

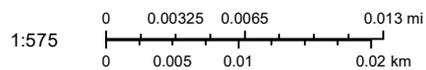
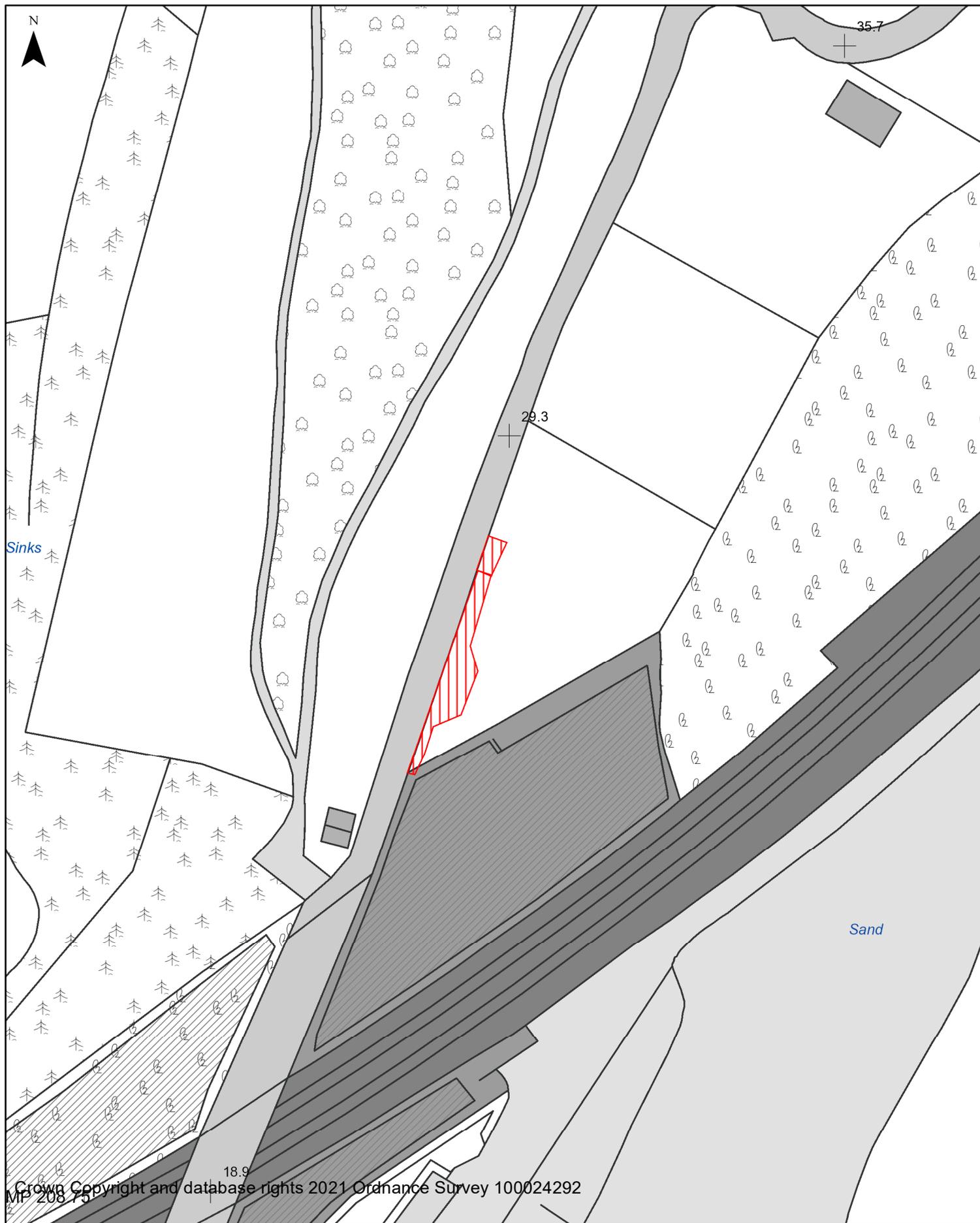
# PLANNING COMMITTEE REPORT

CHAIRMAN: Cllr Mike Haines



<b>APPLICATION FOR CONSIDERATION:</b>	<b>TEIGNMOUTH - 21/00829/FUL - Dingley Dell , East Cliff Walk - Widening of access to highway</b>	
<b>APPLICANT:</b>	Mrs J Hart	
<b>CASE OFFICER</b>	Jennifer Joule	
<b>WARD MEMBERS:</b>	Cllr Robert Phipps Cllr Sylvia Russell	Teignmouth East
<b>VIEW PLANNING FILE:</b>	<a href="https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=21/00829/FUL&amp;MN">https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=21/00829/FUL&amp;MN</a>	





## **1. REASON FOR REPORT**

- 1.1 This application has been called to Committee by Teignmouth Town Council for the following reason:

'The Highway referred to is also a public right of way used by many pedestrians and cyclists and widening may lead to faster traffic causing a danger to other users.'

## **2. RECOMMENDATION**

- 2.1 The application is recommended for approval subject to the following conditions:

1. Standard three year time limit for implementation.
2. Development to proceed only in accordance with the approved plans.
3. There shall be no net loss of hedgerow and/or vegetation as a result of the development. Prior to the commencement of development, a hedgerow and vegetation loss and replacement plan shall be submitted to and approved in writing by the local planning authority. Bat / bird boxes
4. Any new gabion baskets installed at the site at any time must be faced with stone reclaimed from the site and the material to be used and method of filling of the baskets shall be agreed with the LPA prior to installation.

## **3. DESCRIPTION**

### **Site Description**

- 3.1 The application site comprises an area of highway and retaining wall to the eastern side of East Cliff Walk in Teignmouth. The site is just north of the railway bridge and the southern entrance point to East Cliff Park.
- 3.2 The site is heavily overgrown with vegetation and is not in a usable state.
- 3.2 The land is owned by the Teign Corinthian Yacht Club. It does not however appear to have been in active use for some time. Records suggest it has not been used for in excess of 15 years and its last active use may have been as a compound for Network Rail.
- 3.3 There are no protected trees at the site although the vegetation/hedgerow along the retaining wall is mature and noted by the Biodiversity Officer (please see further commentary below).
- 3.4 The site lies just outside the settlement boundary for Teignmouth in the designated open countryside. It is also designated Undeveloped Coast.
- 3.5 A similar application was approved in 2012 but not implemented.

### **Proposed Development**

- 3.6 The application is intended to allow the Yacht Club to make use of the site to the east of East Cliff Walk and to repair the damaged sections of retaining wall. This application does not relate to the use of the land behind the walls, which would likely require separate planning permission to be brought into any active use as it is

likely any previous permission for the use of the site has been abandoned through the passage of time. This will be considered further should an application for the use of the site be brought forward and applies equally to the construction of any structures at the site – the Club were informed of this in 2012 in writing.

- 3.7 It is proposed to widen 8m of the highway by a maximum of 2.5m to create a new 3.5m wide access and install new access gates.
- 3.8 It is also proposed to replace an existing c. 16m length of retaining wall with gabion baskets faced in reclaimed stone taken from the existing wall.

### **Relevant Planning History**

- 3.9 11/03214/FUL - Alterations to existing access (approved but not implemented)

### **Key Planning Considerations**

- 3.10 It is considered that the key matters relevant to the determination of this planning application are:
- Design, materials and landscape impact;
  - Biodiversity protection and enhancement; and,
  - Highway safety.

### **3.11 Design, Materials and Landscape Impact**

The site lies outside the settlement boundary within an area designated as Undeveloped Coast.

The site has a green appearance and the area is characterised by expansive coastal views, hedgerows and stone retaining walls – both dressed and rubble stone.

The proposed alterations are relatively minor in scale and involve an extension to the highway to form an improved access point as well as the replacement of a 16m section of wall in need of repair.

It is not considered that the proposal will compromise the landscape character of the area. As is set out below, there will be replacement hedgerow planting, the proposed new gabion wall will be faced with stone reclaimed from the site, and the alterations apply only to the eastern side of the highway. There will be no material loss of openness, and no impact on the Undeveloped Coast. Gabion baskets can assimilate over time as pockets within stones allow plants to recolonize.

It is therefore considered that the site will retain its landscape character and the proposal is in accordance with Policies EN2 and EN2A.

### **3.10 Biodiversity Impact**

The Biodiversity Officer has raised concern with the loss of hedgerow required to widen the access and repair the retaining wall.

A condition has therefore been recommended, as set out above, which requires replacement planting for any that will be lost, as well as provision for biodiversity net gain.

With this condition in place it is considered that the proposal will accord with the requirements of Policies EN8 and EN12.

### 3.11 Highway Safety

The Town Council have raised concern with the safety of the proposed alterations as 'widening may lead to faster traffic causing a danger to other users'.

DCC Highways did not wish to comment on the proposal and referred the Case Officer to the Standing Advice.

The Case Officer considers that the proposal will not impact highways safety for the following reasons:

- It is unusual to encounter such a narrow stretch of road (2.5m in width). East Cliff Walk at this point is currently so narrow that it is unsafe for any other road user to meet a car. A cyclist would be forced to dismount and a pedestrian would be required to press themselves against the boundary walls and vegetation in order for the car to pass. If a car were to meet a wheelchair user or pushchair, for example, either user would be required to return to the nearest wider section of highway in order to pass one another. This is undesirable and unsafe. The new access gate will provide what is, in effect, a passing place, which will facilitate access up East Cliff Walk for the range of users of this stretch of highway;
- Vehicle speeds are extremely low owing to the narrow nature of East Cliff Walk and widening of an 8m section is not considered likely to materially impact vehicle speeds on this section of highway; and,
- The new access has been provided with a visibility splay to facilitate safe access.

For these reasons the proposal is considered to accord with Policy S1 and is not considered to give rise to highway safety concerns or congestion.

## 4. **POLICY DOCUMENTS**

### Teignbridge Local Plan 2013-2033

S1A Presumption in Favour of Sustainable Development

S1 Sustainable Development Criteria

S2 Quality Development

S10 Transport Networks

S22 Countryside

EN2 Undeveloped Coast

EN2A Landscape Protection and Enhancement

EN8 Biodiversity Protection and Enhancement

EN12 Woodlands, Trees and Hedgerows

National Planning Policy Framework

## **5. CONSULTEES**

### **5.1. Devon County Council Highways**

Devon County Council Highways recommend that the Standing Advice issued to Teignbridge District Council is used to assess the highway impacts.

### **5.2 Teignbridge District Council Tree Officer**

There are no arboricultural objections to the proposal as no significant trees appear to be adversely affected.

### **5.3 Teignbridge District Council Biodiversity Officer**

The loss of the wall top hedge habitat, and replacement with wall and palisade fence would be regrettable for ecological and landscape reasons.

I would recommend that a replacement hedge of locally-appropriate native hedging species be planted behind the wall. This should be allowed to grow to at least the height of the top of the palisade fence. It should be allowed to grow partially through the fence, to soften its appearance.

[Case Officer note – palisade fencing is existing not proposed]

## **6. REPRESENTATIONS**

6.1. None received

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

7.1. Propose Category B and refer to Devon Rights of Way and Devon Highways.

## **8. COMMUNITY INFRASTRUCTURE LEVY**

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

## **9. ENVIRONMENTAL IMPACT ASSESSMENT**

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

## **10. CARBON/ CLIMATE IMPACT**

10.1 As a small scale proposal it is considered that the overall carbon/climate impact will be low.

## **11. HUMAN RIGHTS ACT**

11.1 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**