

**County Council Development**

**Teignbridge District: Alterations to the existing footway steps and ramps, and changes to the boundary wall/archway lining Beach Street to accommodate a widened footway and make provisions for cyclists at Lanherne, Exeter Road, Dawlish**

**Applicant: Devon County Council**

**Application No: 16/02234/DCR3**

**Date application received by Devon County Council: 4 August 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 the southern section of the Lanherne development to Beach Street, located within Dawlish. The alterations include creating a wider stepped path with a reduced gradient 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; the design quality; highway safety implications; the appropriateness of the replacement planting; impacts upon residential amenity; and sustainability considerations.

**2. The Proposal/Background**

- 2.1 The application site is directly north of Beach Street, Dawlish, and covers the southern tip of the grounds associated with the Lanherne housing development. There is a significant level change between Beach Street and the Lanherne development, meaning the existing path is steep and includes a number of steps. The proposal looks to alter the existing path to accommodate cyclists. This includes increasing the path's width from 1.5m to 2.75m and also realigning the path to reduce its gradient. The proposed path would include long shallow steps with a ramp on one side to allow cyclists to push their bikes. In order to achieve this, the proposal also includes the partial demolition of the wall and gated archway lining Beach Street. An archway would then be constructed at an increased width of 2m and rotated 45 degrees. New retaining walls would be a combination of render and masonry, which would provide the opportunity for public art, which would be delivered by Teignbridge District Council, to be installed at a future date. Currently, the existing path is surrounded by dense vegetation; this would be cleared to accommodate the new path and some new planting is proposed. The existing lighting is proposed to be replaced in the same locations at present.

- 2.2 The aim of the proposal is to create an off road cycle route connecting Exeter Road (A379) to Dawlish Station and the town centre as the development will eventually become part of the National Cycle Network Route 2 (a route that will eventually link St Austell with Dover). The proposed development is part of the wider 'Destination Dawlish Project' and the majority of this project path has previously been considered as permitted development, which is why construction has already begun in locations near to the application site.

### **3. Consultation Responses**

- 3.1 Teignbridge District Council: No objection. The Conservation and Listed Building Officer recommends:
- A condition requiring the recording of the arched gateway prior to commencement;
  - A sample panel of the stone work detail is to be agreed prior to commencement; and
  - Consideration of the surfacing materials for the area to the south of the new arched gateway which enhance the Conservation Area as at present some cobbles are likely to be lost as result of the proposed scheme.
- 3.2 Dawlish Town Council: No objection subject to:
- Safety barriers being installed with a STOP sign at the bottom of the path;
  - Adequate lighting being provided, which could be low lighting; and
  - Replacement trees are mature trees.
- 3.3 Natural England: No objection
- 3.4 South West Water: No objection
- 3.5 Wales and West Utilities: If permission is granted, applicant must contact Wales and West Utilities.

### **4. Advertisement/Representations**

- 4.1 The application was advertised in accordance with the statutory publicity arrangements by means of a site notice, notice in the press and notification of neighbours by letter. As a result of these procedures, five representations have been received.
- 4.2 Objections were raised to the proposal on the grounds of conflict between pedestrians, cyclists and vehicles as cyclists exit the path onto Beach Street. Representations made suggestions that a safety barrier should be installed, as well as a stop sign. Other comments received on the application include the need for the path to be accessible to those with limited mobility, including wheelchair users; whether alternative routes were more suitable; and that replacement planting should be like for like, both in type and quantity.
- 4.3 Copies of representations are available to view on the Council website under reference DCC/3890/2016 or by clicking on the following link: <https://planning.devon.gov.uk/PlanDisp.aspx?AppNo=DCC/3890/2016>.

## **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; the design quality; highway safety implications; the appropriateness of the replacement planting; impacts upon residential amenity; and sustainability considerations.

### Impact upon Dawlish Conservation Area

- 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 The path, boundary wall and arch were likely to have once formed part of the grounds of a late 18<sup>th</sup> century villa which was demolished in the 1970s. The proposal maintains the height and curve of the wall and also ensures an archway still forms part of the street scene. As the existing archway is to be demolished, it is considered appropriate that a planning condition for the investigation and recording of the structure is imposed. The application proposes that the new arch is constructed from precast concrete. This is not considered to be appropriate in the context of the conservation area and that the use of a more suitable material, such as stone, would enhance the area. If approved it is recommended a condition is imposed requiring the submission and approval of materials to be used in the construction of the arch.
- 6.4 At present, the existing path is surrounded by dense vegetation, which is considered to contribute to the character of the street scene along Beach Street/Richmond Place. The proposal looks to remove the vegetation and this will affect the street scene. However, in terms of the impact on the conservation area the removal of the trees will not have a significant impact. A planter is proposed directly abutting the wall lining Beach Street to accommodate shrubs, reinstating vegetation onto the street scene. This is considered appropriate.
- 6.5 The proposal also includes other measures that respond to and enhance the conservation area. These include improving and reinstating an area of cobbles, currently in a poor state; using boulders to line the path; and the use of masonry/render walls.

- 6.6 Overall, it is considered the proposal, with the proposed conditions, protects Dawlish Conservation Area in accordance with Policy EN5 (Heritage Assets), takes up opportunities to enhance the area and that there is no harm to the conservation area.

#### Design

- 6.7 The dense vegetation and narrow width of the existing path results in a sheltered, secluded route, which is not welcoming to users. The proposal will open up this area increasing opportunities for eyes on the street and decreasing areas for congregation, which would provide for a more usable path in accordance with Policy S2 (Quality Development) and Policy S9 (Sustainable Transport) which seeks to provide safe environments.
- 6.8 The path is proposed to be surfaced with concrete, with the walls to be a combination of render or masonry faced. Handrails and railings will be required on parts of the route but details of these have not yet been agreed with the applicant.
- 6.9 The design of the development is considered to be acceptable in principle but given the conservation area designation and the policy protection offered to this area, a hard landscaping scheme is recommended to be subject of a planning condition in order to ensure the proposal enhances the conservation area and town centre, as required by Policy EC9 (Development in Town Centres) and Policy EN5 (Heritage Assets). It is also recommended that a sample panel of any stone work is to be agreed prior to the commencement of the development.
- 6.10 There is a need to provide an accessible route, Policy S2 (Quality Development) also notes that development should be accessible. Provisions have been provided to improve the path for those with limited mobility, including tactile paving and handrails, with the gradient of the proposed steps markedly reduced. Whilst this is an improvement over the existing situation, it is not a flat route and unfortunately will not be suitable for wheelchair users. Overall, the provisions made are considered to be acceptable when taking into account the topography of the site and the improvements being made.

#### Safety

- 6.11 Representations have highlighted that there is a potential conflict where the path accesses onto Beach Street between cyclists using the path and pedestrians and vehicles. The applicant has clarified that cyclist dismount signs will be erected and that, in the event users attempt to cycle down, the archway acts as a pinch point to slow users down. The scheme is currently undergoing a Road Safety Audit, assessing this issue. Part of this process includes a review of the scheme a year after completion. With the measures taken and the safety audit process, it is considered any potential conflict will be minimised.

#### Planting

- 6.12 In order to facilitate the development, approximately 15 trees are required to be removed. The Arboricultural Impact Assessment, submitted with the application, highlights that nearly all trees scheduled for removal, in relation to this application are of low quality individually but are recognised to collectively be a landscape feature. These are a mixture of Holm Oak and Sycamore. In addition a Holm Oak would be felled which is of moderate quality. It is noted that the Town Council in its consultation response that replacement planting should be mature and like for like in species and in quantity.

- 6.13 The landscaping scheme submitted with the planning application proposes three semi-mature Sweet Gum trees (typically these will be between 2m-3m in height) be planted. Whilst they are non-native deciduous hardwood species, they grow into large trees (up to 20m) and have ornamental qualities. This is considered to be an appropriate species for an urban setting. In addition approximately 70 shrubs of various species are also proposed to be planted. The increased of the footprint of the path restricts the amount of compensatory planting, however, given the site area and the improvements to the area this scheme presents overall, the replacement planting is considered acceptable in principle. The final details of the soft landscaping has yet to be agreed and will therefore be subject of a planning condition with the aim to ensure the layout and species of the planting enhances the conservation area. A condition is also recommended to ensure the trees are removed in accordance with the ecological measures provided, and that root protection areas are protected during construction.

#### Residential Amenity

- 6.14 The existing footpath is well used and neighbouring properties are currently well screened from these users due to the vegetation. The removal of the vegetation could potentially cause issues of overlooking for the properties of Mariners Court/Richmond Place. To address this, the proposal includes two planters for shrubs to act as screening. To ensure that the proposed planting adequately establishes, a planning condition requiring the timing of the planting and its aftercare will be attached to the permission.
- 6.15 Construction activities can impact on residential amenity and there are a number of residential properties close to the site. Construction times have been proposed by the applicant to be 7.30am – 6pm Monday to Friday. Given the proximity to properties it is considered that a more appropriate timing of construction works is 8am – 5pm Monday to Friday and in the event that planning permission is granted this can be secured by a suitably worded planning condition. Such a restriction on the timing of construction activities is considered to be in accordance with Policy S11 (Pollution) of the Teignbridge Local Plan which looks for levels of pollution to be reduced where possible.

#### Sustainability considerations

- 6.16 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.

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.

## **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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<b>Background Paper</b>	<b>Date</b>	<b>File Ref.</b>
Casework File	29/09/2016	DCC/3890/2016

eh220916dma  
sc/cr/alterations to footway lanherne exeter road Dawlish  
03 101016

# Location Plan



**Red line boundary**

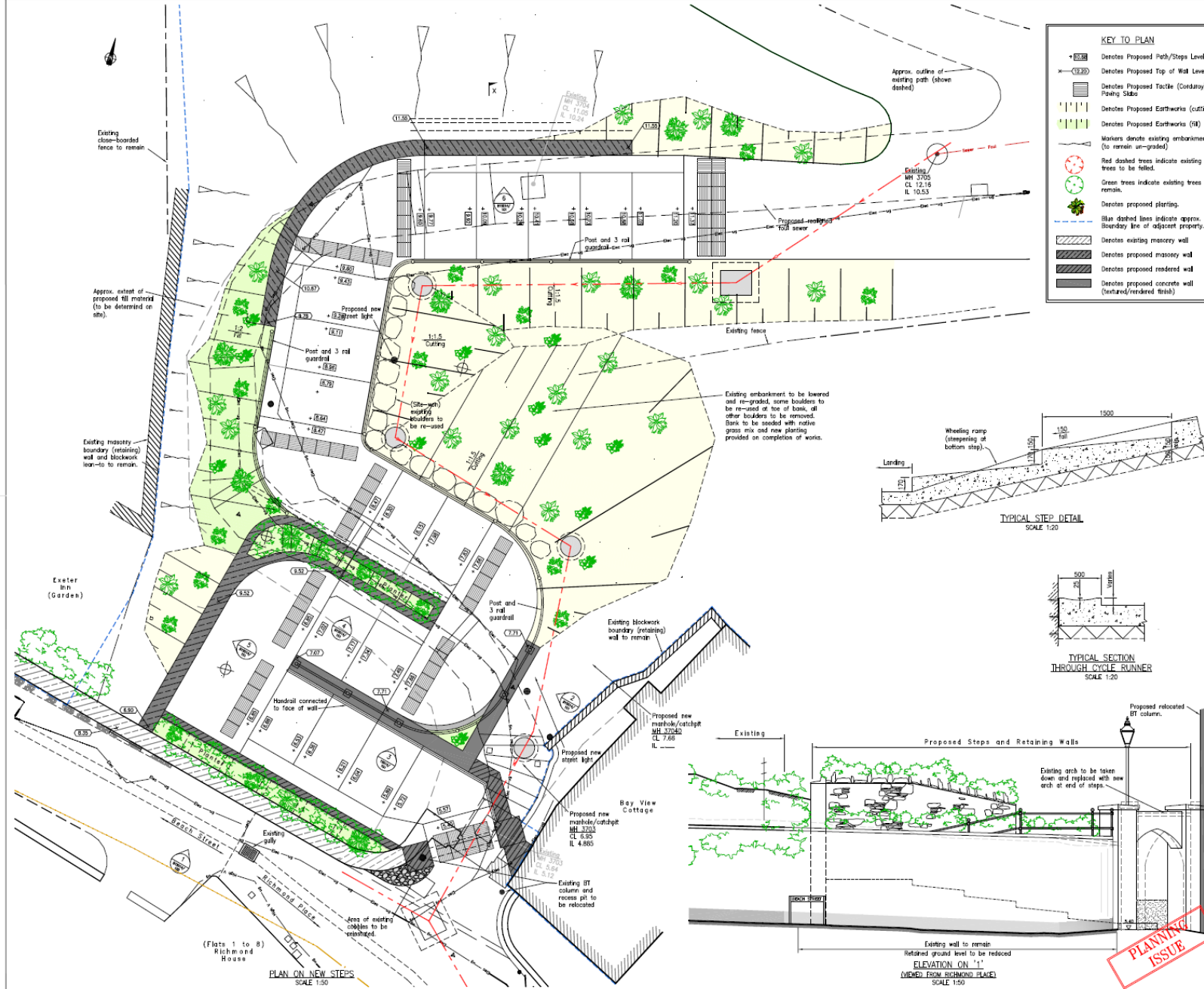


	<b>Engineering Design Group</b> Maiford Offices County Hall Topsham Road Exeter EX1 4QD Tel: 0145 155 1004 Fax: 01392 382342 customer@devon.gov.uk www.devon.gov.uk	JOB NCN DAWLISH ROAD LINK FROM EXETER ROAD (PHASE 3 LANHERNE STEPS)	DRAWING TITLE LANHERNES STEPS PHASE 3 LOCATION PLAN & PLANNING BOUNDARY	Rev 1	Date 02.08.16	Drawn JO	Revisions Proposals removed, boundary line tweaked	Chk	Do not scale from this drawing in either hard or electronic format. No responsibility is accepted where this drawing is used in circumstances other than that for which it was originally prepared and issued. drawing number <b>B15014/ 1</b> scale(s) 1:200	Revision A
				size <b>A1</b>						



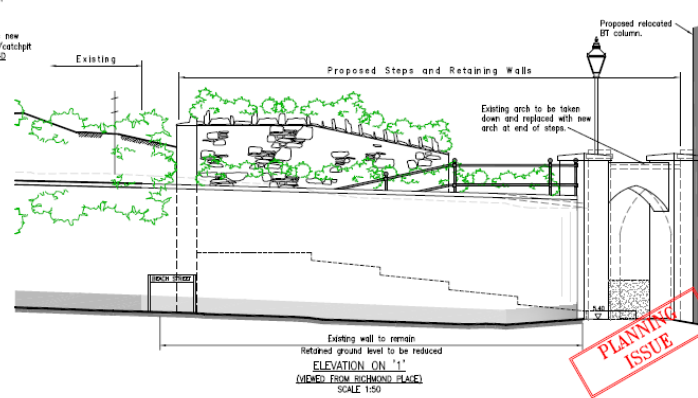
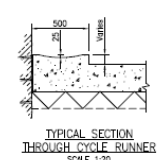
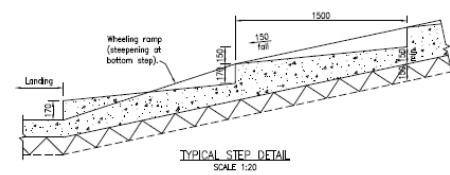
# Site Plan

Figure A1 PHASE 1a (Plan - Working)



**KEY TO PLAN**

- Denotes Proposed Path/Steps Level
- Denotes Proposed Top of Wall Level
- Denotes Proposed Tackle (Corduroy) Paving Skids
- Denotes Proposed Earthworks (cutting)
- Denotes Proposed Earthworks (fill)
- Markers denote existing embankment (to remain un-graded)
- Red dashed trees indicate existing trees to be felled.
- Green trees indicate existing trees to remain.
- Denotes proposed planting.
- Blue dashed lines indicate approx. Boundary line of adjacent property.
- Denotes existing masonry wall
- Denotes proposed masonry wall
- Denotes proposed rendered wall
- Denotes proposed concrete wall (textured/rendered finish)



Do not scale from this drawing if other hard or electronic format. No responsibility is accepted where this drawing is used in circumstances other than that for which it was originally prepared and issued.

**NOTES**

- This drawing is to be read in conjunction with drawing numbers B12037/02.
- All levels shown in metres.
- All dimensions in millimetres.
- All statutory undertakers plant omitted for clarity, for approximately locations refer to drawing number B12037/07.

Rev	Date	Drawn	Revised	Check
P0	APRIL 2018	TJC	Preliminary Issues	N/A
P1	20/07/2018	TJC	Step alignment reduced.	N/A
P2	26/07/2018	TJC	Landscaping note reduced.	***
P3	18/08/18	TJC	Typical Step Detail extended.	***
P4	08/09/18	TJC	Wall footing references added to Rev. Outline notes.	***
P5	18/09/18	TJC		***



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JOB  
**NCN LANHERNE STEPS DAWLISH**

DRAWING TITLE  
**PROPOSED GENERAL ARRANGEMENT**

drawing number	B15014/100	revision	P5
status	AS SHOWN	code	A1

**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**

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.

2. The development shall be carried out in strict accordance with the details shown on the approved drawings numbered B15014/100 Rev P5, B15014/101 Rev P3 and 16.40.1.TPP and documents entitled 'Design and Access Statement', 'Street lighting on footpath Lanhern to Richmond Place', 'Arboricultural Impact Assessment', 'Construction Management Scheme' and 'Wildlife Report', except as varied by the conditions below.

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

**Pre-commencement**

3. No development shall take place until the applicant has secured the implementation of a programme of historic building recording and analysis in accordance with a written scheme of investigation which has been submitted to and approved in writing by the County Planning Authority. The development shall be carried out in accordance with the approved scheme.

REASON: To ensure that an appropriate record is made of historic building fabric that may be affected by the development in accordance with Policy EN5 Heritage Assets of the Teignbridge Local Plan (2013-2033).

4. No development shall take place, except that associated with the historic building recording, until a Landscaping Scheme which is consistent with the submitted documents has been submitted to and approved in writing by the County Planning Authority. The scheme shall include:
  - (a) hard surfacing materials to be used for the path, that include the reuse of the kerbstones and cobbles;
  - (b) materials to be used for all retaining walls to be constructed, including coping details;
  - (c) materials to be used for the archway to be constructed;
  - (d) structures, including location of signs, handrails and lighting;
  - (e) a detailed planting plan showing all soft landscaping elements including the layout of the planting;
  - (f) written specifications, including methods of cultivation and other operations associated with plant establishment;
  - (g) schedules of plants, giving species, planting sizes and proposed numbers and densities;
  - (h) details of the planters to be installed, including dimensions and drainage information; and
  - (i) a schedule of maintenance to be carried out for a minimum of five years following completion.

The landscaping works shall be carried out in accordance with the approved scheme. Approved planting shall be implemented in the first planting and seeding season after completion of development

REASON: To protect the character and appearance of the conservation area in accordance with Policy EN5 Heritage Assets and Policy EN12 Woodlands, Trees and Hedgerows of the Teignbridge Local Plan (2013-2033).

5. No masonry work shall begin until a trial panel or section has been constructed to demonstrate the materials (stone, mortar mix and mortar application) to be used in the retaining walls. The panel shall be inspected and approved in writing by the County Planning Authority. Development shall be carried out in accordance with the approved panel or section.

REASON: To protect and enhance the conservation area in accordance with Policy EN5 Heritage Assets of the Teignbridge Local Plan (2013-2033).

During construction

6. All trees and shrubs identified and marked for retention on the approved Tree Protection Plan ref 16.40.1.TPP shall be retained and protected during construction in accordance with the Tree Protection Plan ref 16.40.1.TPP and recommendations in the submitted Arboricultural Impact Assessment and Arboricultural Method Statement.

REASON: To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage throughout the construction period, in the interests of visual amenity and in accordance with Policy EN12 Woodlands, Trees and Hedgerows of the Teignbridge Local Plan (2013-2033).

7. No vegetation clearance shall take place during the bird nesting season (1 March to 31 August inclusive) unless the developer has been advised by a suitably qualified ecologist that clearance will not disturb nesting birds and a record of this is kept. Such checks shall be carried out in the 14 days prior to clearance works commencing.

REASON: To minimise impacts on nesting birds and ensure that no birds take up residence in the intervening period in accordance with Policy EN8 Biodiversity Protection and Enhancement of the Teignbridge Local Plan (2013-2033).

8. Building operations shall only take place between 8am and 5pm on Mondays to Fridays. There shall be no working on Saturdays, Sundays and Public Holidays.

REASON: To protect the living conditions of nearby residents and in accordance with Policy S11 Pollution of the Teignbridge Local Plan (2013-2033).