

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