

County Council Development

Teignbridge District: Widening of an existing 60m section of footway to provide a 4.0m wide cycle/footway at Tucks Plot, A379, Dawlish

Applicant: Devon County Council

Application No: 16/02820/DCR3

Date application received by Devon County Council: 13 October 2016

Report of the Head of Planning, Transportation and Environment

Please note that the following recommendation is subject to consideration and determination by the Committee before taking effect.

Recommendation: It is recommended that permission be granted subject to the conditions set out in Appendix II to this report (with any subsequent changes to the conditions being agreed in consultation with the Chairman and Local Member).

1. Summary

- 1.1 This proposal is for the alteration of the existing path that leads through Tucks Plot, located within the town centre of Dawlish. The alterations look to relocate the existing wall to create a wider path to accommodate cyclists.
- 1.2 It is considered that the main planning considerations for the determination of this application are the impacts upon the Dawlish Conservation Area; flood risk; and sustainability considerations.

2. The Proposal/Background

- 2.1 The application site follows the existing 60m stretch of path along the southern bank of Dawlish Water, through Tucks Plot, or York Gardens, in the centre of Dawlish. The proposal looks to alter the existing path to accommodate cyclists. This includes increasing the path's width from approximately 2m to 4m, which will result in the removal of some vegetation and the relocation and rebuilding of the existing stone boundary wall with the installation of handrails.
- 2.2 The aim of the proposal is to create an off road cycle route through Dawlish that will become part of the National Cycle Network Route 2 (a route that, within Devon, will eventually link Exmouth to Torbay).

3. Consultation Responses

- 3.1 Teignbridge District Council: views awaited.
- 3.2 Dawlish Town Council: Recommend refusal for the following reasons:
 - The removal of trees and flagstones result in a degradation of the area;
 - There is no information to show how this section of the cycle path connects to the rest of the scheme, the application is premature;
 - Concerns regarding the flooding that takes place within the area; and
 - Concerns regarding the protection of the waterfowl nesting area.

- 3.3 South West Water: Applicant must apply to SWW to build over apparatus
- 3.4 Natural England: No objection.
- 3.5 Environment Agency: No objection. Comment that the accompanying Flood Risk Assessment does not conform to the guidance within the NPPF. Nevertheless, the development is seen as compatible with the flood zone and the proposal does not constitute a 'flood risk activity'.

4. Advertisement/Representations

- 4.1 The application was advertised in accordance with the statutory publicity arrangements by means of a site notice and notice in the press. No representations have been received.
- 4.2 Copies of representations are available to view on the Council website under reference DCC/3908/2016 or by clicking on the following link: <https://planning.devon.gov.uk/PlanDisp.aspx?AppNo=DCC/3908/2016>.

5. Planning Policy Considerations

- 5.1 In considering this application the County Council, as County Planning Authority, is required to have regard to the provisions of the Development Plan insofar as they are material to the application, and to any other material considerations. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that where regard is to be had to the Development Plan, the determination shall be in accordance with the Development Plan unless material considerations indicate otherwise. In this case, the Development Plan policies are summarised in Appendix I to this report and the most relevant are referred to in more detail in Section 6 below.

6. Comments/Issues

- 6.1 It is considered that the main planning considerations for the determination of this application are the impacts upon the Dawlish Conservation Area; flood risk; and sustainability considerations.

Historic Environment

- 6.2 The site is within the Dawlish Conservation Area and, therefore, in accordance with Policy EN5 (Heritage Assets), development should look to protect and enhance the area's heritage taking into account the significance, character and local distinctiveness of any affected heritage asset. Planning authorities are advised to look for opportunities to enhance conservation areas (paragraph 137 of the NPPF) and that harm to the asset's significance should be avoided. In addition, considerable importance and weight must be paid to the desirability of preserving and enhancing the character or appearance of a conservation area, as set out in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 6.3 York Gardens is one of a number of inter-linked Victorian landscaped gardens that run through the centre of Dawlish. The gardens complement The Lawn's significance as the town's primary open space. The Conservation Area Appraisal notes that York Gardens forms part of perhaps the most memorable view of Dawlish, looking west from the station platform or from carriages passing by. Therefore, it is important to retain the overall character of this space. It is considered the proposal

achieves this through the reinstatement of the boundary wall; the use of green cast iron handrails already seen in the area; and by following the curve of Dawlish Water.

- 6.4 In order to accommodate the widened path, the proposal looks to remove some ornamental planting, this includes three palm trees, surveyed as low quality, and shrubs. Currently, vegetation lines the stone wall resulting in a verdant character. However, other paths within the area are open with grass either side. There are no plans to replace the removed planting in order to minimise the impact upon the crazy golf facility, this is considered acceptable. When viewed in context, the area will still maintain its landscaped character due to the retained and the existing ornamental planting that surrounds the site.
- 6.5 The Town Council consider the replacement of the current concrete paving slabs with a grey aggregate surface dressing to result in a degradation of the area. The loss of the concrete slabs is not considered to harm the conservation area; the use of surface dressing will soften the path's appearance and is not out of character of the surrounding open space. There is also a need to ensure an even surface for users, which the proposed surfacing achieves.
- 6.6 Jubilee Bridge, which is Grade II listed, is located as the western end of the path. The applicant has confirmed that construction will not affect the bridge as works are taking place away from the bridge and construction will only be 170mm deep. It is also considered the proposal will not harm the setting of Jubilee Bridge due to the nature of the proposal.

Flood Risk

- 6.7 Concerns have been raised by the Town Council regarding the flooding of the area. The existing footpath, York Gardens and the surrounding highway network is within Flood Zone 2 and/or 3. It is considered the proposal presents no new impacts above that of the existing path. The Environment Agency has highlighted the compatibility of the proposal with the Flood Zone, and therefore, the widening of the existing path is considered acceptable.

Sustainability Considerations

- 6.8 Policy S17 (Dawlish) of the Teignbridge Local Plan states that Dawlish will be a sustainable place with routes that facilitate walking and cycling to improve connectivity at Dawlish. Policy DA9 (Movement) adds that connectivity and accessibility within Dawlish will be improved through the National Cycle Network Route 2. National planning policy also supports the use of sustainable transport modes and opportunities for sports and recreation. This proposal supports these aims.
- 6.9 The site also falls within the town centre, where development should encourage visitors and improve the environment to support the vitality of town centres, as stated by Policy EC9 (Development in Town Centres). This proposed is considered to contribute towards this.

Other matters

- 6.10 The Town Council considers the information is incomplete, in that, it does not show how it connects to the rest of the cycle path and, therefore, it is premature to approve this section of the path. The applicant has clarified that this section of path is an extension to the existing works taking place along Exeter Road and those that have

recently been approved through Lanherne at the Development Management Committee on 19 October 2016 (PTE/16/50). It is anticipated that the path will eventually continue through Dawlish, either off road via The Lawn, or on road via Brunswick Place and the Strand, however, the route options have not been finalised. The applicant has confirmed that this section of the scheme is required irrespective of the future route options. Regardless, it is considered that this scheme provides off road cycling benefits on its own.

6.11 It is not considered there will be any additional impacts on the nesting waterfowl taking into account the existing path.

7. Reasons for Recommendation/Alternatives Options Considered

7.1 The Committee has the option of approving, deferring or refusing this planning application.

7.2 It is considered that there is strong policy support for the provision of this cycle/walkway and any potential adverse impacts of the development have been considered and can be adequately mitigated by the imposition of the planning conditions set out in Appendix II. Taking all material considerations into account, it is considered that planning permission be grant in accordance with the recommendation of the report.

Dave Black
Head of Planning, Transportation and Environment

Electoral Division: Dawlish

Local Government Act 1972: List of Background Papers

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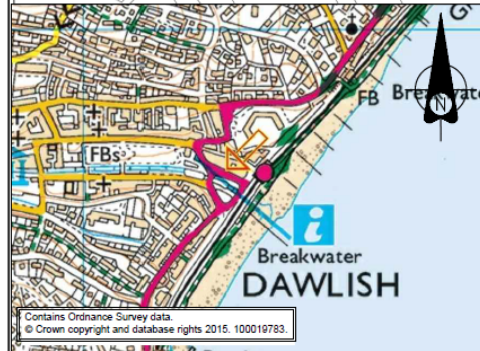
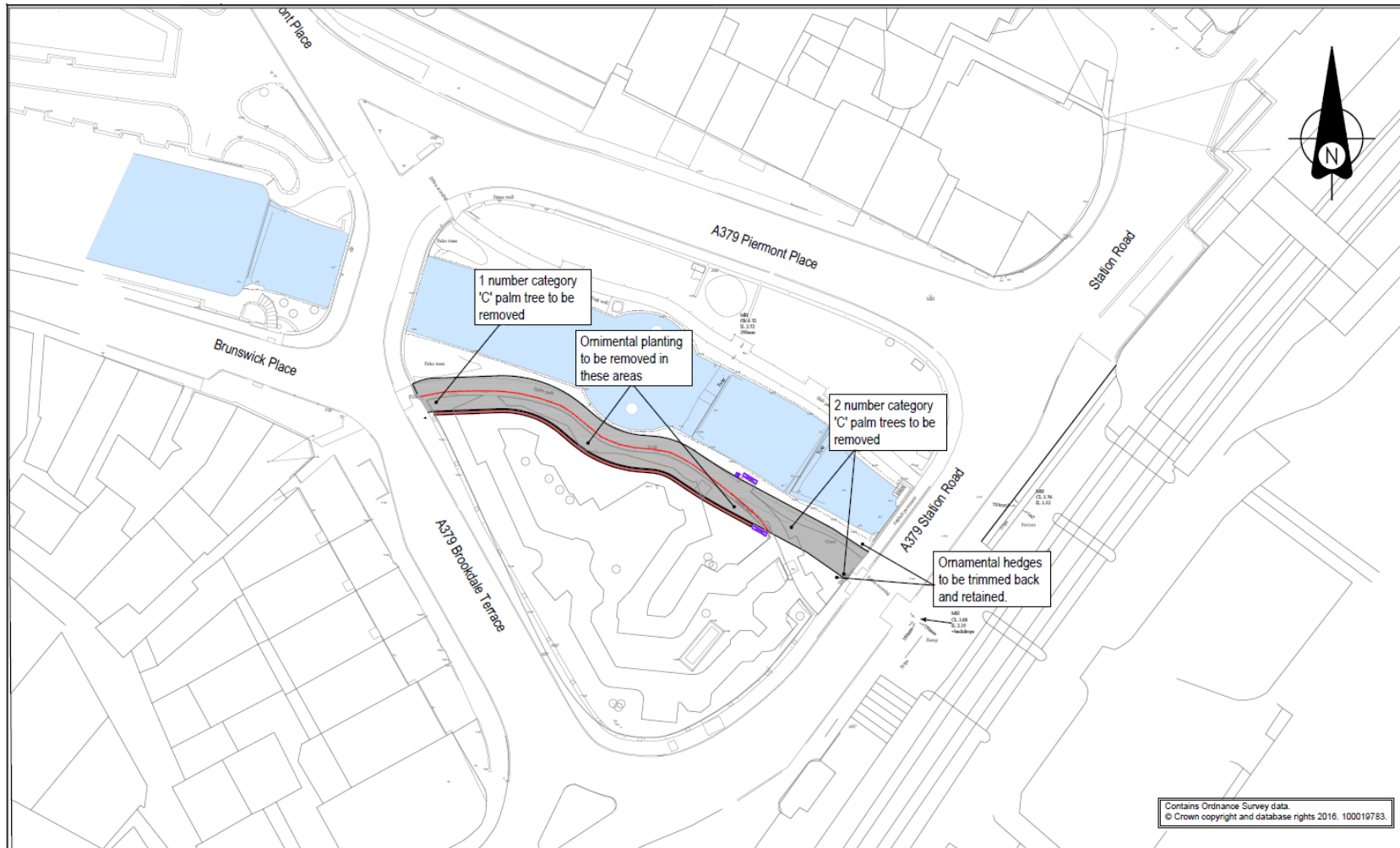
Background Paper	Date	File Ref.
Casework File	13/10/2016	DCC/3908/2016

eh041116dma
sc/cr/widening footway tucks plot a379 dawlish
03 141116

Location Plan








Site Plan



Location:-

Tucks Plot / Station Rd, Dawlish
 OS (Eastings) 296322
 OS (Northings) 76637
 Nearest Post Code EX7 9PJ

Key

-  New 4m wide shared use cycle path. Path construction Type F1 with grey aggregate surface dressing, to blend with local character
-  Dismantle existing stone wall and store stone for new wall
-  New 450mm x 600mm high block wall. Face wall with stone taken from dismantled wall.
-  Litter bin position to be adjusted to suit new path width.
-  Existing bench position to be adjusted to suit new path width.

Planning Policy Considerations

National Planning Policy Framework (March 2012)

Planning Practice Guidance

Teignbridge Local Plan 2013 - 2033 (Adopted May 2014): Policies EN05 (Heritage Assets); EN12 (Woodlands, Trees and Hedgerows); S01 (Sustainable Development Criteria); S02 (Quality Development); S09 (Sustainable Transport); S10 (Transport Networks); S17 (Dawlish); S21A (Settlement Limits); DA9 (Movement); and EC9 (Developments in Town Centres).

Planning Conditions

STANDARD COMMENCEMENT

1. The development shall commence within three years of the date of this permission.

REASON: In accordance with Section 91 of the Town and Country Planning Act 1990.

STRICT ACCORDANCE WITH PLANS

2. The development shall be carried out in strict accordance with the details shown on the approved drawing numbered B1504/28A, documents entitled 'Validation Requirements' and 'Construction Management Plan' and the email from Roger North dated 27 October 2016 detailing tree protection methods except as varied by the conditions below.

REASON: To ensure that the development is carried out in accordance with the approved details.