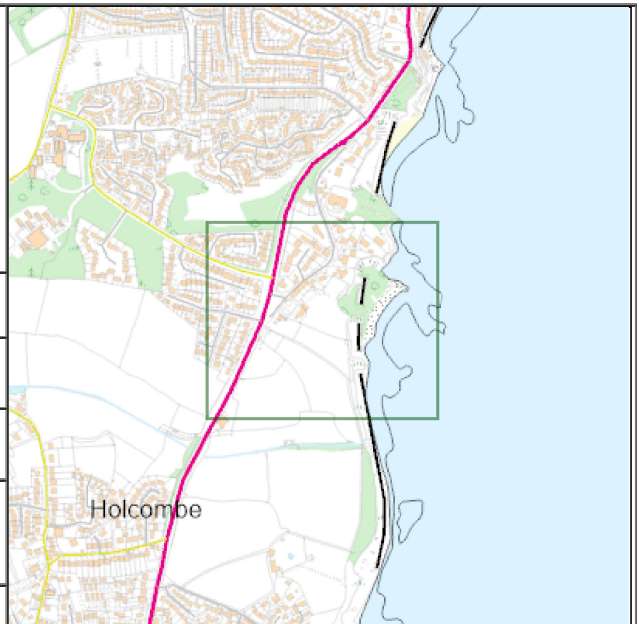


## Planning Committee Report

Chairman: Cllr Colin Parker

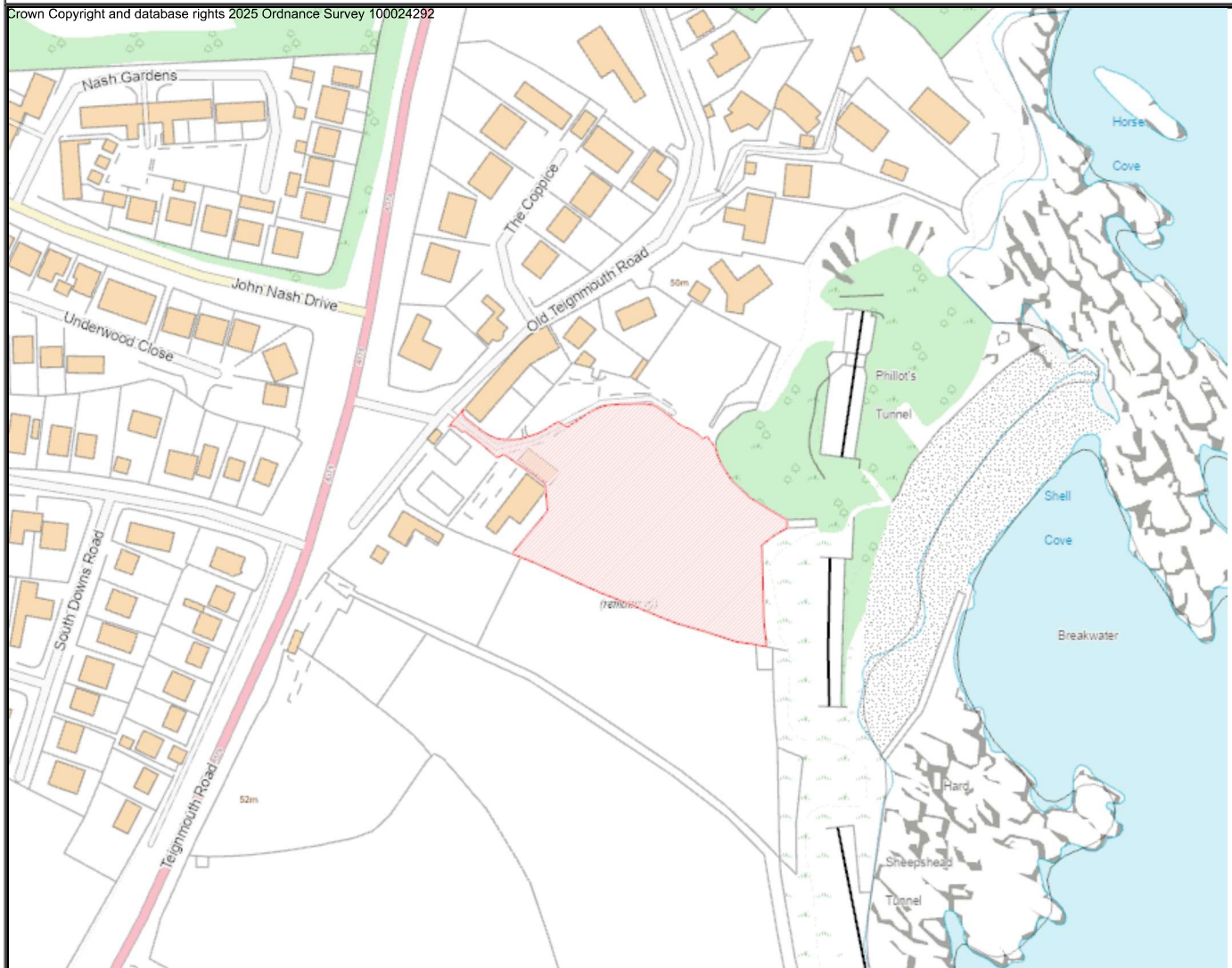
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| <b>Date</b>         | 27 May 2025  |
| <b>Case Officer</b> | Artur Gugula   |
| <b>Location</b>     | Site Of Shell Cove House 19 Old Teignmouth Road Dawlish Devon EX7 0NJ                                  |
| <b>Proposal</b>     | Construction of 13 townhouses with associated landscaping, access, and infrastructure (Revised scheme) |
| <b>Applicant</b>    | Affinity   |
| <b>Ward</b>         | Dawlish South West   |
| <b>Member(s)</b>    | Cllr Alison Foden, Cllr Mike James   |
| <b>Reference</b>    | 23/00305/MAJ   |



[Online Details and Documents](#)

## RECOMMENDATION: PERMISSION GRANTED

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## 1. REASON FOR REPORT

This has been called in by Dawlish Town Council for the following reasons:

- Sufficient drainage works still needs to be done as requested by network Rail on this application and previous applications.
- There is no plan for 10% net gain on biodiversity.
- More information on the water drainage strategy is required by Teignbridge before the application can progress.
- A land stability report needs to be undertaken as the buildings will be within 200m of the cliff edge and numbers 9, 10, 11 12 & 13 are in an area of great landscape value and are too close to the cliff for the railway.
- The Grandfather rights to the footpath for Network rail could be compromised.
- It is overdevelopment of the site.
- There are climate change concerns with the site.

## 2. RECOMMENDATION

PLANNING PERMISSION be granted subject to:

(a) The Applicant/Landowner first entering into a Section 106 Agreement to secure:

- Affordable Housing contributions of £265,627; and
- Habitat Regulations Assessment contribution of £3,041 to offset recreational pressure on the Exe Estuary SPA/Ramsar site and Dawlish Warren SAC; and
- Provision of a Travel Pack and £300 sustainable travel voucher for each dwelling to promote the use of sustainable modes of transport.

(b) The completion of the s106 Agreement within 6 months of a resolution to grant planning permission, subject to any extension to this date being agreed with the Executive Member for Planning. In the event that the s106 Agreement is not completed within this period (or an agreed extension), delegation to the Head of Development Management to refuse the planning application due to the lack of obligations as set out in (a) above.

And the following conditions:

1. The development hereby permitted shall begin before the expiry of three years from the date of this permission.

REASON: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the application form and the following approved plans/documents:

| <b>Date Received</b> | <b>Drawing/Reference Number</b> | <b>Description</b>                          |
|----------------------|---------------------------------|---|
| 07 Mar 2024          | 1180-GA-31-HOUSE TYPE 02        | Elevations (02_02)                          |
| 07 Mar 2024          | 1180-GA-30-HOUSE TYPE 02        | Elevations (01_02)                          |
| 07 Mar 2024          | 1180-GA-29-HOUSE TYPE 02        | Roof Plan                                   |
| 07 Mar 2024          | 1180-GA-28-HOUSE TYPE 02        | First Floor Plan                            |
| 07 Mar 2024          | 1180-GA-27-HOUSE TYPE 02        | Ground Floor Plan                           |
| 07 Mar 2024          | 1180-GA-26-HOUSE TYPE 02        | Below Ground Floor Plan                     |
| 07 Mar 2024          | 1180-GA-25-HOUSE TYPE 01        | Elevations (02_02)                          |
| 07 Mar 2024          | 1180-GA-24-HOUSE TYPE 01        | Elevations (01_02)                          |
| 07 Mar 2024          | 1180-GA-23-HOUSE TYPE 01        | Roof Plan                                   |
| 07 Mar 2024          | 1180-GA-22-HOUSE TYPE 01        | Second Floor Plan                           |
| 07 Mar 2024          | 1180-GA-21-HOUSE TYPE 01        | First Floor Plan                            |
| 07 Mar 2024          | 1180-GA-20-HOUSE TYPE 01        | Ground Floor Plan                           |
| 07 Mar 2024          | 1180-GA-09                      | Comparative Site Section                    |
| 07 Mar 2024          | 1180-GA-08                      | Comparative Site Section                    |
| 07 Mar 2024          | 1180-GA-07                      | Proposed Site Section                       |
| 07 Mar 2024          | 1180-GA-06                      | Proposed Site Section                       |
| 07 Mar 2024          | 1180-GA-03                      | Proposed Block Plan                         |
| 09 May 2024          | GE-SHELLCOVE-02 REV A           | Planting Plan                               |
| 09 May 2024          | GE-SHELLCOVE-01 REV F           | Landscape General Arrangement Plan          |
| 09 May 2024          | 1180 GA-10 REV A                | Proposed Levels Plan and Retention Features |
| 09 May 2024          | 1180 GA-03 REV A                | Proposed Block Plan                         |
| 09 May 2024          | 1180 GA-001                     | Ordnance Survey Plan                        |

REASON: In order to ensure compliance with the approved drawings

**Prior to commencement conditions**

3. Prior to commencement of the hereby approved development the following drainage details shall be submitted to and approved in writing by the Local Planning Authority:

- (a) A detailed drainage design based upon the hereby approved Drainage Statement (Report Ref. 1086.DS, Rev. A, dated 23rd May 2024) and the Response to Drainage Comments document (HCE1086, dated 6th March 2025); and
- (b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted; and
- (c) Proposals for the adoption and maintenance of the permanent surface water drainage system; and
- (d) A plan indicating how exceedance flows will be safely managed at the site; and
- (e) A detailed assessment of the condition and capacity of any existing surface water drainage system/watercourse/culvert that will be affected by the proposals. The assessment should identify and commit to, any repair and/or improvement works to secure the proper function of the surface water drainage receptor.

The approved detailed surface water drainage scheme shall then be implemented in strict accordance with the approved details prior to the first occupation of any of the hereby approved dwellings. Then the scheme shall thereafter be retained and maintained in accordance with the approved management details.

REASON: In the interest of ensuring that the site is served by an appropriate surface water drainage management system which would not cause an increase in flood risk either on site or elsewhere. The details are required prior to commencement as it is essential that the proposed surface water drainage system is shown to be feasible before works begin.

4. Prior to commencement of the hereby approved development a tree and hedge protection plan and a method statement setting out the details and timetable of how the retained trees, hedges their respective root protection areas will be protected during the construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then proceed in strict accordance with the approved details, and the protection shall remain in place for the entirety of the construction phase of the development.

REASON: In the interest of protecting the retained trees and hedges on the site some of which are subject to a Tree Preservation Order for the benefit of the visual amenity of the area. The details are required to be prior to commencement as it is essential to ensure that the trees and hedges are suitably protected since the beginning of the development including any site set up.

5. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

- (a) the timetable of the works;
- (b) any road closure;

- (c) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 08:00 and 18:00 Mondays to Fridays inclusive; 09:00 to 13:00 Saturdays, and no such delivery or vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the Local Planning Authority in advance;
- (d) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (e) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (f) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (g) hours during which no construction traffic will be present at the site;
- (h) the means of enclosure of the site during construction works; and,
- (i) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site;
- (j) details of wheel washing facilities and obligations;
- (k) the proposed route of all construction traffic exceeding 7.5 tonnes;
- (l) details of the amount and location of construction worker parking;
- (m) photographic evidence of the condition of adjacent public highway prior to commencement of any work.

The development shall be carried in strict accordance with the approved details.

REASON: In the interest of highway safety and neighbouring residential amenity. This detail is required prior to commencement as impacts can occur immediately upon works starting.

6. Prior to commencement of the hereby approved development details of the confirmed heights of retaining walls and structures, finished floor levels and material treatment of all retaining structures in accordance with drawing referenced 1180 GA-10 REV A (Proposed Levels Plan and Retention Feature) shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

REASON: In order to ensure that the development is carried out in accordance with the approved levels strategy in the interest of landscape and visual amenity of the area as well as impact on residential amenity of neighbouring properties. The details are required prior to commencement as any ground and levelling works are likely to be undertaken at the earliest stages of the development.

### **Prior to installation/commencement of certain works conditions**

7. Prior to their first use in the construction of any of the hereby approved dwellings, details, specification and samples of all facing, roofing, window and door materials, and boundary treatment materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

REASON: In the interest of visual amenity and to ensure the development will harmonise visually with the character and appearance of the site and its surroundings.

### **Compliance conditions**

8. The development hereby approved shall proceed in strict accordance with precautions, mitigation measures and enhancement as described in Section 5 of the Ecology Report (by South West Ecology dated 23rd March 2023) referenced SWE 798 VERSION NO: 1.

REASON: In the interest of protecting legally protected species and to ensure biodiversity enhancements are delivered as part of the development.

9. Any works associated with the hereby approved development shall only take place between the hours of 08:00 to 18:00 Mondays to Fridays inclusive; 09:00 to 13:00 Saturdays, and no working on the site to take place on Sundays and Bank/Public Holidays. No lighting shall be left on over-night during the construction phase. Works compounds to be located away from existing roosts, new roost building, hedges and other retained vegetation. Works compounds lighting to be PIR activated security lighting only on short timers (1 minute maximum), directed away from bat roosts, hedges and trees.

REASON: To permit continued use of the site by light-averse bats.

10. The development hereby approved shall be carried out in accordance with the Energy Statement – Phase 4 received on 4th March 2024 and the Travel Plan referenced 1086.TP REV A. The measures described within the statement and the plan shall thereafter be maintained and retained for the life of the development.

REASON: In order to ensure that the development plays its part in reducing carbon emissions.

11. The hereby approved landscaping and planting scheme shall be implemented in strict accordance with the hereby approved drawings referenced GE-SHELLCOVE-01 REV F (Landscape General Arrangement Plan) and GE-SHELLCOVE-02 REV A (Planting Plan) within the first available planting season following the first occupation of any of the hereby approved dwellings. The landscaping and planting shall thereafter be retained, maintained and managed in accordance with the hereby approved Landscape and Ecological Management Plan (July 2024) REV B. Any trees or plants that, within an establishment period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with other species, size and number as originally approved.

REASON: In the interest of securing the implementation and ongoing management of the submitted landscaping scheme designed to complement the development in respect of its visual and landscape amenity.

12. Prior to the first occupation of each of the hereby approved dwellings, the air source heat pumps as identified on drawings referenced 1180-GA-20-HOUSE TYPE 01 (Grand Floor Plan) and 1180-GA-26-HOUSE TYPE 02 (Below Ground Floor Plan) in accordance with details set out in the Energy Statement - Phase 4 shall be installed, operational, and thereafter maintained and retained to serve each of the dwellings.

REASON: In order to ensure that the development plays its part in reducing carbon emissions.

13. Prior to the first occupation of Unit 01 and Unit 04 as identified on drawing numbered 1180-GA-03 (Proposed Block Plan) hereby approved the windows on the first floor south west elevation and first floor north east elevations as identified on drawings numbered 1180-GA-30-HOUSE TYPE 02 (Elevations 01\_02) and 1180-GA-31-HOUSE TYPE 02 (Elevations 02\_02) and shall be fitted with a minimum of level 3 obscured glazing over the entirety of the window with no clear areas and shall thereafter be permanently retained in that condition.

REASON: In the interests of adjoining residential amenity.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no development of the types described in Classes A, AA, B, C, D, E of Part 1 and Class A of Part 2 of Schedule 2 (which includes extensions, alterations and means of enclosure to the dwellings) shall be undertaken on the premises (other than those expressly authorised by this permission).

REASON: To ensure that the character and appearance of the locality are protected.

15. No external lighting shall be installed on, or in association with, the new buildings, except for low-lumen, LED, PIR motion-activated lights on a short timer (maximum 1 minute), sensitive to large objects only (to avoid triggering by bats or other wildlife). Any such lights shall be mounted in association with doors only, at a height no greater than 1.9m from ground level, directed and shielded downward and away from hedges and trees. The lights shall produce only narrow spectrum, low-intensity light output, UV-free, with a warm colour-temperature (2,700K or less) and a wavelength of 550nm or more.

REASON: For the benefit of legally protected light-averse bats.

16. Visibility splays shall be provided, laid out and maintained for that purpose at the site access where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.6 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 17 metres to the left and 43 metres to the right.

REASON: To provide adequate visibility from and of emerging vehicles in the interests of highway safety.

### **3. DESCRIPTION**

#### Planning History

3.1. The relevant planning history for the site is listed as below.

- 14/02798/SO: Screening opinion for demolition of block of ten flats and 3 houses and redevelopment to provide 15 dwellings and 16 flats with integrated landscaping, access, parking and associated services – **EIA not required.**
- 14/02780/MAJ: Demolition of block of ten flats and 3 houses and redevelopment to provide 9 dwellings and 16 flats with integrated landscaping, access, parking and associated services – **Approved.**
- 15/02590/FUL: Demolition of existing buildings and redevelopment to form six cottages for later living with car parking, landscaping and access - **Approved.**
- 16/00300/MAJ: Demolition of the existing house and cottages and redevelopment to provide 11 cottages and 17 apartments for later living, with a separate summerhouse building, integrated landscaping, access and parking and associated services. – **Approved**
- 20/00805/FUL: Formation of six dwellings, garages and associated works. - **Approved**
- 20/02400/FUL: Erection of carport to serve approved East Cottages - **Approved**
- 20/02145/MAJ: Variation of condition 2 on planning permission 16/00300/MAJ (Demolition of the existing house and cottages and redevelopment to provide 11 cottages and 17 apartments for later living, with a separate summerhouse building, integrated landscaping, access and parking and associated services) to amend design of inland – **Approved**
- 21/00661/MAJ: Variation of condition 2 on planning permission 20/02145/MAJ (Demolition of the existing house and cottages and redevelopment to provide 11 cottages and 17 apartments for later living, with a separate summerhouse building, integrated landscaping, access and parking and associated services) to amend design for cottages 7-11 – **Approved**

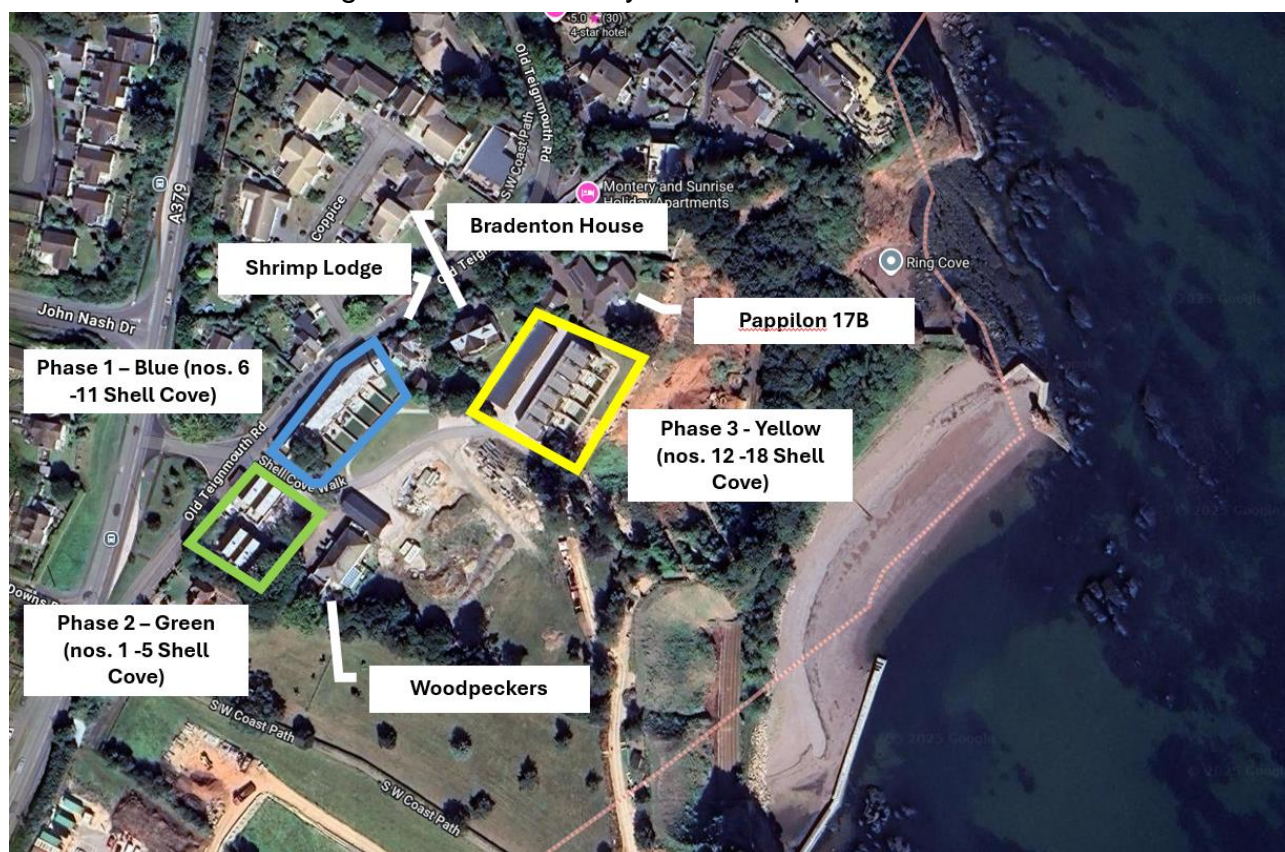
#### The Site

- 3.2. The application site of the former Shell Cove House is located towards the southern edge of Dawlish atop a red cliff that is characteristic of the area. The railway line with Shell Cove beach is located below. Access is via the entrance on the western boundary from Old Teignmouth Road.
- 3.3. The local environment is characterised by red cliffs, grey and reddish stone work, green landscapes and blue sea waters. Recent (adjacent) developments within the applicant's ownership have a refined material palette of timber, brick and high-quality glazing with associated landscape works.
- 3.4. Application 16/00300/MAJ granted redevelopment of the site for 11 cottages (inland and to the roadside) and 17 apartments (two blocks set back east into the site). The demolition of the large, subdivided house and row of cottages along Old Teignmouth Road has taken place as granted under the original consent (16/00300/MAJ). The 11 cottages albeit varied from their original design under applications 20/02145/MAJ and 21/00661/MAJ have now been completed. These



are referred to as Phases 1 and 2. The two blocks of apartments remain to be constructed. It should be noted that the original age restricting condition has been removed as part of 20/02145/MAJ. The site also accommodates a development of 6 terraced dwellings in the northeastern part granted under 20/00805/FUL, referred to as Phase 3.

- 3.5. The land generally slopes from west to east down towards the cliff with a footpath leading to Shell Cove beach below. To the north the site is bound by existing dwellings, to the east some vegetation is present with the cliff and the railway below. To the south a series of trees of varying sizes and hedges screens much of the site. Finally, to the west the site is adjacent to the road with the recently completed development forming the boundary of the site.
- 3.6. There are a number of neighbouring properties within and adjacent to the site. Shell Cove itself accommodates 17 recently constructed dwellings within the three phases of the development located along the north and east edges of the site. Between Phases 1 and 2 are also the detached dwellings known as Shrimp Lodge and Bradenton House. To the north of Phase 1 is also the detached Pappilon 17B. Within the site itself there is also Woodpeckers along the northern boundary which was formerly a large single dwelling now converted into a number of flats. The below image shows the arrangements described above.
- 3.7. For further context the site plan including the consented apartments and patrial elevation showing their 2 and 4 storey scale is reproduced below.







## The Proposal

- 3.8. The application proposal seeks consent for 13 new dwellings and associated landscaping within the central and eastern proportion of the site. The dwellings are an alternative proposal to replace the yet to be constructed apartment buildings. The dwellings would be arranged in 5 blocks – 3 blocks of 3 terraced houses on the northwest-southeast axis of the site, and 2 blocks of semi-detached on the northeast-southwest axis. The dwellings would be flat roofed 2/3 storey high with the ground floors partially sunken (split level) and gradually responding to the natural slope of the site towards the southeast. There are two house types proposed each featuring 4-bedrooms over a total floor area of 221sqm. Each property will have a private garden, and boundaries will be treated with hedging and timber fences as previous development phases at Shell Cove. Each dwelling would be served by 2 external car parking spaces in addition to an integrated garage providing an additional space. 4 visitor parking spaces are provided within the northwestern part of the site. The proposal is relatively low density due to the sensitive location and constraints on site which provides an opportunity to provide shared landscaped areas for occupiers of the whole development. These include footpaths with access to Shell Cove beach.
- 3.9. The proposed materials palette reflects those used in earlier phases of the development, which mainly includes timber cladding, buff brick and powder coated aluminum windows. Each home would feature inset balconies, raised roof lights over stairwells and upper floor cantilevers. The design of the houses incorporates a fabric first approach in respect of its carbon reduction credentials, utilising passive house orientation for solar gain and enhanced insulation to promote efficiency. It is also proposed that air source heat-pumps, EV charging, and efficient mechanical ventilation is to be deployed.

## Emerging Teignbridge Local Plan 2020-2040

- 3.10. The examination hearings for the emerging Teignbridge Local Plan 2020-2040 (thereafter referred to as the eLP) have been concluded. The post examination letter from the Planning Inspectorate dated 18<sup>th</sup> December 2024 has stated that the plan is likely to be found sound subject to the modifications agreed at the hearings and in the letter. The Council is currently in the process of preparing a Main Modifications version of the plan to be consulted upon. There are a number of policies within the emerging plan which did not attract modifications. As such, due to the advanced stage of the plan and in accordance with the requirements of paragraph 49 of the NPPF considerable weight is given to relevant emerging local plan policies unless otherwise stated.

## Principle of the Development

- 3.11. The defined settlement limit of Dawlish runs centrally through the site which means that units 1-7 would be within it, and units 8–13 would be outside. Whilst the principle of residential development for the upper part of the site would be permissible under provisions of Policy S21 of the Teignbridge Local Plan 2013-2033 (thereafter referred to as the LP), those outside the limit would be classified as development in the open countryside where provisions of policy S22 apply. The policy strictly limits development in countryside locations where proposals for open market dwellings are not supported in principle. Thus, in assessing the development as a whole it would be in conflict with the provisions of policy S22.

- 3.12. Policy GP3 of the eLP mirrors the general approach to the principle of development as set out above. Proposals for open market residential are not supported in principle outside of defined settlement limit. Accordingly, assessing the development as whole it would be in conflict with policy GP3.

#### Undeveloped Coast

- 3.13. Policies EN2 of the LP and EN2 of the eLP set out the protections and requirements for development within the Undeveloped Coast. Whilst it appears that some third-party contributions have indicated that proposal site falls within the Undeveloped Coast, this in fact is not the case. The boundary of the designation runs along the vegetated southern edge of the site. Nevertheless, the eLP policy EN2 does set out requirements for developments that may affect the Undeveloped Coast. The requirements are as follows and will be assessed further in the report:

- *Conserve and enhance the key landscape, seascape, and historic character of the undeveloped coast, including the significance of heritage assets within their coastal settings; and,*
- *conserve and enhance the estuaries and coast as important wildlife habitats and corridors; and,*
- *where appropriate and feasible, development will take opportunities to improve public access to, and enjoyment of, the coast, subject to criteria a and b above.*

#### Area of Great Landscape Value (AGLV)

- 3.14. The eastern proportion of the proposed development (units 7-13) are located within the LP designated AGLV where policy EN2A seeks to protect and enhance the areas landscape and seascape. The AGLV is a historic designation based around outdated boundaries and assessments. As such, the designation has not been carried over to the eLP, however the Landscape Character Area Assessment (LCAA) have been renewed. New eLP Policy EN4 seeks for the development to conserve and enhance the District's landscape, seascape and townscape character more widely based on the LCAA for that specific location. Consequently, the proposal's landscape and seascape impacts are assessed on the basis of Policy EN4 of the eLP. The landscape and seascape impacts in respect of conservation and enhancement of the setting of the Undeveloped Coast in accordance with policy EN2 of the eLP is also assessed here.
- 3.15. The site is split between two landscape character types as identified within the LCAA– the cliffs (LCT 4H) and the main towns (LCT 7). The cliffs LCT is characterised by near vertical landform, deep red colour, marine influences and extensive views. The main town's LCT is not assessed within the LCAA due to its urban nature where a more localised evaluation of local built environment can be undertaken on case-by-case basis. In appraising the proposal in respect of landscape impacts it is important to take account of the current and former use of the site with its associated physical features. The areas where some of the new dwellings are proposed were formerly occupied by a large, detached property known as Shell Cove House which has now been demolished. Areas to the north accommodated a pool and tennis court. The area to the west was the extensive domestic garden of the property. Currently the land has been used for storage of plant machinery, building materials and portacabins in association with other development taking place on site. There is an existing extant planning permission

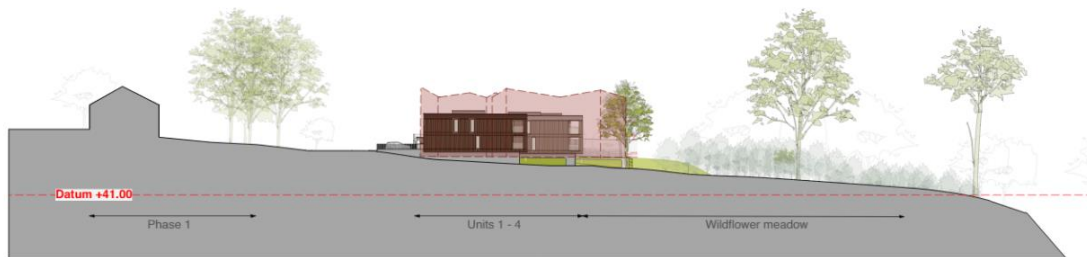
for two large apartment blocks in the upper part of the application site. As such, the former and current use of the site already detracts from the typical character of the cliffs LCT.

- 3.16. Generally, views of the from the north and west are obscured through existing built environment and vegetation. The railway is located considerably lower, below the site therefore the views from trains would be limited. The main landscape sensitive receptors in respect of public views would be from the south along the southwest coast path and some potential long-distance views from the sea. The proposed layout of the scheme has been designed to respond to the natural slope of the land towards the eastern cliff with the dwellings gently stepping following the natural topography. The proposed landscaping scheme provides generous on plot planting and within the shared amenity area. The planting is proposed to be native, with coastal species and orchard trees paying tribute to an orchard which previously featured elsewhere on the site. The vast majority of the boundary vegetation is to be retained with some enhancement specifically to the south in order to bolster the green enclosure of the site. The submitted cross sections show that the tops of the flat roofs of the proposed properties would not be any higher than that of the existing surrounding development. As such in potential views from the sea the scheme would not appear prominent and would be seen with a backdrop of existing built environment. From the coastal footpath, glimpses of the development would be possible, however again this would not appear overly prominent as it would be seen with the backdrop of existing development. The proposed materials and appearance of the dwellings, whilst modern would assimilate well with existing properties on site and general varied character of the built environment along Old Teignmouth Road.
- 3.17. It is also materially important to review the scheme in respect of the fallback position which is provided by the consented apartments scheme. Whilst these would not project out towards the cliff and into the AGLV in the same way as the now proposed scheme, their visual impact would be much greater. This is due to their overall height and positioning within the more elevated part of the site. This is evident on the submitted comparative sections reproduced below. As such, bearing the above assessment in mind it is considered that the proposal would not have an unacceptable impact on the surrounding landscape and seascape. It would also help to conserve the appearance of the setting of the Undeveloped Coast through provision of a more visually sensitive scheme compared to that which is already approved. Consequently, the proposal is considered to be compliant with policies EN2A of the LP, EN2, and EN4 of the eLP.

3.18. The application has been accompanied by a detailed landscaping and planting plan, as well as a landscape and ecological management plan. In order to ensure that the proposed landscaping is delivered it is recommended that compliance with the submitted details, the implementation and ongoing management of the landscaping scheme is secured via condition.



Site Section A-A  
1:500 @ A3



Site Section C-C  
1:500 @ A3



### Impact Upon the Character and Visual Amenity of the Area.

- 3.19. Policies S1 and S2 of the LP seek for new developments to be of high-quality design which would integrate well within the surrounding character area and landscape. Policies GP1 and DW2 of the eLP reflect this requirement. Policy DW2 deploys a principle based requirements for good quality design where assessment of proposal against local context, identity and built form play an important part in the acceptability of the proposal.
- 3.20. In addition to the assessment made on landscape impacts of the proposal, consideration is also given to the impacts on general character and visual amenity of the area. The site is not within a Conservation Area, and there are no designated heritage assets in close vicinity. The proposed layout responds to existing semi-uniform arrangements well, replacing a previously proposed more ad-hoc approach. The blocks of 2 and 3 dwellings somewhat replicate the terrace present at Phase 3. The proposed materials palette responds to those present elsewhere on site. The dominant timber cladding, when weathered will help the development assimilate into the landscape. The flat roof design whilst modern, again responds to development present elsewhere on site. The varied built environment present on Old Teignmouth Road allows for more flexibility in respect of the design within the area. Owing to its set back position on site, views of the proposed dwellings would not be possible from Old Teignmouth Road, and this would be obscured by existing development within the site. Equally, as assessed above the impacts of the development on surrounding views has been found acceptable. In addition to the landscaping condition, it is considered appropriate to secure the submission of details and/or samples of materials to be used in order to ensure that those match with others elsewhere on site. In addition, it is noted that the levels strategy sets out some requirements of retaining walls in order to deal with the topography on the site. Whilst the heights of the retaining structures are not confirmed using the spot heights on the drawings it is considered that these would not cause any undue concern. A condition requiring confirmation of the heights and materials to be used for the retaining walls is considered appropriate. Finally, in order to retain the character of the proposed development as well as to protect the sensitive landscape it is necessary to remove certain development rights for extensions, alterations and boundary treatments at the site.
- 3.21. Based on the above, and including the recommended conditions the proposal is considered to comply with policies S1 and S2 of the LP, GP1 and DW2 of the eLP.

### Impact on Residential Amenity of Neighbouring Properties and Future Occupiers of the Development

- 3.22. Policy S1 of the LP seeks for all developments to perform well against criteria set out within it. These include ensuring that proposals do not have a harmful impact on residential amenity of surrounding properties, as well as the future occupiers of the dwellings. This approach is mirrored in Policy GP1 of the eLP. Policy H12 of the eLP, which specifically focuses on protecting the living conditions of nearby residential occupants.
- 3.23. There are a number of surrounding properties adjacent to the proposed development that could be affected in various ways. It is acknowledged that several letters of objection from the nearby properties have been received raising concerns about impacts of the proposal on their residential amenity. A number of the

objections raised concerns about views from their properties, therefore it should be noted that the right to view is not a material planning consideration. Otherwise, the following assessment of impact on neighbours is made in respect of privacy, potential for overbearing and outlook impacts, overshadowing and loss of natural light, and noise and odour disturbance.

- 3.24. In respect of noise and odour, the relatively modest increase in dwellings within the site associated with the proposal would not pose any evidenced noise concerns which would go beyond the usual levels of noise associated with a residential use. Similarly, residential uses do not usually attract unacceptable odour impacts, and there are no chimneys or flues proposed that would indicate the intended use of log burners.
- 3.25. Woodpeckers is the closest residential property to the proposed development. The closest plots are Unit 5 to the southeast at approximately 20m, and Unit 1 to the northeast at approximately 27m. These distances are sufficient in order to avoid any immediate concerns in respect of privacy and overlooking in accordance with the Technical Advice Note for Homes and Building in the Teignbridge District Wide Design Code (Appendix 4). The row of Units 5 – 13 is offset to the northeast from the central axis of the seaward aspect of Woodpeckers, thus mitigating any direct impacts on outlook, overshadowing, and loss of light. The submitted levels plans and cross sections clearly demonstrate that the total height of the flat roofs would be set below the eaves of Woodpeckers due to being sunken within the sloping topography. Units 1 – 4 are located further to the north with a side-to-side arrangement. For the same reasons as aforementioned, these units would not have any unacceptable impact on outlook, overshadowing and loss of light. Their main aspect would be east to west however southwest facing windows on the first floor are marked as being obscured glazed to further maintain privacy. This can be secured via a suitable condition.
- 3.26. The completed Phase 1 of the Shell Cove development is located to the north of Units 1 - 4 with the closest distance to the boundary of the garden being approximately 26m, and the building-to-building distance being approximately 41m at the closest point. It is acknowledged properties at Phase 1 have a somewhat unconventional arrangement with the entrance to the properties being located within what would usually be described as rear gardens. The boundary treatments are lower thus some overlooking from the adjacent shared areas already exist. The proposed units would feature habitable room windows facing in each other's direction due to their orientation, however in accordance with Design Code guidance the back-to-back distance of 20m would be maintained. The site levels and sections show that the dwellings would have their total height set below those at Phase 1. Their orientation together with the distance from Phase 1 properties means that any overshadowing would be very limited. In respect of impact from Units 5 – 13, the separation distance would be approximately 57m. The dwellings would be set on lower ground with their total roof height set below that Phase 1. Thus, due to the separation distance, this part of the scheme would not result in unacceptable residential amenity impacts on dwellings at Phase 1.
- 3.27. The separation distance between Units 1- 4 to Shrimp Lodge and Bradenton House to the north is approximately 40m. In respect of Units 5 – 13 this distance is approximately 70m. Both of the properties are separated from the proposed development through features including, trees, other buildings and the internal private road. The proposed units would be no higher than those located in Phase 3



of the development. As such, the separation distance and intervening features would mitigate against unacceptable impacts of privacy and other enjoyment of the existing occupiers of those properties.

- 3.28. The completed Phase 3 of the development would be within 9.5m of the proposed Unit 3 and 4. This would be in a side-to-side arrangement separated by some landscaping and part of the private road. Phase 3 dwellings would not be detrimentally affected by any other units within the development. The northeast elevation of Unit 4 features upper floor windows which are marked as obscured, and these can be secured as such via condition. The side-to-side arrangements would not cause any additional overlooking over and above that experienced mutually by occupiers of Phase 3. The proposed recessed balconies would help to obscure some of the viewing angles. In addition, the arrangement would avoid any overbearing and overshadowing impact as the northeast elevation of Unit 4 would not be adjacent to the garden areas or any windows providing the main outlook for habitable rooms.
- 3.29. Approximately 70m to the west of the site is no. 25 Old Teignmouth Road, which due to the separation distance, intervening development, vegetation and the development being set on lower ground would not suffer unacceptable impacts to its residential amenities. Similarly, although located somewhat closer in the same direction (approximately 50m) are dwellings associated with the completed Phase 2 of the development. The residential amenities would not be affected for the same reasons as those relating to no. 25 Old Teignmouth Road.
- 3.30. Finally, in respect of impact on 17B Papillon, the separation distance from the closest part of the proposed development would be 60m. As with some of the other properties located at that distance it is considered that due to the separation distance, intervening development, vegetation and the development being set on lower ground the proposal would not result in any unacceptable impacts of the residential amenity of that property.
- 3.31. Overall, due to reduced height and reflecting the topography of the site the now proposed scheme would offer a betterment in respect of outlook compared to the approved apartments scheme. Bearing all of the above in mind, it is considered that the proposal is complainant with policies S1 of the LP, GP1, and H12 of the eLP.

#### Affordable Housing

- 3.32. In accordance with provisions of Policy WE2 of the LP and H2 of the eLP the proposal is expected to deliver affordable housing at threshold of 25% which equals to 3 units. In consultation with the Council's Housing Enabling Officer it has been considered that it would be most appropriate to secure an off-site contribution for this development. This is due to potential of high service charges associated with this development. In addition, it is likely that a registered provider would not be willing to accept this small level number of units. Given that the development features 4-bedroom units it is required to seek the contribution based on delivery of such units – this equal to a total of £477,627 (3 x £159,200). As part of the existing consent on the site which includes the not yet constructed apartment the applicant has already paid affordable housing contributions in full totaling £212,000. As such given that the apartments have not yet been built it is appropriate to deduct the already paid amount from the total sought at this stage. Consequently, to ensure

compliance with the above policies it is proposed that a contribution of £265,627 via a S106 obligation is sought.

### Drainage

- 3.33. The application site is within Flood Zone 1 (low flood risk) and is not within any Critical Drainage Area. Policy EN4 of the LP and EN6 of the eLP seek for all developments to deal appropriately with surface and foul water. The SuDS hierarchy is expected to be followed in respect of surface water. The proposed surface water drainage system seeks to discharge run-off via an existing outfall pipe into Shell Cove. It is proposed to use an attenuated system utilising a geocellular underground tank to restrict the flow ensuring that the downstream network has sufficient capacity. Filter drains and permeable paving has also been deployed across the site to improved quality of the surface water run-off. In consultation with the Lead Local Flood Authority and Network Rail this approach has been considered appropriate as infiltration is not viable on this site due to the proximity to the cliff. Based on the above principles of surface water drainage on the site being established it is appropriate to secure the detailed drainage design, and ongoing maintenance and management via as suitably worded prior to commencement condition.
- 3.34. Foul drainage is proposed to be connected to the existing network within the site which then discharges into the South West Water public sewer.
- 3.35. Subject to the above assessment the surface and foul water proposals are considered acceptable.

### Biodiversity

- 3.36. Policies EN8, EN11 and EN12 of the LP, and policies EN10, EN12, EN14 and EN15 of the eLP all seek to protect biodiversity, legally protected species and relevant designated sites as part of any development.
- 3.37. The site is located within within the South Hams SAC Landscape Connectivity Zone designated for greater horseshoe bats which use linear features such as hedges to navigate through the landscape. As such, the protection of such features and limiting any lightspill to which the bat species are averse is key within the Connectivity Zone. The applicant has submitted an Ecology Survey, a Landscape Scheme, and a Landscape Ecological Management Plan. The submitted details demonstrate that there would be limited loss of habitat as most of the site compromised and amenity grass owing to its former use. It has been set out that the site's boundary hedges would be protected. The landscape scheme is generous and would provide habitat enhancement through tree, hedge and grass planting. It is considered necessary to secure compliance with the Ecology Report, limit external lighting, and limit construction hours via condition in order to ensure that the Landscape Connectivity Zone features remain protected.
- 3.38. The application site is within 10km of the Exe Estuary SPA and Dawlish Warren SAC and is therefore subject to the requirements of the 2017 Conservation of Habitat and Species Regulations. In the absence of bespoke mitigation, a Habitat Mitigation Regulations contribution of £1157 per additional dwelling is required to offset in-combination recreation impacts on the SPA and SAC. A net gain of 13 dwellings is proposed, i.e. a total of £ £15,041 is required to be contributed.

- 3.39. As part of the existing consent on the site the developer has paid HRA contributions of £12,000 which was based on the net gain of 15 dwellings charged at £800 at the time. Whilst the contribution per dwelling has now increased, it is appropriate to take the already paid contributions into account, therefore only the difference between the two totals is sought. The remaining £3,041 is required to be secured via a S106 obligation. With this in place, the LPA, as Competent Authority, is able to conclude that there will be no effect on the integrity of the European site(s) such that this does not constitute any reason for refusal of the development.
- 3.40. In the context of biodiversity, the proposal is considered to be compliant with policies EN8, EN11 and EN12 of the LP, and policies EN10, EN12, EN14 and EN15 of the eLP.

### Trees

- 3.41. There are a number of trees located around the perimeter of the site some of which are subject to a Tree Preservation Order (TPO). The development has been designed to avoid most of the root protection areas (RPAs) as the larger trees provide screening and visual amenity benefits for the site. It has however been inevitable that 4 trees would require removal – three of these are TPO trees. These are listed as below
- T596 Monterey Pine (Category B – TPO)
  - T584 Austrian Pine (Category B- TPO)
  - T572 Monterey Pine (Category B - TPO)
  - T571 Norway Spruce (Category C)
- 3.42. In order to offset the lost trees, the proposed landscaping scheme proposes 13 new trees to be planted which include fastigate oak, silver birch, monterey pine and variations of apple trees. It is noted in the submitted survey that the trees are identified as Category B and C trees with moderate visual amenity contributions. It is also taken into account that whilst the scheme would result in some tree removal it would offer a betterment in respect of its impacts on landscape and neighbouring outlook. Bearing this in mind, and the fact that there would be a net increase in a number of trees on the site the proposed removal of the trees is justified.
- 3.43. In order to ensure that the retained trees and hedges are protected during the construction period it is required that a method statement and tree protection details are submitted prior to the commencement of the development. This is to be secured via a suitable condition.

### Climate Change

- 3.44. Policies S7 and EN4 of the Local Plan seek for all new developments to contribute to reducing carbon emissions. Policy CC2 of the eLP seeks for applications to be accompanied by an Energy and Carbon Statement which would address the principles of the energy hierarchy. It should be noted that the net zero requirements within the policy for major development applies only from plan adoption.
- 3.45. An Energy Statement has been submitted with the application which sets out that a fabric first approach will be deployed across the development. The focus is on

reducing heat loss, low air permeability and air tightness through quality of construction. A mechanical ventilation system is also proposed which deals with air handling and reduces risk of condensation. The development would bring significant u-value improvements of Part L1 of the Building Regulations. Furthermore, each dwelling would be served by an air source heat pump and EV charging points. In order to ensure that the dwellings are delivered to the described standards compliance with the submitted Energy Statement and submission of SAP calculations for at least 50% of the dwellings is recommended to be secured via condition. The installation of the air source heat pumps prior to occupation is also recommended to be secured via condition to ensure compliance. It is not considered necessary to secure the EV charging points via condition as these are now a requirement of Building Regulations.

- 3.46. It is noted that that upon request of the Climate Change Officer, details on overheating risk assessments and supporting mitigation measures have not been submitted. These are not considered necessary at this stage as information relating to overheating is subject to requirements of Part O of the Building Regulations.
- 3.47. Provision for travel vouchers is to be secured via a S106 contribution. The site is located along the main route through Dawlish and is in close proximity to a bus stop with a number of services. As such, in order to encourage future occupiers to use public transport which may also spur behavior change the contribution is necessary to ensure compliance with the above policies. The site whilst on the edge of Dawlish is also conveniently places in respect of alternative modes of transport. The site is located relatively close to the town center where services can be reached (17-minute walk). The existing pedestrian network can be used to navigate the route safely. Due to the nature of the surrounding roads cycling also remains a viable option.
- 3.48. With all the above in mind, it is considered that the proposal is compliant with policies S7 and EN4 of the LPA, and policy CC2 of the eLP.

#### Highway Impact

- 3.49. The application site is served by an existing access approved as part of the extant consent on the site. The application has been accompanied by a submitted Transport Assessment and a Travel Plan. It is expected that in peak AM and PM time the proposed development would attract 8 trips per hour which would be lower during non-peak times. The existing access junction and the local road network does not currently suffer from capacity issues, therefore in consultation with the Highway Authority it is concluded that this scale of development would not have a detrimental impact on highway safety and capacity. Policy DW3 requires at least 3 parking spaces to be provided for a 4-bedroom dwelling and this is considered to be complied with. Each dwelling would benefit from two external parking spaces and one parking space within the garage. There are also 4 visitor parking spaces proposed in the northern part of the site.
- 3.50. The Travel Plan sets out the context of the location of the site in respect of safe walking and cycling routes, access to public transport and proximity to services within Dawlish Town Centre. It is considered that sustainable transport options alternative to the private car would be available to the future occupiers of the site. As part of compliance with policies S9 of the LP and CC4 of the eLP it is appropriate to secure the provision of a travel pack with travel vouchers worth at

least £300 for each household in order to promote the use of sustainable modes of transport and encourage behavioral change. Furthermore, compliance with the Travel Plan is to be secured via condition to secure its objectives and outcomes in relation to sustainable travel.

- 3.51. In order to minimise the disruption caused by the development during its construction along the local road network and to protect local residential amenity it is considered appropriate to require the submission of a Construction Management Plan prior to commencement of the development. Finally, in order to ensure that the access is retained in the current manner to provide sufficient visibility splays a compliance condition is recommended for the visibility splays to be maintained and retained.

#### Waste

- 3.52. The scheme proposes for bins to be stored in the integral garages to the front of the properties. The garages have direct access from the entrance hall which would make it a convenient space for bin storage. The applicant has also submitted a swept path analysis to demonstrate that with the proposed turning areas the private roads can accommodate the refuse vehicles. Whilst the Council's Refuse Officer has raised concerns about the road being private in respect of serving as access to waste vehicles, the applicant has signed an appropriate waiver to release the Council from any potential damages to the private road as a result of use by refuse vehicles. With the waiver in place, the proposed waste management arrangements are considered acceptable.

#### Cliff Stability

- 3.53. It is noted that a number of third-party contributions as well as the Town Council comments have raised concerns regarding the stability of the site and the potential impact on the cliff and the railway line. As with previous applications on the site Network Rail as the landowners and operators of the rail infrastructure located below the cliff have been consulted on this application. Following direct discussions between the applicant and Network Rail initial concerns and objections have been overcome through submission of appropriate information relating to drainage. Subsequently Network Rail have withdrawn their previous objections and recommended a number of considerations for the applicant in respect of engagement with their asset protection team and maintaining access to the cliffs below for any potential future inspection and remedial works. The response also provides advice to the applicants regarding engagement in respect during specific works taking place during construction which are to be included as informative on a potential approval decision notice.
- 3.54. For clarity, Network Rail's previous response to the application dated 11<sup>th</sup> June 2024 it has been confirmed that the cliff below the site is indeed owned by Network Rail.

#### Education Contributions

- 3.55. The application has been subject to consultation with the DCC Education back in 2023. It has been established that the development would generate an additional of 3.5 primary school pupils and 2.1 primary school pupils. Initially, a financial contribution has been sought to provide direct infrastructure within primary and secondary schools in Dawlish to accommodate pupils from the development as at

the time capacity was limited. A further consultation with DCC Education has taken place given the time which has elapsed since their initial comments and the likelihood of circumstances changing. The new consultation has revealed that the contributions are no longer sought as there is now sufficient capacity within primary and secondary schools. As such these are not recommended to be included in the S106.

#### Response to Other Comments Raised by Consultees and Third Parties

- 3.56. There has been a number of issues raised in the third-party contributions which have not otherwise been addressed the report above and are dealt with in turn below.

##### *Over 55s age restriction condition*

- 3.57. It has been suggested that the age restriction condition as it was imposed as part of the previous consents should be imposed on this development. This is not considered necessary as there is no policy that would require this specific restriction to be imposed in this case. It should be noted that the condition was also removed from the previous consents via subsequent variation applications for the same reason as stated above.

##### *Lack of Statement of Community Involvement*

- 3.58. It is acknowledged that the submission does not include a Statement of Community Involvement which is a requirement of the current validation checklist for major applications. However, the submission was made before the adoption of the current checklist with the previous version only stating that it is strongly encouraged that such statement is prepared and submitted. The submission of the statement is also not a requirement of the NPPF. Whilst it would be best practice for community consultation to be undertaken by the developer, and such statement to be submitted, it is not considered that local residents have be prejudiced in providing contributions as the application has been subject to the statutory consultation requirements.

##### *Concerns that development would be sold as second homes*

- 3.59. The current LP does not include specific requirements to prevent new properties from being second homes, although this is a valid concern in certain areas of the district. It is noted that policy H1 of the eLP seeks to address this, with all new dwellings in areas which include Dawlish to have a suitable mechanism to secure the homes as primary residences. However, this requirement is not being sought for the proposed development currently. This is due to lower weight that should be currently applied to this emerging policy. The examining Inspector's letter of 18<sup>th</sup> December 2024 includes policy H1 as requiring main modifications which will need to be consulted upon. As such modest weight should be afforded to this policy and its requirements should be applied with caution. On that basis, the primary residence requirement is not applied.

##### *Dawlish Cliffs SSSI*

- 3.60. Concerns have been raised in respect of the development's impact on the Dawlish Cliffs SSSI located to the northeast of the proposal at a distance of approximately

300m. It is considered that due to this separation distance the proposal would not have impact on the SSSI.

#### *Concerns over construction activity taking place within the exclusion zone*

- 3.61. The submitted plan clearly shows the boundary of the construction exclusion zone where it is indicated that no development will take place.

#### *Comments from Designing Out Crime Officer*

- 3.62. It is noted that the Designing Out Crime Officer has raised a point regarding the entrances in respect of ensuring that these are subject to sufficient surveillance. It should be noted that the wall enclosing the entrance to the front is low and thus would allow sufficient lines of sight and overlooking.

#### Planning Balance

- 3.63. As set out within the report the proposal is considered to be compliant with most relevant policies of both the current and emerging local plans. It has however, been concluded that it would not comply with policies S22 and GP3 due to parts of the development falling outside of the defined settlement limit.
- 3.64. Bearing the above in mind, the settlement limit issue is assessed pragmatically due to the boundary dissecting directly through the site. All of the proposed dwellings on the site would benefit from the same sustainability criteria attributed to its location within the settlement limit of Dawlish. The town provides key services, employment and education services to its residents with such being conveniently accessible (including sustainable modes of transport) by the future occupiers of the development. An increase of 13 dwellings, bearing in mind that 17 apartments are consented on this site would not disproportionately contribute to the intensification of Dawlish, relative to its role and the availability of local services. The development would be seen with the backdrop of existing built environment and would not appear as an undue extension of the town, bearing in mind that existing built environment (within the settlement limits) extends further to the south of the site albeit on the opposite side of the A379. As such, for the reasons above, the individual assessment of the context of the site in respect of the settlement limit is given considerable weight.
- 3.65. Furthermore, consideration is given to the consented apartment fallback scheme which whilst being located fully within the settlement limit, due to its scale would pose greater impacts than that of the currently proposed scheme. The benefits include betterment in respect of reduced impacts to landscape, visual amenity of the area, and residential amenity of the neighboring properties. Consequently, these reduced impacts are given considerable weight.
- 3.66. Taking the described material consideration into account in accordance with provisions of paragraph 2 of the NPPF it is considered that the material considerations outweigh the harm resultant from conflict with policies S22 of the LP and GP3 of the eLP. Therefore, approval of the application is recommended.

#### Conclusion

- 3.67. The approval of the application is recommended subject to the conditions set out above and securing of the listed S106 obligations.

## **4. POLICY DOCUMENTS**

### Teignbridge Local Plan 2013-2033

S1A Presumption in favour of Sustainable Development  
S1 Sustainable Development Criteria  
S2 Quality Development  
S6 Resilience  
S7 Carbon Emission Targets  
S9 Sustainable Transport  
S21A Settlement Limits  
S22 Countryside  
WE2 Affordable Housing Site Targets  
EN2 Undeveloped Coast  
EN2A Landscape Protection and Enhancement  
EN3 Carbon Reduction Plans  
EN4 Flood Risk  
EN5 Heritage Assets  
EN8 Biodiversity Protection and Enhancement  
EN11 Legally Protected and Priority Species  
EN12 Woodlands, Trees and Hedgerows

### Emerging Teignbridge Local Plan 2020-2040

Teignbridge Local Plan 2020-2040 was published on 14 March 2024 and has been submitted for public examination. The National Planning Policy Framework sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies, and their degree of consistency with policies in the National Planning Policy Framework. The following emerging policies are considered relevant to the proposed development:

GP1: Sustainable Development  
GP2: Development in Teignbridge  
GP3: Settlement Limits and the Countryside  
CC1: Resilience  
CC2: Energy and Carbon Statements  
CC3: Electric Vehicle Infrastructure  
DW1: Quality Development  
DW2: Development Principles  
DW3: Design Standards  
H2: Affordable Housing Targets  
H12: Residential Amenity  
EN2: Undeveloped Coast  
EN3: Coastal Change Management Areas  
EN4: Landscape Protection and Enhancement  
EN6: Flood Risk and Water Quality  
EN10: Biodiversity and Geodiversity  
EN12: Legally Protected and Priority Species  
EN14: Exe Estuary and Dawlish Warren



EN15: South Hams SAC  
EN16: Trees, Hedges and Woodlands  
EN17: Heritage Assets

National Planning Policy Framework

National Planning Practice Guidance

**5. CONSULTEES**

Network Rail (3<sup>rd</sup> March 2025)

No principle objections with the applicant recommended to consider the below:

- Applicant required to engage with Network Rail asset protection throughout the scheme.
- Network Rail require access to steps down to Shell Cove to enable feature inspection and other remedial works of the cliffs.

Other advice also provided in respect of ground levels, foundations, ground disturbance, site layout, piling, and excavations. This information is to be included in the decision notice as informatives as per previous application on this site.

DCC Lead Local Flood Authority (28<sup>th</sup> March 2025)

No in-principle objections subject to pre-commencement condition/s securing the following:

- Detailed drainage design.
- Details of surface water drainage system during construction.
- Proposals for adoption and maintenance of the drainage system.
- Plan showing exceedance flows and their safe management
- Assessment of the condition of the existing system.

TDC Affordable Housing

Off-site affordable housing financial contributions agreed for £477,627.00.

TDC Biodiversity Officer

Conditions recommended as below:

- Accordance with Ecology Report.
- Limiting hours of works (or otherwise accord with CMP).
- Limiting of external lighting

### TDC Environmental Health

No objections

### TDC Waste

Unable to support application unless the private roads are in ownership of a maintenance company and an appropriate waiver is signed to remove liability for damage to roads from TDC.

### Designing Out Crime Officer

One issue raised regarding the dwelling primary entrances being 'recessed, covered entrances. It is recommended that entrances are afforded good surveillance and opportunities to enable residents' clear lines of sight.

### DCC Education

Initially sought financial contributions of £109,273 based on additional 3.5 primary school pupils and 2.1 secondary school pupils generated by the development to fund infrastructure to increase school capacity. Further consultation response dated 15<sup>th</sup> May 2025 confirmed that contributions are no longer sought as there is no capacity within Dawlish's primary and secondary schools.

### TDC Climate Change

- Confirmation sought that the proposed EV chargers would comply with Building Regulation Part S.
- Condition sought to secure SAP calculations.
- No details submitted in respect of overheating risk assessments.
- Request for commitment to provide bus travel vouchers.

### DCC Highways

- Request to secure contribution for sustainable travel vouchers.
- Recommended Construction Management Plan conditions.
- Recommended condition for the visibility splay to be provided and maintained.

## **6. REPRESENTATIONS**

10 letters of objection have been received raising the following points as summarised (the full extent of representation is available on the public application file):

- The proposal would be overdevelopment of the site and would be overbearing with the attractive formerly open grounds occupied by buildings.
- Privacy of Shrimp Lodge would be further compromised.
- The age restriction condition (over 55's accommodation) should be re-imposed.

- The proposal would result in unacceptable increase in traffic with detriment to other road users including pedestrians specifically those walking on the road to reach the coastal footpath.
- Concerns over impacts of building works on the cliff and Network Rail infrastructure include those as per previous application reference 20/00805/FUL.
- Concerns regarding the applicant structural report not being appropriate and the LPA not possessing the technical knowledge to assess them.
- The proposal is not meeting the needs of the local population.
- Lack of details submitted in respect of cliff stability.
- Concerns raised regarding the privacy of existing units 1-4 at Shell Cove specifically in relation to the east-west orientation of some of the proposed units.
- Concerns over the scale of the units proposed.
- The layout in consultation with existing residents at the site should be revised to minimise impact, specifically those in Phase 1 of the development.
- Proposed dwellings are too close to those at Phase 1 of the development.
- Concerns over insufficient parking on site.
- There is lack of detail regarding community consultation and reactive mitigation. There is no Statement of Community Involvement.
- Suggestions that the scheme be reduced by 50% in number of units, limiting to two storeys, buildings to be repositioned to reduce landscape impact and impact on neighbor, no windows on northern elevations, extensive soft landscaping to provide screening and for properties to be provided for affordable housing only.
- The design is unsympathetic and constitutes overdevelopment.
- The principle of development is questioned.
- Concerns that development would be sold as second homes.
- Concerns over loss of privacy and residential amenity to Bradenton House, Woodpeckers, Shrimp Lodge and Papillon with the existing development already having detrimental impact.
- Concerns over the views and visual amenity experienced by occupiers of the properties within and surrounding the site.
- The site is located with the AGLV, Undeveloped Coast and is within 200m of the Dawlish Cliffs SSSI thus the development would have detrimental impact on those designations.
- The proposal would not conform with the Teignbridge District Landscape Character Assessment seeking to protect this character area.

- Concerns over construction activity taking place within the exclusion zone.
- Lack of information relating to mitigations measures for construction noise, dust and odour.
- Concerns over right to light and privacy at Woodpeckers.
- Concerns over drainage specifically in relation to surface water collecting in the Woodpeckers forecourt.
- Proposal would completely encircle Woodpeckers.

6 letters of comment have been received raising the following points as summarised (the full extent of representation is available on the public application file):

- Concerns raised over removal of trees that has taken place already.
- Concerns regarding detrimental impact to 'joys of country/seaside' living.
- Concerns over traffic increase, loss of visitor parking, and unclear parking arrangements.
- Concern over privacy.
- This proposal would be preferred over the 17 consented flats.
- Conditions to alleviate privacy concerns suggested – ie. Frosted glass on relevant windows and reinstatement of trees for screening.
- Proposals create a scattered appearance over the site.
- Support for application as concerns over guest parking has been overcome.
- Concerns over quality of life for existing residents including residential amenity and access to sea views.

As summarised above some contributions have been submitted as letters of comment however do in fact raise additional concerns in addition to those listed in the letter of objection section

11 letters of support have been received raising the following points as summarised (the full extent of representation is available on the public application file):

- Proposals are sympathetic to the current development and enhance the residential environment.
- Proposal is aesthetically appealing and offers high quality accommodation.
- Proposal responds to the topography of the site.
- Proposal would enhance the estate and allow for completion of the final phase.
- Preference is for this proposal over the consented 17 apartments which will be much lower and will help with overall visual impact.

It should be noted that one of the letters of support is from the Shell Cove Management Company which raises both concerns and points of support for the scheme. The points of concern raised have been summarised in the letters of objections section.

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

Dawlish Town Council:

22nd February 2024

Refusal recommended for the reasons as set out in Section 1 of this report. Requested to be determined by Planning Committee should Officers recommend approval.

16th November 2023

Refusal recommended on the following basis:

- Numbers 9, 10, 11, 12 & 13 are proposed in an area of great landscape value and are too close to the cliff for the railway
- The Grandfather rights to the footpath for network Rail could be compromised
- There are concerns over the cliff's stability
- There are climate change concerns with the site
- It is over development of the site
- Network Rail's objection must be taken into consideration
- There is no biodiversity gain or a method of achieving this submitted

Attention is drawn to complaints from neighbors. Requested to be determined by Planning Committee should Officers recommend approval. Recommended that a site visit be carried out.

## **8. COMMUNITY INFRASTRUCTURE LEVY**

The proposed gross internal area is 3559.23m<sup>2</sup>. 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 0. The CIL liability for this development is £494,941.46. This is based on 3559.23 net m<sup>2</sup> at £85 per m<sup>2</sup> and includes an adjustment for inflation in line with the BCIS since the introduction of CIL.

## **9. ENVIRONMENTAL IMPACT ASSESSMENT**

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

## **10. BIODIVERSITY NET GAIN (BNG)**

Biodiversity net gain is a legal requirement for planning permissions. Planning applications are required to either provide detailed information proving there will be a biodiversity increase of 10% or explain why they are exempt from doing so. Unless exempt, planning permission is subject to the general Biodiversity Gain Condition (as set

out in Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended).

This development is exempt from the general Biodiversity Gain Condition for the following reason:

- Application was submitted prior to introduction of mandatory Biodiversity Net Gain.

## **11. 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.

## **Head of Development Management**