th October 2020
- 22.52. At this stage, we object to this planning application because we believe it does not satisfactorily conform to Policy EN4 (Flood Risk) of Teignbridge District Council's Local Plan (2013-2033). The applicant will therefore be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.
- 22.53. Observations:
- 22.54. As this is FULL planning application, the applicant should submit full details of the surface water drainage in supporting the application. We support the use of rainwater tank in managing the surface water runoff and its reuse for non-potable uses.
- 22.55. The safe access and ingress route shall be included as part of an Emergency Plan. It should demonstrate that this development and its occupants remain safe during flood events.
- 22.56. For the development within Flood Zone 3, the Environment Agency shall be consulted on the acceptability of the proposed development.

TDC Drainage Engineer 2nd September 2020

- 22.57. As this is a major application, Devon County Council as the Lead Local Flood Authority will comment on the acceptability of the proposed surface water strategy. Given the application is being made in full, full details of the surface water drainage should be provided in support of the application. In particular details of measures to protect water quality, particular from commercial activities of the boat yard and subsequent discharges into the River Teign or, through consultation with SWW, a suitable connection to the public sewer. We would be supportive of the use of rain water harvesting systems and grey water recycling.

22.58. The Environment Agency should comment on the acceptability of the submitted Flood Risk Assessment. The applicant should consider a development of an outline flood emergency plan in support of the submitted flood risk assessment and the different types of operational development which shall operate on the site. As per paragraph 163 of the NPPF (together with footnote 50), safe access and escape routes should be included as part of an Emergency Plan. The Emergency Plan should be provided as part of the FRA, or as a separate document accompanying the FRA. This document should be used to demonstrate that the development and its occupants remain safe during flooding events throughout its lifetime.

TDC Green Spaces 12th November 2021

22.59. Assessment against compliance with WE11 Green Infrastructure

Landscape Officer 17th September 2020

22.60. As it stands, the current proposal would result in a slight to moderate adverse effect on landscape and moderate adverse effect on visual amenity of the area.

22.61. The site lies within an area designated in the Local Plan as "Undeveloped Coast". Local Plan policy EN2 states that, within Undeveloped Coast, development proposals should conserve and enhance the character. Permitting development that would harm, rather than conserve and enhance the character of the Undeveloped Coast, would conflict with local plan policy EN2 and, as a consequence, there is a landscape objection.

22.62. However, the design responds positively to the context of Teignmouth and undoubtedly brings benefits. If the landscape harm can be minimised, such as by reducing the scale of change through lowering the heights of the blocks and better assimilating these with tree planting, then the landscape harm could be reduced such that it would more acceptable.

22.63. UPDATE 21st April 2021

22.64. I write in reply to correspondence from the applicant's Landscape Architect received 17/12/2020, this being a response to my earlier comments in which I suggested that, along with lowering the block heights, that the development would be better assimilated with tree planting.

22.65. Whereas I accept that there will be constraints to tree planting in some areas, because of services and vehicle turning requirements, I find it hard to accept that there is nowhere that can take some tree planting. The boat storage area for example, beside the estuary edge, this is made up ground, unlikely to have services in it and not in the way of vehicle turning. An occasional group or a line of trees at say 15m centres planted along the boundary with the estuary would help to break up the mass of built development when viewed from Shaldon.

22.66. I'm not sure I agree that the context is one where trees are not found, after all there are trees along the whole edge of the Teign estuary, but I agree that the proposed development can stand without trees, however, without some screening / softening, there is greater reliance on the need for a successful delivery of a high quality built development.

22.67. I also accept that the site is exposed but again this does not mean that trees cannot tolerate such conditions. I recommend: pine species (nigra, pinaster), quercus ilex, poplar, lime and sycamore, sea buckthorn, holly and elaeagnus, however there are many other suitable species that would tolerate the conditions.

22.68. I can only reinforce my former comments which recommend that, if the landscape harm can be minimised, such as by reducing the scale of change through lowering the heights of the blocks and better assimilating these with tree planting, then the landscape harm could be reduced such that it would more acceptable.

22.69. **TDC Green Infrastructure Officer 2nd September 2020**

22.70. I am in support of this application, provided the needs described in the bullet-points below are met, to facilitate sustainable transport:

22.71. There is a significant need for a controlled pedestrian & cyclist crossing on the A381, directly to the north of the proposed development site, to enable safe access for new residents and employees between the proposed new development and the Broadmeadow Industrial Estate, which hosts a range of shopping, employment and leisure facilities. There is also a need for safe linkages into this new crossing and improvements to the Broadmeadow junction to enhance the safety of cyclists crossing to access the onward on-road route into Broadmeadow (and to link into the future Teign Estuary Trail). This is essential to support effective sustainable and active travel, which is a key element of sustainable development. The s106 should include a requirement for the above provisions, to be delivered by the developer, prior to the occupation of any dwellings. This is for reasons of safety and to encourage sustainable transport from the outset. It would be helpful if design proposals for this could be agreed at this stage, to ensure effective and timely delivery.

22.72. There should be an extension of the public footpath 9 from the estuary shore, via the proposed development site and railway over-bridge, to link with the adopted A381 Highway. This should be undertaken by the developer, in liaison with DCC, and should be updated on the Definitive Map as a public footpath prior to occupation of the final dwelling.

22.73. There should also be a s106 requirement that provides Devon County Council the ability to require a legal right of access and deed of dedication agreement be set in place between DCC and the landowner of the proposed development site, for the land between the A381 and the estuary via the railway bridge and proposed development land, to enable continual right of access at all times for users of the Teign Estuary Trail multi-user route, and for maintenance (and potentially also for construction) of the boardwalk, to ensure a coherent link into a potential future estuary boardwalk to Teignmouth can be achieved, as part of the vitally important Teign Estuary Trail. The right for DCC to take up this opportunity should remain available until ten years from the date of planning permission (if PP is granted). Reason: to future-proof access for the Teign Estuary Trail multi-user route between the A381 and the estuary via the railway bridge and proposed development land, to coherently link into a potential future estuary boardwalk to Teignmouth.

22.74. The cycle parking provision rate should be agreed in advance, based on good-practice, and set in place via a s106 requirement or Condition. This document provides a useful guide (Pages 19-23) <https://exeter.gov.uk/media/1666/sustainable-transport-spd.pdf>

22.75. The rate of e-charging for parking spaces should be agreed upfront and set in place via a s106 requirement or Condition. This should ensure that all “in-curtilage” parking is EV-ready, to reduce the future cost of installing EV chargers, with the provision of ready-to-use e-charging points being proportionate (as a minimum) to the rate of regional demand at the point in time that the dwellings, business space and offices are constructed.

22.76. UPDATE 21st February 2022

22.77. Thank you for re-consulting me. I stand by my previous consultation response, shared in September 2020. There should be a PROW link secured from the current westerly end of footpath 9 via the development land and over the over-rail bridge to link to the A381. An agreement with DCC to allow a footpath PROW linking footpath 9 to the A381 (with the ability to upgrade in future also enable cycling), should be secured ahead of determination of the planning application (or as a planning obligation to be secured ahead of commencement).

22.78. The benefits of linking the footpath 9 into the A381 are notable and should not be restricted for new residents only at Riverside Boatyard. The fact that the footpath 9 is tidal shouldn't detract from making this more of a cohesive link. The beaches in Teignmouth and Holcombe are tidal but that doesn't stop people using them when they are not submersed. A simple sign at both ends of the tidal stretch could be used to clarify and highlight to users and prospective users that particular stretch, of existing footpath PROW, is tidal. Linking to this, is already signage in place via the Port that delineates where pedestrians may and may not walk.

22.79. If the footpath 9 were extended to the A381, from the current westerly end footpath 9, then users would be able to access onward routes on-foot including via the PROW network to Coombe Lane for appealing circular walking routes linking to Teignmouth and Bishopsteignton, enabling enhanced sustainable linkage to businesses and to the leisure centre. There are various benefits available that meet policy objectives in the Local Plan. I've picked some out below, but this is not an exhaustive list:

- S1 Sustainable development – to improve social, environmental and economic benefits locally. The first element noted is specifically enhancing walking, cycling and sustainable transport for leisure, business and education trips. In this respect, enhanced PROW linkage should be provided, for all to benefit from.
- S9 Sustainable Transport – promoting active and sustainable modes of travel and minimising dependence on cars.
- S9 Sustainable Transport – providing strengthened and improved public transport, cycling and walking networks.
- S18 Teignmouth – support the National Cycle Network through Teignmouth (this refers to the missing gap in the network between Kingsteignton and Teignmouth/Dawlish. Note that the NCN is about enhancement for walkers (and other active users) as well as cyclists).
- S18 – improve air quality (which requires amongst other things, a shift in demand for motor car journeys and more local trips being made sustainably, both by new and existing residents).

22.80. Further information in relation to active travel needs identified via this application:

- As a minor (but important) point, appropriate and secure cycle parking on-site for new residents is identified as a need to support active travel – has this been incorporated/secured?
- The Transport Assessment states that ‘A new footway-cycleway link to the A381 at the access to the site would improve connectivity for both pedestrians and cyclists and would tie in with the aspirations of the Teign Estuary Trail’.
- The Road Safety Audit recommends providing appropriate pedestrian crossing facilities on the pedestrian desire line. This has been discounted by the applicant/applicant’s contractor as they anticipate the desire line to be west of Newfoundland Road. Isn’t it much more likely there would be a desire line east of Newfoundland Road, as the Road Safety Audit concludes? Is it acceptable that this has been discounted, as this could lead to increased risk of collision? What is an appropriate provision in this location, is a non-controlled pedestrian crossing appropriate?
- The Design and Access Statement shows identified needs and enhanced linkage proposed to support active travel (please see extract below):

Pedestrians and cyclists

The majority of functions will be on a single level, allowing disabled and wheelchair users to travel across the site without obstacles. All of the residential units and offices will be provided with a lift to access all floors. Thresholds will be level, and doors will be wide enough to accommodate a wheelchair. All access will be designed in accordance with Section 8.3 of the Department for Transport’s ‘Manual for Streets’ to provide spacious level access for both pedestrians and cars.

On a wider scale, the site provides a sustainable residential location with nearby shops and strong public transport links on the A381. Crossing this road (which is currently served by traffic lights, but could be improved by the addition of a pedestrian crossing) leads to Broadmeadow, which contains a large Morrisons supermarket and numerous smaller businesses, a sports centre, nursery, playing field and pedestrian footpaths leading into west Teignmouth and countryside to the north.

It is hoped that the proposed development of the Teign Cycle Trail will soon create safe pedestrian and bicycle access linking the town centre and the A381 (including the proposal site) in the near future. As part of this, the development will provide a right of access to allow cyclists and pedestrians to cross the railway via the existing bridge, and continue towards the town centre along the proposed boardwalk. This will create a direct riverside route in and out of town, allowing visitors to avoid the most polluted and congested areas.

DCC Highways Officer 1st September 2020

- 22.81. The site is accessed off the A381 Bishopsteignton Road which is restricted to 30mph. The speed limit increases to 40mph to the West of the access after the traffic signals. The A381 is street lit and there is a footway along the northern side of the road.
- 22.82. There are traffic signals located approximately 15m to the west of the site access and a “keep clear” box across the site access.
- 22.83. There have been 5 “slight” collisions reported to/by the police in the vicinity of the site access between 01/01/2015 and 31/12/2019.

- 22.84. The applicant has provided a transport assessment carried out by Encon Associates. The Highway Authority generally agrees with the contents of the assessment although the number of existing vehicle movements seems rather high.
- 22.85. The Highway Authority welcomes the statement in the Transport Assessment that “the client is open to improving pedestrian access at the traffic light junction.” A new footway/cycleway link to the A381 at the access to the site would improve connectivity for both pedestrians and cyclist and would tie in with the aspirations of the Teign Estuary Trail.
- 22.86. The Teign Estuary Trail is a long-term aspiration of Devon County Council. This would provide a safe “off road” pedestrian and cycling route between Newton Abbot and Dawlish Warren following the River Teign and coastline. The Highway Authority would also like to see a link through the site connecting up to footpath 9 to the east as part of the Teign Estuary Trail if this is feasible as there is a likelihood of people commuting on foot/ cycle to the site for work.
- 22.87. It is noted that the traffic signals to the west of the site access have not been acknowledged in the junction capacity assessment. This is due to a lack of information because of the current Covid-19 pandemic. The Highway Authority has concerns over the junction’s proximity to the traffic signals and this assessment will need to be provided before a recommendation can be made.

UPDATE 1st February 2021

- 22.88. A Technical Note has been submitted which provides a traffic impact assessment of the A381 Bishopsteignton Road / Newfoundland Road junction (Newfoundland Road junction).
- 22.89. Due to the ongoing Covid-19 pandemic there has been a large variation in traffic conditions. It was agreed with the Highway Authority that a Manual Classified Count (MCC) should be undertaken at the Newfoundland Road junction, with a ‘preCovid-19’ factor applied. This would seek to represent traffic conditions prior to the impact of Covid-19, from March 2020 onwards on traffic conditions. In addition, it was agreed that a seasonality factor would be applied to reflect the increase in traffic conditions during the summer months in Teignmouth.
- 22.90. The survey was undertaken by 360 TSL Ltd, an independent traffic survey company, on Tuesday 2nd November 2020, during the extended AM peak hours (7am – 10am) and PM Peak Hours (4pm – 7pm). It should be noted that this survey was undertaken prior to the 2nd National Lockdown on the which came into effect on Thursday 5th November 2020.
- 22.91. In order to establish the Covid-19 factor and seasonality factor, Monthly Average Weekday Daily Traffic (MAWDT) from an Automatic Traffic Count (ATC) on the A381 Bishopsteignton Road was obtained from DCC from January 2018.
- 22.92. The Technical Note finds the junction currently operates well within capacity and the proposed development is forecast to have minimal impact on its operation. The results of the survey, and the associated modelling, indicate that in all scenarios, the junction is forecast to operate well within capacity, with no significant increase in the degree of saturation or queuing.

22.93. The Highway Authority is generally in agreement with the findings of the Technical Note and considers the junction suitable to accommodate the forecast demand of the proposed development.

22.94. Please can details of the pedestrian links to both the A381 and footpath 9 be provided, before a recommendation is made

UPDATE 22nd March 2022

22.95. Drawing HW Rev A Pedestrian Plan shows an indicative route only with limited detail. This drawing needs to be a detailed design and be submitted alongside the appropriate stage 2 safety audit; as the Highway Authority would ask for this drawing to form part of any planning approval granted.

22.96. The drawing would need to show details including the width of the footway, kerbing, drainage, relocation of signage and streetlighting. There are currently bollards around the base of the lighting column to prevent the column being struck by a vehicle, in a collision, and potentially ending up on the railway. The treatment of this area will need to be considered, as will how the proposed footway will interact with the existing VRS. The island on Bishopsteignton Road will need to be altered to allow all users to cross it safely and the appropriate tactile paving will need to be shown.

UPDATE 6th September 2021

22.97. The Highway Authority is satisfied that drawing SK01 Rev C, along with the associated stage 2 safety audit and designers response make appropriate provision for pedestrians to cross the A381.

22.98. Recommendation of approval subject to conditions relating to a CMP, requirement for further highways drawings to be submitted to and approved by the LPA and requirement for all off-site highways works to be in place prior to occupation of the site.

TDC Housing Enabling Officer 27th August 2020

22.99. It was previously advised that if policy S22 applied the scheme would need to be an affordable housing led-scheme in accordance with policy WE5, with any element of open market housing being clearly justified as cross subsidy for affordable housing through a viability appraisal and with clear demonstration that there is no public grant to fund the affordable dwellings. Housing Enabling also took the view that the site is not particularly suited to affordable-led housing development due to the proximity to the commercial and boathouse uses and the way that the site is cut off from local amenities.

22.100. The subject application now proposes nine open market dwellings in order to make the commercial and holiday let aspects of the scheme viable. Housing Enabling will be led by the case officer as to the appropriateness of any residential development on this site and to whether this would be in line with policy S22.

22.101. If we were to treat this as a purely market-led housing development then policy WE2 would apply. The number of units has been reduced to less than the threshold policy requirement of 10 units. However in this instance, as the site is outside of the settlement boundary, the 4 unit threshold would still apply and affordable housing

would be required at 30% net of four – e.g. on the remaining 5 units. This would result in 1.5 affordable units requirement that would be rounded up to two units.

22.102. Given the unsuitability of the site for affordable rented units we would require an element of onsite provision of 1 intermediate affordable home plus an off- site contribution equivalent to one unit, to be utilised in a more sustainable location. The affordable units and off site contribution should be in line with the bedroom size mix of the market units – eg four to five bedrooms and calculated in accordance with our off site contributions policy as agreed by the Executive in September 2016.

UPDATE November 2020

22.103. We have reviewed the plan and viability information submitted by the applicant. Our position remains the same:

22.104. the site was outside of the settlement boundary and as such that policy S22 and WE5 of the Local Plan are applicable.

22.105. this site is not suited to affordable-led housing development due to the physical isolation from neighbours and local amenities despite the significant need for affordable housing in Teignmouth.

22.106. The fact that the homes proposed are very large homes with viability showing anticipated sale value > £1m, and these may well end up as holiday lets or second homes raises further concern in relation to social cohesion.

Environmental Health Contaminated Land 14th July 2020

22.107. No objection subject to the imposition of conditions relating to:

- Phase 2 contamination assessment of the site
- Submission and implementation of remediation scheme
- Reporting of any unexpected contamination

Environmental Health Noise 23rd November 2020

22.108. A sufficient Noise Impact Assessment should be provided for the plant, industrial units (B2 General industrial) and boat yards (B2 Industrial / B8 Storage) potential impact on future residents of the dwellings and owners of the beach huts in the vicinity. Operational hours for the industrial units and boat yard should also be provided.

22.109. Details should also include mitigation methods such as suitable noise insulation for any electrical installations.

22.110. Further information regarding movement of vehicles and deliveries.

- Any deliveries should be restricted to 8am 6pm Monday Friday and ;8am - 1pm on Saturdays with no deliveries Sundays and Bank holidays.

22.111. Under the Control of Pollution Act 1974 the hours of work for the construction should restricted to the following:

- Monday to Friday - 8.00 a.m. to 6.00 p.m.
- Saturday - 8.00 a.m. to 1.00 p.m
- Sunday or Bank Holidays - no noisy working at all.

22.112. The purpose of this information being required is in order to protect amenity of the locality, in accordance with Section 11 of Teignbridge district Councils Local Planning Policy 2013-2033.

Marine Management Organisation (MMO) Screening Opinion 31st March 2021

22.113. The characteristics of the project, location of works and type and characteristic of potential impacts are such that the proposed works are not likely to have significant effects on the environment. When assessing the project, it was considered that the size and scope of the proposed development would not result in any extreme or major impacts. Whilst two moderate impacts may be felt locally due to physical changes and visual impact, the MMO do not consider that they are of sufficient scale such that the impacts would be significant. It is therefore the opinion of the MMO that the proposed activity as described is screened out of requiring an Environmental Impact Assessment under the Regulations.

22.114. The MMO is of the opinion that the risks anticipated from the proposal can be mitigated through conditions added to any permissions secured. The MMO would expect to see robust assessments and plans as part of any future applications made. It must be noted that the works, as described will require a marine licence under Part 4 of the Marine and Coastal Access Act 2009 and sufficient regard must be given to the above points when submitting any application for a marine licence.

Network Rail 18th November 2020

22.115. Network Rail has no objection in principle to the above proposal but due to the proposal being next to Network Rail land and our infrastructure and to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway we have included asset protection comments which the applicant is strongly recommended to action should the proposal be granted planning permission.

22.116. The applicant will need to engage with Network Rail Asset Protection AssetProtectionWestern@networkrail.co.uk and will need to enter into a Basis Asset Protection Agreement to manage the potential interfaces these works have on Network Rail assets and operations.

22.117. We have previously raised concerns over the suitability of the access bridge to the site, which you can see from the attached photos is in poor condition and potentially holed. The integrity and suitability of this with increased usage has to be questioned, as well as vehicle incursion needing to be risk assessed, not just at the bridge, but taking account the roadway proposed below as this will intensify the risk as backing up on to the main road is to be avoided due to the site being right by a signalled junction.

22.118. The bridge ownership needs to be demonstrated by the applicant before planning permission is approved and proof of weight capacity.

22.119. Before any works can be undertaken, Network Rail expect to see the temporary heras panels replaced with a more robust solution e.g. palisade fencing. Any potholes in the carriageway surfacing should be repaired, even if it is merely a temporary repair to last the duration of the works, although if this is to be the main permanent access, a permanent resurface of the bridge would be considered necessary.

22.120. The applicant/SWW will be required to undertake an RVI risk assessment before and after the works have taken place and satisfy Network Rail that they will be taking adequate precautions to reduce the risk of RVI whilst the site is operational.

DCC Education 15th July 2020

22.121. Request for contribution of £30,392, to be provided through CIL, based on the Dawlish secondary percentage of 100% directly towards additional secondary education infrastructure at the local secondary school that serves the address of the proposed development. No requested contribution for primary education.

Police Designing Out Crime 22nd July 2020

22.122. Site lies within an area which suffers from the 5th highest crime numbers in the Coastal and Rural Teignbridge Sector.

22.123. The open access under-croft car parking provisions for both the residential town houses and the two-storey car park, offer very little surveillance opportunities and create potential places for concealment that can attract crime, misuse and anti-social behaviour

22.124. Crime prevention through environmental design guidance suggests that crime and anti-social behaviour are more likely to occur if (amongst other factors);

- all sides of buildings and all parts of spaces are not overlooked by surrounding users or passers-by
- the way that buildings, streets and spaces are laid out allow criminals to move around and operate undetected
- places become devoid of activity at certain times of the day or night, whilst remaining accessible to offenders

22.125. The car parking facilities exhibit such features which is concerning. This is my main issue with the design of the development but I have included further recommendations and observations below for consideration.

22.126. The cycle storage area does not appear to be well overlooked which leaves cycles vulnerable to theft.

23 REPRESENTATIONS

32 letters of support, 20 letters of objection and 5 comments have been received, raising the following (summarised) comments:

- General support for principle of mixed-use development / redevelopment

- It is seen as a progressive and long-term investment in the site
- Support for retention of boatyard
- Visual improvement of the site
- Utilisation of site increasing marine-related facilities for locals and tourism
- Employment impact within safer environment
- Support for increased parking
- The developer being local understands the needs of the area

- The location of the development is inappropriate
- Impact on the estuary views and riverscape
- Overdevelopment of the site
- The original footprint of the old gas works to be maintained
- The scale of the proposed development is not in accordance with the site (height not fit for the estuary) – mentioning policies EN2, EN8, EN9
- Small single storey development on the Strand at Ringmore (such as 18/00560/FUL) have been refused

- Lack of provision for biodiversity enhancement
- Bats in the Old Gas Works building

- Lack of affordable housing provision

- Broadmeadow Industrial Estate is very close and has vacant industrial units
- The promises/benefits of the scheme are too vague
- The development is a backward step in the availability of commercial and pleasure boating facilities; the boatyard should be retained

- Concerns with the transport impact of the scheme as well as the bridge not being wide enough for all road users at one time
- The capacity of the constrained junction
- No pedestrian and cycle facilities

- Concerns with the carbon impact of the scheme

- The heritage of the site should be preserved
- Contamination concerns to be addressed before the development starts, not mitigated after

- Need for construction of a boardwalk for cyclists and pedestrians from the development to Teignmouth town centre
- The public right of way to be maintained

- Development affecting protected species or habitats, in particular native oysters, oyster beds, pacific oysters, mussels, shellfish; The extension of the site onto the foreshore not clear; Concerns of possible contaminants – This objection was withdrawn following a meeting between the contributor and agent, the agent assured the contributor that the development and improvements to the boat yard will have no detrimental effects on the fishery.

During a second period of consultation on the application in August 2022, four additional representations were received, two in objection, one in support and one comment. The following new points were raised:

- The layout of the site is such that visits by train are very unlikely – occupiers are very likely to travel by car
- Poorly designed and unappealing pedestrian links
- Building style inappropriate for the edge of the town
- The style of architecture and visual impact does not feel at all suited to such a sensitive river fronting / local landscape environment, use of more natural materials & more classically styled buildings would feel more appropriate
- The risk to an increase in leisure river traffic in general
- The increase in low-tide foot traffic (as a result of bringing holiday users to that shore) creating risk for the security of the oysterbeds in that area
- Lack of provision of low-cost housing – question over the outcome of this matter
- Overdevelopment
- The development will be beautiful and bring more people to the area
- Concerns with lack of parking on-site

24 TOWN / PARISH COUNCIL'S COMMENTS

- 24.1. Case Officer note – the site lies within the Teignmouth Parish area but immediately adjacent to the boundary with Bishopsteignton.

Teignmouth Town Council

- 24.2. The committee requests the application be placed on Category B if the officer is minded to approve, as members of this committee require:

- A detailed review of the road junction with main A381
- A limitation on the height of the development not exceeding that of the grain silos on the commercial quays
- A right of way for a future multi user Teign Estuary Trail to be ensured

Bishopsteignton Parish Council

- 24.3. Object to the proposals incorporated in this major application for the following reasons:

- Overdevelopment of the site; increasing the footprint with additional depth to accommodate this is considered inappropriate and out of scale.
- The potentially huge increase in traffic along an already busy route and with especially congested junctions at the entrance to Morrisons and Shaldon Bridge.
- Inadequate access to the site via the narrow bridge over the railway. This will cause additional congestion on the A381.
- Inadequate provision of parking on the site, particularly for visitors.

- This development will be visually detrimental to the area, particularly from the estuary and beyond.

25 COMMUNITY INFRASTRUCTURE LEVY

- 25.1. Of the uses proposed, only the holiday accommodation and residential dwellings would give rise to a CIL liability – employment uses are zero rated within our charging schedule.
- 25.2. The proposed relevant gross internal area is 2,588.68sq.m. The existing gross internal area in lawful use for a continuous period of at least six months within the three years immediately preceding this grant of planning permission is understood to be 525.95sq.m. The CIL liability for this development is £573,076.45. This is based on 2062.73 net m² at £200 per m² and includes an adjustment for inflation in line with the BCIS since the introduction of CIL.

26 ENVIRONMENTAL IMPACT ASSESSMENT

This application has been screened under the Environmental Impact Assessment Regulations 2011 and the Council's Screening Opinion is considered to be negative as set out in the Screening Opinion decision letter and proforma.

27 HUMAN RIGHTS ACT

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests/the Development Plan and Central Government Guidance.

Business Manager – Strategic Place

ADDENDUM TO OFFICER REPORT

20/00961/MAJ - RIVERSIDE BOATYARD

1. LATE INFORMATION: LETTER FROM APPLICANT TO MEMBERS

A letter commenting on both the planning merits of the application and issues regarding its consideration by the LPA was sent to Members of the Planning Committee shortly prior to September's Committee Meeting. Due to the time the letter was received, its content was not able to be reviewed by objectors or Officers. Consideration of this application at Committee was therefore deferred from September's Meeting to October's Meeting (25th October 2022).

The letter was published on the application's webpage on 6th October 2022.

Officers have now reviewed the content of the letter. It is important for Members of Planning Committee to note the following:

- The recommendation put to Committee is the Professional advice of the Business Manager. No recommendation for approval for the proposal has been put either to the delegated signing officers or to Planning Committee. To suggest that the two Case Officers have reached different views on the proposal is incorrect.
- Extensive positive and proactive working has been undertaken by the LPA for this scheme. However, negotiation cannot continue indefinitely, and the application must at some point be brought to a conclusion. It is Officers advice that as the application conflicts with the policies of the Development Plan in multiple areas, many of which are substantial and cannot be overcome without a fundamental revision of the scheme, further negotiation and minor amendments would be insufficient to reach a recommendation of approval.
- The applicant is correct that, with the exception of the Heritage Statement, the Case Officer refused to consider the latest additional documents submitted by the applicant. The LPA advised the applicant in May that no further negotiation would take place and no further revisions or additional information would be accepted. Negotiation cannot continue indefinitely and, as the scheme conflicts with the Development Plan in fundamental ways, the content of this material would not change the recommendation to Committee.
- The Case Officer discussed the scheme with the Conservation Officer, who agreed that the proposal would lead to 'less than substantial' heritage harm. (NB this is still harm – please see the main report for a discussion of this issue). It is not necessary for written comments to be obtained from internal consultees.
- At this stage only a desk-based contamination study has been undertaken which makes no reference to the sea wall. The remediation strategy for this site has not yet been agreed and would be subject to condition were

the application recommended for approval. To suggest that the sea wall will prevent contamination from the site reaching the water course is therefore not necessarily accurate. The EA have agreed a solution for preventing contamination reaching the Teign Estuary watercourse which will make use of puddle clay (a technique for forming an impermeable layer using clay) – the sea wall is not proposed as a method for preventing ground contamination from the main body of the site reaching the Estuary. The seawall is necessary in planning terms due to the site's location in Flood Zone 3 and the proposed development of dwellinghouses and units of holiday accommodation within the site. Were the residential uses not proposed, the sea wall as proposed may not be required.

- In relation to viability, the applicant is incorrect to suggest that account has not been taken of the developer's 20% profit: the conclusion of the independent third party review of the scheme (by Vickery Holman) was that the costs outweighed the revenue excluding any profit. This means that no profit would be made. On this basis Officers advised Members of Committee in the Officer Report that the scheme is likely to be undeliverable in its present form.
- It is important to note that the Landscape Officer objected to the scheme – the Landscape Officer did not support the design of the scheme. For a full breakdown of the Landscape Officer's comments please refer to the application file.
- The applicant has stated that a row of trees are proposed within the development. The key on the latest drawing in fact notes that 'potted vegetation' is proposed in a line to the front of the residential dwellings and sub-station.

2 REPRESENTATIONS

5 letters of support have been received since the last Committee meeting, raising the following (summarised) comments:

- Letter of support from industry body, British Marine South West, setting out support for the provision of modern marine facilities in a shoreside location.
- Letters of support from four existing tenants noting that the proposed industrial facilities will meet their needs.
- Riverside Boatyard is the only year-round water side boat storage facility for deep draft larger displacement vessels.
- Devon and Severn Inshore Fisheries and Conservation Authority wish to withdraw their previous objection.

3 CONSULTEES

The Biodiversity Officer has reviewed the latest letter from the Devon and Severn Inshore Fisheries and Conservation Authority and advised as follows on 5th October 2022:

I have viewed the letter dated 22 September 2022 from Devon and Severn IFCA withdrawing their concerns about impacts of the proposal on native oyster shellfisheries. However, I do not withdraw my concerns over impacts on native oyster as a reintroduced priority species in this location. The conservation of a re-establishing population of a priority native species is a separate issue from the economic and cultivational issues which are the concerns of shellfisheries interest, even where, as in this case, the reintroduction was undertaken by the shellfishery.

Business Manager – Strategic Place

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PLANNING COMMITTEE

CHAIRMAN: Cllr Linda Goodman-Bradbury

DATE: 25 October 2022

REPORT OF: Business Manager – Strategic Place

SUBJECT: S73 major decisions summary in September 2022

There were no such determinations made in this period.

**PLEASE NOTE THAT THE FULL TEXT OF THESE DECISIONS IS
AVAILABLE ON THE COUNCIL'S WEBSITE**

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PLANNING COMMITTEE

CHAIRMAN: Cllr Linda Goodman-Bradbury

DATE:	25 October 2022
REPORT OF:	Business Manager – Strategic Place
SUBJECT:	Appeal Decisions received during previous calendar month

- 22/00008/REF** **HACCOMBE WITH COMBE** - Higher Osier Court Newton
 Abbot
 Appeal against the refusal of 20/02028/FUL: Change of use from
 B8 storage and distribution to B2 general industrial

 Appeal Allowed. Delegated Decision
- 22/00016/FAST** **ASHTON** - Embercombe Cottage Road From Glebe Cottage
 To Holden Cross
 Appeal against the refusal of planning permission for 21/01897 -
 Erection of single storey building to form a self-contained annexe

 Appeal Allowed. Delegated Decision
- 22/00034/ENFA** **HACCOMBE WITH COMBE** - Higher Osier Court Newton
 Abbot
 Appeal against grounds a, c, f and g against Enforcement Notice
 20/00164/ENF "Without planning permission, the unauthorised
 change of use of the land and building hatched blue on the
 attached plan from B8 (storage and distribution) to B2 (general
 industrial) consisting of a campervan conversion business"

 Appeal Allowed.
- 22/00036/ENFA** **HACCOMBE WITH COMBE** - Higher Osier Court Newton
 Abbot

Appeal against grounds c, f and g against Enforcement Notice 20/00164/ENF "Without planning permission, the unauthorised change of use of the land and building hatched blue on the attached plan from B8 (storage and distribution) to B2 (general industrial) consisting of a campervan conversion business"

Appeal Allowed.

22/00037/FAST

BROADHEMPSTON - Knowle Nursery Broadhempston
Appeal against the refusal of 21/02403/FUL: Change of use of building for purposes ancillary to existing dwelling including associated works and a single storey extension

Appeal Dismissed. Delegated Decision

22/00051/NONDET

TEIGNMOUTH - 6 Den Crescent Teignmouth
Appeal against the non-determination of 20/01030/FUL:
Conversion of the ground floor office space into two apartments including internal alterations to basement floor and amendment to layout of bin store and external rear entrance

Turned Away.

PLEASE NOTE THAT THE FULL TEXT OF THESE APPEAL DECISIONS IS AVAILABLE ON THE COUNCIL'S WEBSITE