

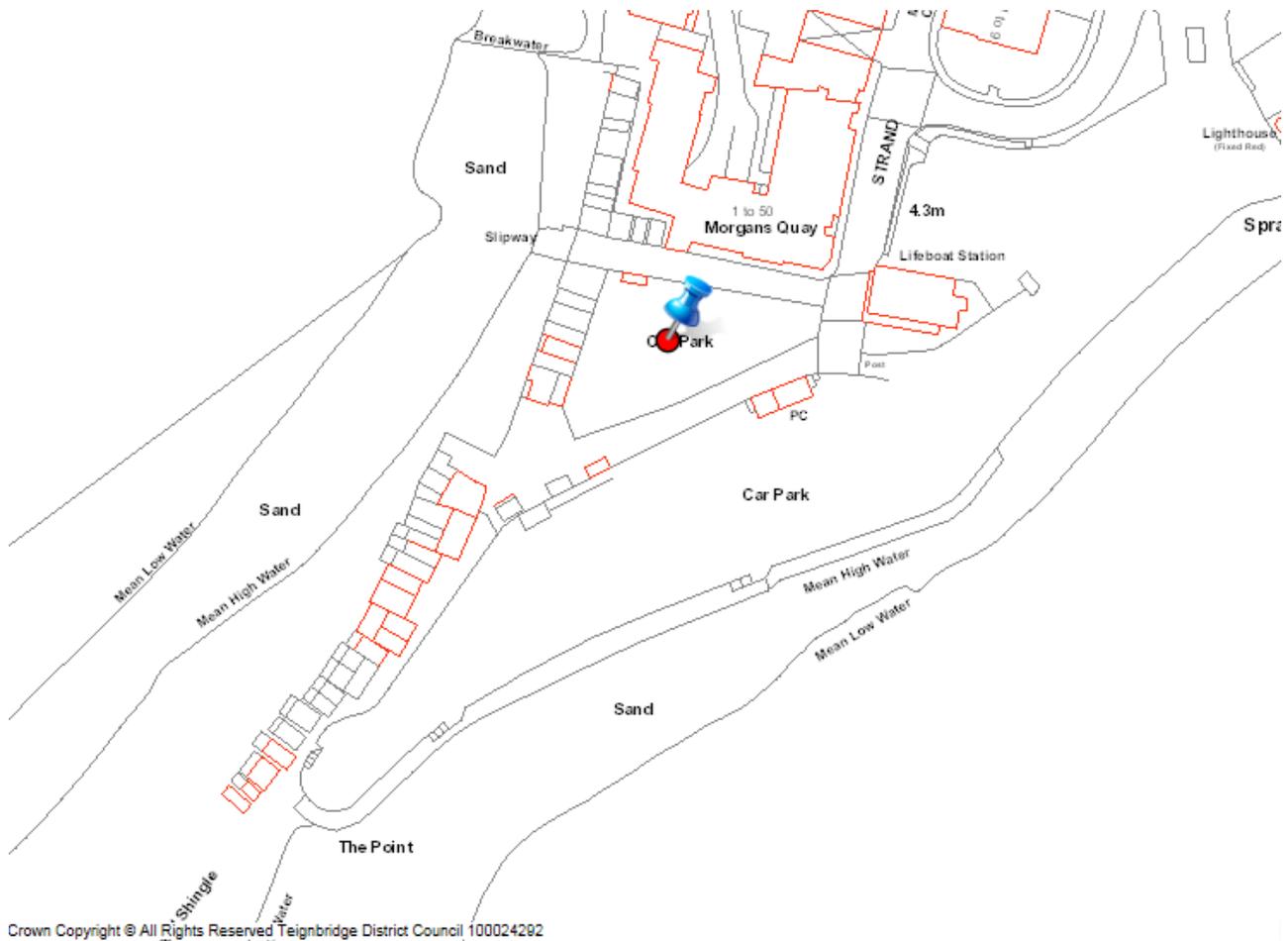
PLANNING COMMITTEE REPORT

16 April 2019

CHAIRMAN: Cllr Dennis Smith



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



1. REASON FOR REPORT

Teignbridge District Council is the land owner.

2. RECOMMENDATION

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

PERMISSION BE GRANTED subject to the following conditions:

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

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

3. DESCRIPTION

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

3.2 Planning History

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

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

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

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

REASON: In the interests of visual amenity.

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

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

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

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

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

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

3.13 Impact on residential amenity of surrounding properties

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

3.15 Land drainage/flood risk

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

3.17 Highway safety

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

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

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

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

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A (Presumption in favour of Sustainable Development)

S1 (Sustainable Development Criteria)

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

National Planning Policy Framework

National Planning Practice Guidance

5. **CONSULTEES**

Environment Agency – Awaited (Due 1 April 2019)

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

6. **REPRESENTATIONS**

212 letters of representation have been received.

13 making comment:

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

146 in support. Points raised:

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

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

53 objections. Points raised:

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

7. TOWN COUNCIL'S COMMENTS

Councillor Phipps proposed, Councillor Orme seconded, unanimous.

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

8. COMMUNITY INFRASTRUCTURE LEVY

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

9. ENVIRONMENTAL IMPACT ASSESSMENT

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

Business Manager – Strategic Place