

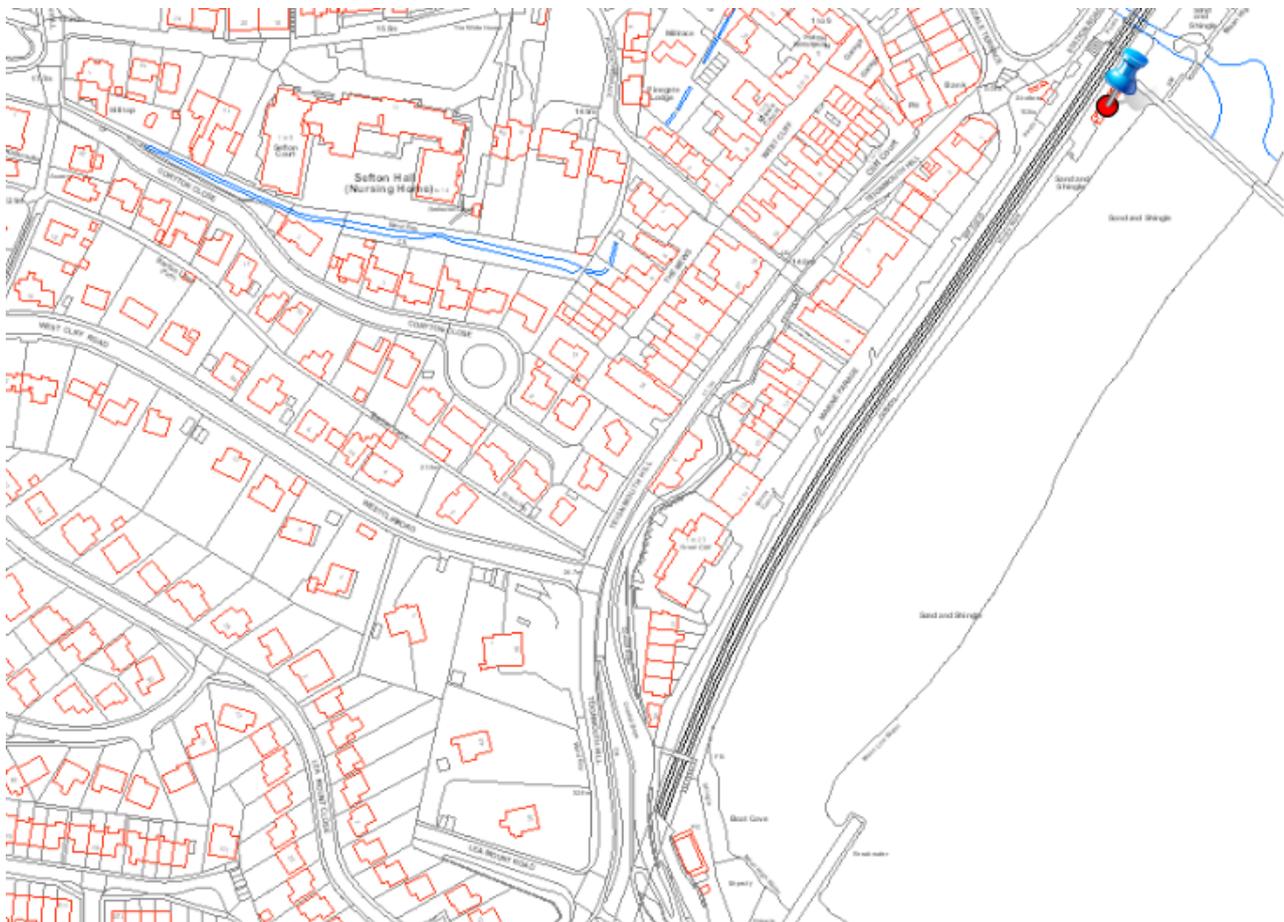
PLANNING COMMITTEE REPORT

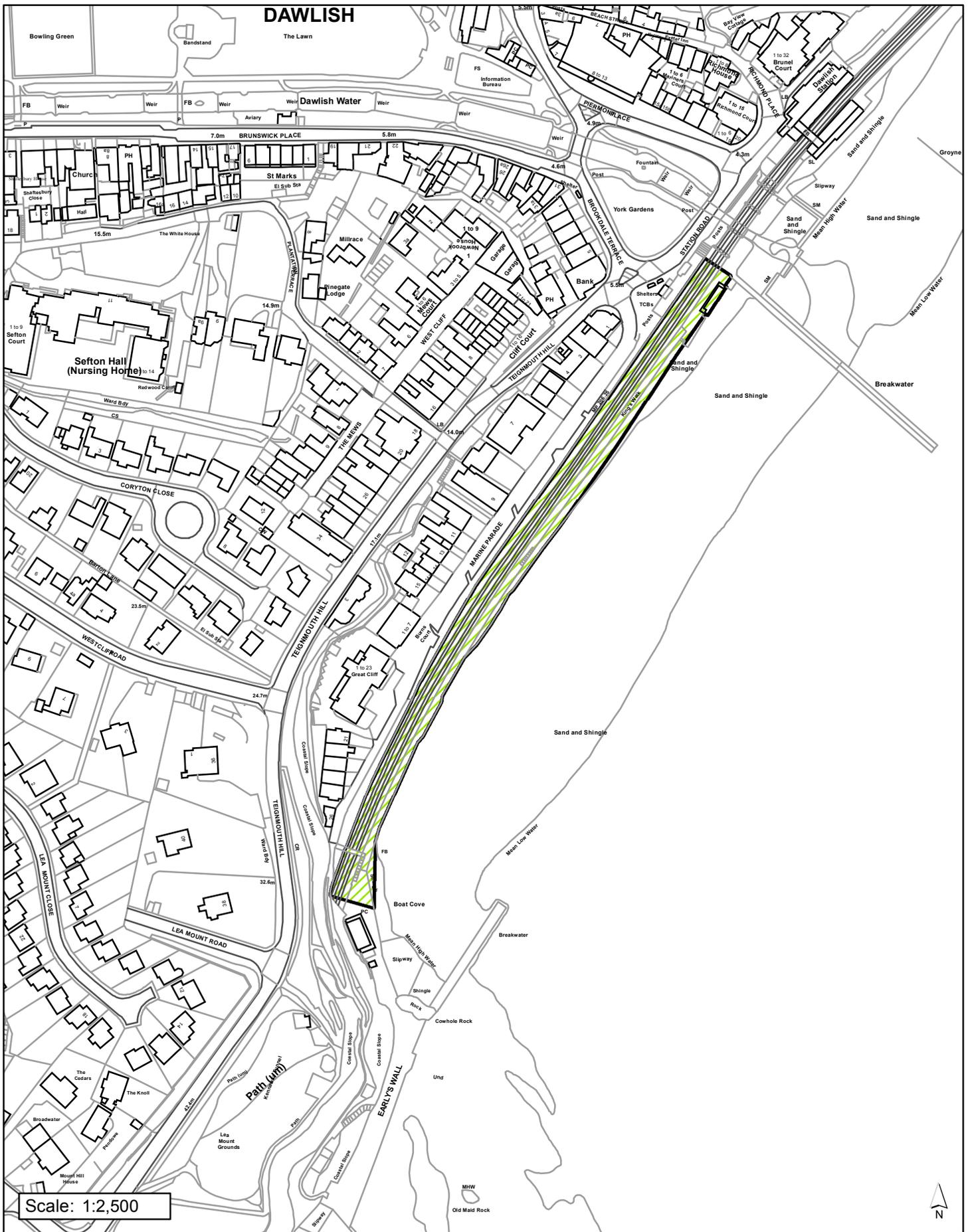
16 April 2019

CHAIRMAN: Cllr Dennis Smith



APPLICATION FOR CONSIDERATION:	DAWLISH - 19/00237/NPA - Marine Parade - Application for prior approval of siting and appearance under Part 18 Class A of the Town and Country Planning (General Permitted Development Order) 2015 of a new taller sea wall and wider promenade between Boat Cove and the Breakwater as part of the South West Rail Coastal Resilience Programme.	
APPLICANT:	Network Rail	
CASE OFFICER	Helen Addison	
WARD MEMBERS:	Councillor Hockin Councillor Wrigley Councillor Mayne	Dawlish Central And North East
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=19/00237/NPA&MN	





19/00237/NPA Marine Parade, Dawlish

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1. REASON FOR REPORT

This prior approval application includes land within Teignbridge District Council's ownership and is therefore required to be determined by Planning Committee.

Councillor Wrigley has requested Committee determination if the Case Officer's recommendation is approval because the application has significant adverse effects on the setting of a listed building, heritage assets and Dawlish Town Conservation Area. There have been significant public objections and the Town Council also objected to excessive height and the design. Teignbridge District Council looks to benefit from the plans with developments to Boat Cove.

2. RECOMMENDATION

PRIOR APPROVAL BE GRANTED subject to conditions addressing the following matters, the precise wording of the conditions to be determined under delegated authority by the Business Manager – Strategic Place:

1. Details of external materials to be agreed including design of new railings, handrails and bollards
2. Details of benches to be agreed
3. CEMP to include pollution prevention guidelines
4. Specification of external lighting
5. Times of operation of external lighting
6. Recording of sea wall as requested by Historic England
7. Details of heritage boards in terms of size and location.
8. Detailed plans of viewing area
9. Details of movement joints between panels
10. Details of stone facing on wall elevation facing Marine Parade to be agreed
11. Details of alterations to footbridge adjacent to Kennaway Tunnel
12. Annual monitoring of changes to levels of beach and in the event of accelerated loss of sand submission and implementation of a scheme to address impact of new wall on beach levels.

3. DESCRIPTION

- 3.1 The site comprises a 360 metres long stretch of the mainline railway and the adjacent sea wall situated between the Colonnade Underbridge, south of the railway station, and Kennaway Tunnel. The existing sea wall is finished with natural stone facing and dates from the early 1900s when the railway was widened from a single to double track. Along the top of the seawall is a paved promenade which is publically accessible. There is no parapet or railings on the seaward-side of the walkway. Along the boundary to the railway line are metal railings, a second line of railings runs along the western boundary of the railway line with Marine Parade.
- 3.2 The majority of the railway line is elevated above the level of the promenade. The levels along this stretch of the railway vary, with the height of the line reducing by 0.8 metres between the Colonnades and Kennaway Tunnel. There are also level changes on the adjacent walkway with ramps dropping down at either end. To the west on the opposite side of the railway line is Marine Parade which comprises properties in residential, holiday accommodation, commercial uses and a care home.

- 3.3 The site is within the Dawlish Conservation Area. The station to the north of the site is Grade 2 listed, and 10 Marine Parade is Grade 2 listed. There are slipways at either end of the application site. To the south this provides access to Boat Cove and to the north to the Colonnade underbridge. At both of these locations there are masonry breakwaters.

The application

- 3.4 This is an application for prior approval for alterations to the sea wall and the promenade. By virtue of Part 18 of the General Permitted Development Order (England) 2015 planning permission is granted for the works subject to the Local Planning Authority giving approval to the design or external appearance of the development to ensure that it would not 'injure the amenity of the neighbourhood'. Therefore the principle of development is already agreed and only issues of design, external appearance and their effect on the amenity of the area can be considered in the determination of this application.
- 3.4 The proposed works are needed to provide resilience to the railway line for the next 100 years to protect it from closure and to reduce the current over-topping of water from the sea by 90%. The proposal is to construct a new pre-cast concrete sea wall in front of and at a higher level than the existing wall. The new sea wall would be taller than the existing by a maximum of 2.5 metres. It would incorporate a 1.1 metres high pre-cast recurve (from the new promenade level) along the top of the sea wall to reduce wave over-topping onto the railway.
- 3.5 The new pre-cast sea wall would be off-set approximately 1 metre from the alignment of the existing sea wall to provide a wider public walkway on the top, 4 metres in width. The gap between the old and new sea wall would be infilled with poured concrete on site. At the base of the sea wall the existing concrete toe would be dug out and a new concrete strip foundation constructed.
- 3.6 The floor level of the new walkway would be raised by approximately 1.6 metres in comparison with the existing walkway. The new walkway would be wide enough for Council vehicles to access and maintain their land and facilities including public toilets at Boat Cove and the beach huts beyond. No public vehicular access is proposed. The increase in height of the walkway level would necessitate provision of a new higher boundary wall with railings above on the opposite side of the walkway adjacent to the railway line. This will be visible across the railway line from Marine Parade. Lighting and seating would be provided on the walkway.
- 3.7 At the northern end of the site adjacent to the Colonnade underbridge, steps and ramped walkways are proposed to address the change in levels. A ramp would also be provided at the southern end of the development to reflect the natural drop in ground levels to Boat Cove. A feature area within the walkway would be created through provision of a build out to provide a viewing area which would be accessible for wheelchair users. A number of benches and interpretation boards are proposed along the length of the walkway.
- 3.8 There is currently stepped access from the existing promenade to the beach. It is not intended to replace this in the new development.
- 3.9 The cost of delivering the proposed works is £30 million. Future applications are anticipated for future phases of resilience works.

Principle of development/sustainability

- 3.10 The principle of carrying out this development is granted planning permission by the General Permitted Development Order (England) 2015 subject to the decision maker being satisfied that:
- a) The development ought to be and could reasonably be carried out elsewhere on the land; or,
 - b) The design or external appearance would injure the amenity of the neighbourhood and is reasonably capable of modification to avoid such injury.
- 3.11 Considering (a) above, whether the proposal could be carried out elsewhere, as it specifically relates to improving the resilience of this stretch of railway line that has been vulnerable to storm damage resulting in closure of the railway line. It is evident that this development could not be carried out elsewhere.
- 3.12 In respect of part (b) relating to the design and external appearance relative to the impact on the amenity of the neighbourhood the following issues are considered relevant to the determination of this application;
- i. Impact on the character and visual amenity of the area
 - ii. Impact on the setting of listed buildings and the Dawlish Town Conservation Area
 - iii. Impact on amenity of the occupiers of surrounding properties
 - iv. Flood risk
 - v. Impact on ecology/biodiversity
 - vi. Whether the development is reasonably capable of modification to avoid injury to the neighbourhood
- i. Impact on the character and visual amenity of the area
- 3.13 A number of representations have been received that express concern about the impact of the proposal on the visual amenity of the area.
- 3.14 The development would be clearly visible from publicly accessible locations including the Coast Path, the beach and Marine Parade. The height of the new sea wall and the predominant use of pre-cast concrete would inevitably impact on the appearance of the area. From the beach, the sea wall would be up to 2.5 metres higher than the existing walkway. This would increase the scale and dominance of the built form in views across the application site towards the town from the beach. The submitted visualisation from viewpoint 3 illustrates this point and demonstrates that longer distance views will partly obscure the extent of buildings in the town that can be seen from the beach.
- 3.15 Currently the boundary wall to the railway line is finished in natural stone and there is a stone coping at the edge of the existing walkway. The use of natural materials is sympathetic to the character of the Conservation Area and makes a positive contribution to the amenity of the area. The use of pre-cast concrete in the proposed development without incorporating natural materials would aesthetically constitute a less sensitive form of development. It is noted that the current quality of the paving of the walkway is tired and a mix of tarmac and paving slabs, which make little contribution to the character of the area. The proposal presents an

opportunity to improve the pedestrian experience through the use of a consistent surface finish. The width of the walkway would be increased to 4 metres. In addition that the new curved wall projecting above the height of the walkway would improve safety for users, although younger children would not be able to see over the wall. The submitted plans show that wheelchair users would see over the wall, with a line of vision to the horizon. Provision of low level lighting, benches and a viewing area would contribute to enhancing the experience of the user.

- 3.16 In terms of the scale of development the greatest change would happen on the part of the site adjacent to the Colonnades. This is because the extent of the built form here would be increased through the provision of new ramped areas and additional steps that will be constructed on the existing beach. The extent of new development in this location will inevitably impact on the natural setting of this part of the beach. In order to minimise the visual impact of this element Network Rail have revised the submitted plan to reduce the length of the ramp to the beach through increasing its gradient and have reduced its width from 4 metres to 3 metres. In addition the width of the steps has been reduced by 1.5 metres. These revisions reduce the extent of the built form and consequent beach take, which will lessen the impact of the development on the amenity of the area.
- 3.17 There would be a significant impact on amenity in Marine Parade. The increase in height of the new wall by up to 2.5 metres would impact on views from Marine Parade towards the sea. From ground level the existing partially obscured view (by the railway track and railings) to the sea would become fully obscured by the two new walls that would be constructed on either side of the new walkway. This will inevitably affect the amenity of ground and basement floor occupiers and businesses in Marine Parade. It is commonly held that in planning “there is no right to a view”. Whilst this is correct in strictly legal terms a loss of view from a public viewpoint might also have a wider impact on a neighbourhood, and should be taken into account in decision making. Therefore it is appropriate in this case to consider the extent to which the proposal will impact on amenity from publicly accessible points.
- 3.18 There are currently views from public vantage points (pavement and road) in Marine Parade to the sea through the existing railings and over the railway track. This view makes a positive contribution to public amenity as it reinforces the proximity of the location to the sea, provides an attractive outlook, adds to the setting of area and contributes to the tourist character of this part of the town. The total loss of views of the sea from this location would inevitably harm the quality of public amenity in this location and would have an adverse impact on the character of the area. It is understandable that there has been considerable objection to the proposal from residents, as this would be a significant change. It should be noted that any loss of value to properties in Marine Parade that may occur as a result of the development is not a matter that can be considered in determining this application.
- 3.19 In the representations received, the need for a higher wall to provide the necessary resilience to the railway was questioned and further information requested about alternatives that had been considered. Notable local support has been expressed for provision of a breakwater to reduce wave action during a storm.
- 3.20 In response to this point Network Rail has advised that an off-shore solution would not provide the required resilience this location. They have advised that a breakwater would need to be surface piercing to be effective during storms. The

result would be a breakwater structure that is similar to many harbours (Plymouth for example) and would be visible at all tidal states, particularly at low tide.

3.21 In support of their deciding to increase the height of the sea wall Network Rail has responded that any breakwater would need to be of a height such that it remains effective during the storms where elevated sea levels and long period waves combine to cause storm conditions. In order to provide resilience for the next 100 years a breakwater would need to account for sea level rise and would need to take account of the following;

- i. The tidal range variation at Dawlish can typically be as much as 4.0m (4.67 at its maximum) vertically between low tide and high tide.
- ii. Storm surges can add a further 1m of height increase
- iii. Sea level rise by 2115 is advised to be in the region of 0.75-1m.
- iv. The combined sea level variation between low tide and a storm water level can be in excess of 6m vertically. To be effective with this depth of water a breakwater would need a minimum height of about 4m above the low water which would place the crest at 2m above Mean Sea Level. This minimum elevation would be required to sufficiently reduce the energy of long period swell waves that would pass over the structure such that overtopping was significantly reduced at the seawall – it would still require a raising of the existing seawall.

3.22 Providing a low offshore breakwater would reduce the height required at the seawall but requires the construction of two structures, the offshore breakwater and a revised seawall although the height could be reduced. An increase of seawall height would be required in any event as a breakwater doesn't protect against increased water levels (only protects against wave action), this is due to storms and sea level rise putting the existing seawall at risk of being swamped in the during future storms.

3.23 A breakwater would have significantly greater impacts on:

- Footprint taken, this would require assessment of the potential habitat loss of the breakwater footprint that would cover a portion of seabed. The seawall has only a marginal footprint take.
- Sediment movement and hydrodynamics, these would need to be modelled to ensure that the breakwater doesn't have a detrimental effect on the beach and any marine flora/fauna and water quality at Marine Parade. The seawall has minimal impact on sediment and hydrodynamics.
- The above would require submission of an Environmental Impact Assessment.

Constructing a breakwater along this frontage would be expensive compared to the proposed seawall construction as it would require importing a significant volume of rock which can only be placed by marine vessels. This type of construction is an order of magnitude more expensive than the proposed wall construction.

3.24 Network Rail concluded that none of the above points singularly meant that a breakwater was not selected. The selection of the seawall was a holistic consideration of a wide range of technical, environmental, social, and economic factors. The key advantage is that the ability to manage overtopping volumes with only a moderate amendment to the existing seawall alignment was considered to have the least impact.

- 3.25 The Town Council has suggested that the height of the walls should be reduced and marine-style railings used on top of the wall. The shortcoming of this suggestion is that it would fail to deliver the required resilience to the railway line as too much sea water would overtop the wall during a storm event. The design of the proposed scheme is derived from a need to provide a solution that will be fit for a 100 year life span. In the submitted Coastal Morphology study it is advised that over this period sea levels are predicted to rise by 0.8 metres.
- 3.26 From Marine Parade the closest part of the new development would be the new wall with railings above that would be constructed to prevent access onto the railway line. As the site is within the Dawlish Town Conservation Area Network Rail have agreed to stone face this wall so that it would be sympathetic to the appearance and character of the area.
- 3.27 The proposed development would be sufficiently separated by the railway line and the road from the development such that the proposal would not have an overbearing relationship or a harmful impact in terms of loss of light or overshadowing.
- 3.28 In conclusion, it is considered that the proposal would impact the visual amenity of the area by reason of the increase in the scale, height and massing of the built form that would be visible. The development would be more dominant than the existing wall and would inevitably impact the natural setting of the beach. The use of pre-cast concrete for the development to replace the stone-faced wall would be less sympathetic to its setting adjacent to the beach than the existing wall. A number of revisions to the originally-submitted scheme have been negotiated to reduce impact on the amenity of the area. On the basis of these revisions the proposal is considered to be acceptable in amenity terms. As the site is adjacent to the town centre it has an urban backdrop, with views of buildings in Station Road, Marine Parade and the nearby station. The two breakwaters, the existing sea defence wall at the back of the beach and the elevated railway line constitute manmade features that are visible within the area. Given this context of the site it is considered that it has the capacity to absorb the proposed development in amenity terms.
- 3.29 From Marine Parade the amenity of the area would be harmed through a reduction in connection to the sea by reason of the view of the sea from ground level becoming obscured. An improvement to the appearance of the development has been secured through provision of the stone-faced boundary wall facing in this direction. Given the need to provide an increased barrier to prevent wave overtopping there does not appear to be any further opportunity to modify the impact of the proposal.
- ii. Impact on the setting of listed buildings and the Dawlish Town conservation area
- 3.30 There are two Grade II listed buildings in the vicinity of the application site which are the Station and 10 Marine Parade. Material to the setting of both buildings is the relationship with the railway line. The proposed development will maintain this relationship through the works ensuring the continued resilience of the line and hence retaining the operational train service. The proposal will be apparent from 10 Marine Parade and less so from the Station. As a result of the development it is considered that there would be less than substantial harm to the setting of both the Station, and to 10 Marine Parade. This harm would be balanced against the

public benefits of the proposal, which are significant in this case and therefore the relationship with both buildings would be acceptable.

3.31 The Conservation Officer has requested a number of revisions to the proposed development. Where possible the scheme has been amended to incorporate these suggestions. A number of matters can be addressed through the submission of more detailed plans to be submitted pursuant to condition. A number of recommendations to increase the use of natural stone in the development are made.

iii. Impact on amenity of the occupiers of surrounding properties

3.32 As stated above the proposed development would be sufficient distance from properties in Marine Parade that it would not have an overbearing relationship or result in loss of light to residential accommodation.

3.33 It is acknowledged that the increase in height of the new wall would impact on sea views of ground and basement level properties in Marine Parade. As set out above as a general principle the planning system works in the public interest, and matters that affect solely private interests are not usually material considerations in planning decisions. The key consideration is therefore impact of the proposal on views from publicly-accessible spaces. In Marine Parade it is accepted that there would be a loss of sea views from the public domain. Due to the technical requirements of the scheme there does not appear to be an opportunity to overcome or modify this situation.

3.34 The requirement of Part 18 of the General Permitted Development Order (England) 2015 is where a development would injure the amenity of the area it *is reasonably capable of modification to avoid such injury*. In this case it appears not to be possible to modify the scheme to overcome this issue.

3.35 A number of representations have been received expressing concern about the proposal causing an increase in noise levels as a result of the new wall. Paragraph 170 in the NPPF advises that decisions should contribute to and enhance the local environment by preventing new and existing development from contributing to, being put at an unacceptable risk from or being adversely affected by, unacceptable levels of noise pollution. Network Rail's Acoustic Consultant has advised that "any change in noise level will be negligible as the direct sound from the side of the trains facing the properties will dominate. Sound from the wall side of the train, if reflected back will be at least partially screened by the train itself, so may not even reach the train. Even if as much sound energy from the wall side reached the properties as from the road side, the maximum increase in noise level that could theoretically occur would be 3dB, which is around about the level of environmental noise change that would be a borderline perceptible change". The Environmental Health officer's comment is awaited.

3.36 Due to the proposed works being carried out below the high tide line, Network Rail intend to work 24 hours per day, 7 days a week, with no work being carried out between 19 July and 8 September. In order to protect the amenity of nearby occupiers it is appropriate to impose a construction management condition to ensure that the methods of working are agreed with the Local Planning Authority prior to the commencement of construction works.

iv. Flood risk

- 3.37 The application site is within flood zones 2 and 3. As this is a prior approval application no flood risk assessment is required to be submitted. However it is considered relevant for the Local Planning Authority to consider the impact of the development on the risk of flooding in the area.
- 3.38 The primary purpose of the proposed raised wall along the seaward edge of the seawall is to reduce over-topping volumes that currently disrupt train services. A beneficial result of this would be that the amount of seawater reaching Marine Parade would be reduced and therefore the frequency and magnitude of flooding would also be less. It is intended that over-topping volumes will be reduced by more than 90% for present day scenarios. Therefore flooding of Marine Parade road is expected to be significantly less than present.
- 3.39 Measures to ensure water that does over-top the new recurve wall will drain back into the sea will be incorporated into the design of the proposal. On the promenade a drainage conduit spaced at every pre-cast panel will allow water to flow back through the sea wall recurve panel. At the railway trackside water will flow into a new longitudinal track drain behind the upstand boundary wall installed in the ballast. This will fall from the Colonade towards Kennaway Tunnel and this outfall will be through the sea wall. Any water that falls from the railway towards Marine Parade will remain unchanged albeit the water volume from overtopping will be substantially reduced. In terms of the drainage to the highway on Marine Parade this will remain unchanged within the highway itself but where it currently discharges through the sea wall, the existing outflow pipes will be extended through the new wall.
- 3.40 The Environment Agency does not normally respond to consultation responses in respect of prior approval applications. In this case they are not a statutory consultee. Network Rail have advised that they have been working with the EA for the last 9 to 12 months on this project and the wider South West Rail Resilience Programme, and will continue to do so.
- 3.41 It should be noted that the proposed works are not intended to make any change to the outfall of Dawlish Water.
- 3.42 In conclusion, the primary purpose of the development is to reduce flood risk to the railway line, and the consequent benefit of this to the area behind the railway line is that flooding will be reduced.

v. Impact on ecology/biodiversity

- 3.43 A preliminary ecological appraisal is submitted in support of the application. It identifies that the site is 2 km from the Exe Estuary Special Protection Area and Ramsar site, and 2.7 km from the Dawlish Warren Special Area of Conservation. The Dawlish Cliffs Site of Special Scientific Interest is located behind Boat Cove. The Exe Estuary SSSI is within 2 km and the Dawlish Warren National Nature Reserve is within 2.6 km.
- 3.44 The Council has carried out a Habitat Regulations Assessment and concluded that a likely significant effect on the Exe Estuary SPA/Dawlish Warren SAC is not likely either alone or in combination with other plans and projects.

- 3.45 Below high water there is a *Sabellaria alveolata* (the honeycomb worm which is a reef-forming worm) reef which is nationally important priority habitat. The ecological appraisal concludes that it will be sufficiently far away from the development for there to be no harmful impact.
- 3.46 As part of the CEMP (which can be dealt with by condition) Integration of pollution prevention measures will be needed to avoid impacts on sensitive marine habitats.
- vi. Whether the development is reasonably capable of modification to avoid injury to the neighbourhood
- 3.47 A number of modifications to the original submitted plans have been made. Negotiations have been carried out with Network Rail to secure improvements to the proposal in terms of the external appearance of the development. Revisions have been made to the scale of the proposed works adjacent to the Colonnades to reduce the extent of the beach take. The palette of materials has been simplified on the walkway and adjacent walls to make it more recessive and to help the high quality natural setting to be enjoyed by users. Stone facing has been added to the new wall facing Marine Parade in order to improve the appearance and make it more sympathetic to the character of the area.
- 3.48 The reason behind the need for this development is to adapt to climate change. The scale of the new wall is driven by a requirement to provide resilience to the mainline railway line for the next 100 years. In the submitted Coastal Morphology Study it is stated that sea levels are expected to rise by 0.8 metres in the next 100 years. The Town Council and local residents have questioned the need for the protection works to be in the submitted form. Preferences for a breakwater or a lower wall with railings along the top have been put forward in representations. Network Rail has provided details of why a breakwater would not be feasible in this location.
- 3.49 The proposed works to protect the railway line have more than district-wide implications, as a failure in the line in this location impacts accessibility to the South West, including Plymouth, Torbay and Cornwall. The proposal therefore has significant implications for the wider region. At the heart of the NPPF is a presumption in favour of sustainable development. Achieving sustainable development is broken down into three overarching objectives; economic, social and environmental. The proposed development would contribute to all three of these objectives. In terms of the economy the proposal would provide greater certainty that existing infrastructure will remain operational in adverse weather conditions. The economic implications of this are significant. The importance of building a strong competitive economy is identified in the NPPF, particularly making planning decisions that create the conditions in which businesses can invest, expand and adapt. Socially the proposal would provide improved recreational facilities and delivery of improved safety measures. Promoting healthy and safe communities is another objective identified in the NPPF, with an aim to achieve healthy, inclusive and safe places. In terms of the environment the development would deliver a solution to address climate change in order to maintain existing infrastructure provision and ensure the future resilience of the community.
- 3.50 In summary, meeting the challenge of climate change and protecting infrastructure is supported in the NPPF. The opportunity and benefit of providing long term

resilience to the railway line through the implementation of the proposed development is evident. However provision of a scheme to achieve this objective would have implications for the amenity of the area. In order to reduce incursion of sea water during a storm event it is inevitable that some form of physical barrier would be needed. In this case the higher walls would be visible from both the beach and Marine Parade. It is noted that this extent of proposed change has resulted in considerable local objection to the scheme.

- 3.51 In the light of the storm event in 2014 which resulted in closure of the railway line it is evident that the proposed works to increase the resilience to this important section of sustainable transport infrastructure are necessary. Consideration has been given to the amount that the scheme is reasonably capable of modification, and a number of changes to lessen the impact of the development have been achieved.

Conclusion

- 3.49 This is a prior approval application where planning permission for the development has been granted by virtue of Part 18 of the General Permitted Development Order (England) 2015. The proposal is driven by the need to address an existing flooding problem and to meet the future demands of climate change where sea levels are predicted to rise by 0.8 metre in the next 100 years. The works would protect the existing mainline railway which constitutes a regionally-important part of the sustainable transport infrastructure. In coastal areas vulnerable to flooding it is inevitable that climate change will drive changes to protect the community and infrastructure.
- 3.5 In this case there would be benefits to community and the wider region from confidence in the resilience of the railway infrastructure, a decrease in localised flooding, and an improved public walkway. There would be a negative impact on the amenity of the area from the increase in the height of the new sea wall, its appearance and a loss of views towards the sea from Marine Parade. Network Rail have modified their proposal to reduce its impact in terms of land take and appearance. The principal reason for objection to the proposal by residents and holiday makers is the height of the new sea wall and its implications on sea views in the area. It is not considered that the height of the wall is reasonably capable of modification as any reduction in height would reduce the effectiveness of the development in preventing sea water over-topping. Therefore it is concluded that prior approval should be granted for the proposal subject to the conditions listed above.

4. POLICY DOCUMENTS

Teignbridge Local Plan policies are not applicable as the application is a prior approval application.

The NPPF 2019 and NPPG are relevant to determination of this prior approval application.

5. CONSULTEES

Teignbridge District Council Biodiversity Officer - Habitats Regulation Assessment concludes that a likely Significant Effect on the Exe Estuary SPA/Dawlish Warren SAC is not likely either 'alone' or 'in-combination' with other plans and projects and in the absence of mitigation measures.

Teignbridge District Council Conservation Officer – The concrete panel wall will mask the natural limestone wall which will have an adverse visual impact on 10 Marine Parade and the railway station and will not preserve the conservation area. I would consider this to be less than substantial harm.

Requests further details of development, e.g. materials, agrees these can generally be dealt with by condition. Suggests provision of natural stone finish to end of walls/balustrades and inner face of walkway to be stone faced.

Environment Agency – Not a statutory consultee. We have been working with Network Rail over the last 9-12 months on this project and the wider South West Resilience Programme. We support the principles of reducing flood risk to the railway line and we have attended meetings and workshops providing advice on coastal flooding and erosion risk at this location. The design and appearance of raising the sea wall at this location has been informed through this engagement. The submitted design has been chosen by Network Rail to reduce the risk of flooding to the railway line at this location from wave over-topping by up to 90%.

6. REPRESENTATIONS

62 public representations have been received. At the date of drafting this report: 58 in objection, 2 in support, 2 in general comment and a petition with 60 signatures.

The matters raised in objection include:

1. A 7.5 metres high wall will negatively impact the appearance of Dawlish, the Conservation Area and the scenic coastline
2. Network Rail should consult and come up with a proposal that is in keeping with its location
3. Proposal would adversely affect small businesses
4. Options for the entire length of the line from Dawlish Warren to Teignmouth should be planned comprehensively.
5. Proposal would deliver an ugly mess of concrete, sanitisation of Boat Cove, concrete benches with limited view of the sea
6. Lighting will detract from the glorious night-time views
7. Response to requests for off-shore barriers or reefs is flimsy
8. Local fishermen may never be allowed back to Boat Cove
9. The view from the train to the beach and cove will be blocked by concrete
10. Charm of Dawlish will be lost to an overpowering wall of concrete
11. Appropriate consultation has not taken place
12. Detrimental impact on the setting of a listed building and heritage assets
13. Will destroy everyone's view
14. A breakwater or off-shore reef is needed
15. No consideration has been given to the drainage situation in Marine Parade
16. A higher wall will make walking along the promenade unnerving
17. Detrimental to tourism

18. Projected increase in sea levels of 0.8 metres does not justify a 2.5 metres high wall
19. The wall will be ugly in a beautiful stretch of coastline
20. Railings would be more appropriate than a wall
21. No consideration has been given to over-topping at the Brook outlet
22. Children and wheelchair users will not be able to see over the parapet

The matters raised in support include:

1. Good access has been included in the development for visually impaired people and those with mobility issues
2. Provision of lighting and benches is a welcome enhancement
3. Will be an improvement from a sea defence aspect and aesthetically

The matters raised in general comments include:

1. Please ensure access to Coryton Cove is maintained at all times
2. Concern about operation of fishing boats from Boat Cove during the work

The matters raised in the petition include:

1. The artist's impressions distributed to the town's residents do not represent the work shown on the submitted plans
2. The options considered by Network Rail have not been put to the towns people as promised by Network Rail
3. The higher wall will destroy the town, seriously affect the tourist industry and ruin the outlook for residents and businesses in Marine Parade
4. The higher wall will not stop the overflow of seawater onto the railway. The height of the sea burst above rail and sea wall height is frequently in excess of 50 feet
5. Water will become trapped on the inside of wall/railway and flood into the street, flooding properties
6. Loss of sea views
7. Loss of view from trains
8. Noise will cause a major nuisance to residents
9. Only and best option is to build in-sea baffles
10. Consideration should be given to funneling effect of water passing below the viaduct and into the Brook
11. Since 2014 the line has only been closed for three days due to wash out and damage. On over 40 occasions Arriva Cross Country trains have had to be stopped due to water

7. TOWN COUNCIL'S COMMENTS

Agree in principle to the work being carried out. Submits the following comments;

- Prefer an alternative design with a lower overall height (1.4 metres increase) topped off with 'maritime-style' railings of 1.1 metres, to avoid light and noise issues.
- Would like reassurance that wheelchair users would be able to see over the parapet
- A base of wall 'toe' should be built at the foot of the wall
- Request rock profile finish C is used
- Raised suggestion of wave-breaking reefs

8. COMMUNITY INFRASTRUCTURE LEVY

The CIL liability for this development is Nil as it is an application for prior approval 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