

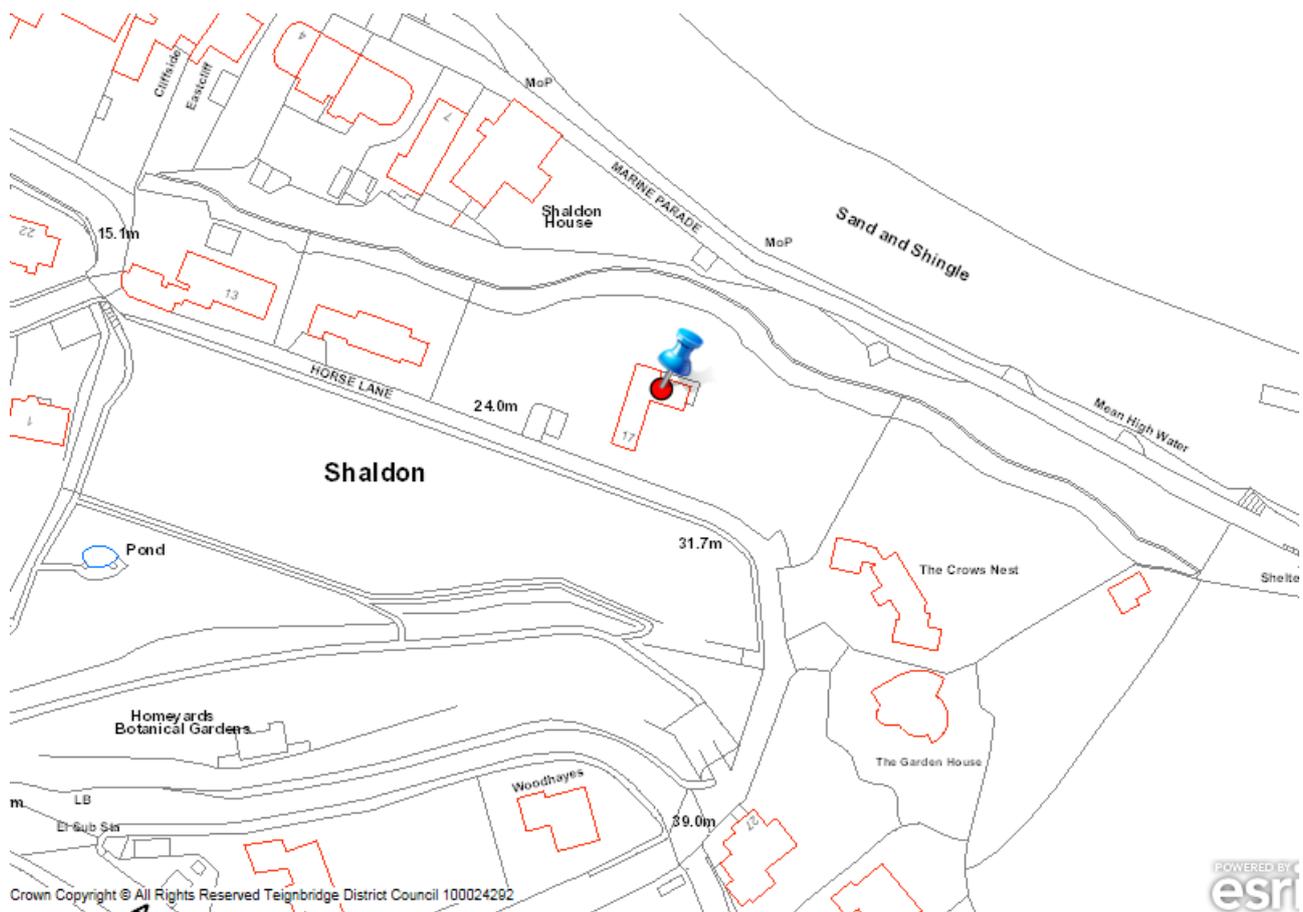
# PLANNING COMMITTEE REPORT

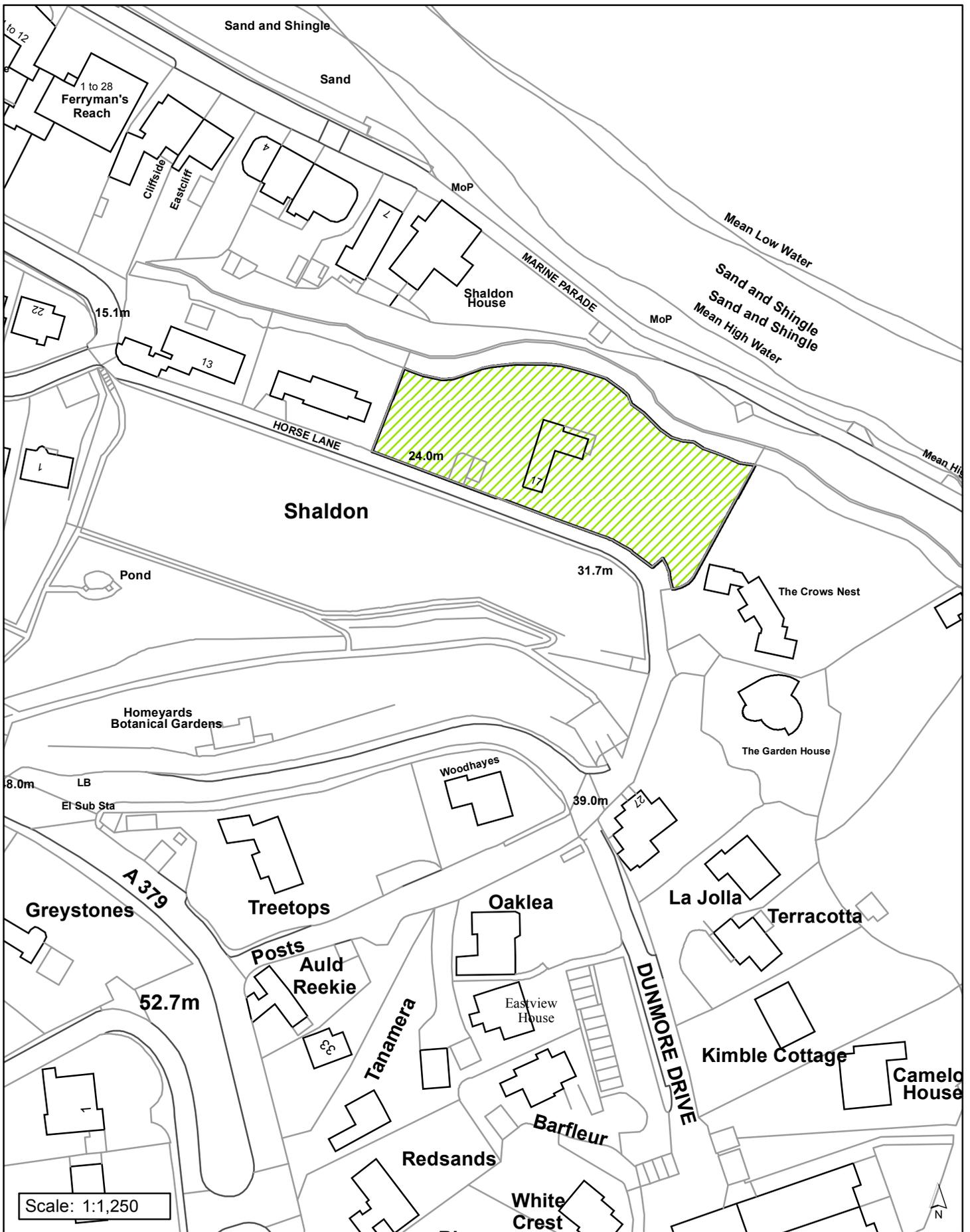
## 9 July 2019

CHAIRMAN: Cllr Mike Haines



<b>APPLICATION FOR CONSIDERATION:</b>	<b>SHALDON - 19/00083/FUL - 17 Horse Lane - Demolition of existing dwelling and replacement with new dwelling</b>	
<b>APPLICANT:</b>	<b>Mr P Cousens</b>	
<b>CASE OFFICER</b>	<b>Estelle Smith/Claire Boobier</b>	
<b>WARD MEMBERS:</b>	<b>Councillor Clarence</b>	<b>Shaldon And Stokeinteignhead</b>
<b>VIEW PLANNING FILE:</b>	<a href="https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=19/00083/FUL&amp;MN">https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=19/00083/FUL&amp;MN</a>	





19/00083/FUL 17 Horse Lane, Shaldon, TQ14 0BH



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## 1. REASON FOR REPORT

Councillor Clarence requested that this case be referred to Planning Committee for determination if the Case Officer is recommending approval for the following reasons:

- Unacceptable design on the basis of using a flat roof;
- Building although not in a Conservation Area, nevertheless in a prominent position adversely affecting the character and charm of the village.

## 2. RECOMMENDATION

PERMISSION be GRANTED subject to the following conditions:

1. 3 year time limit for commencement;
2. Development to be carried out in accordance with approved plans;
3. No development shall take place until a site specific geotechnical investigation and slope stability report is submitted to, and approved by, the Local Planning Authority. If additional works are required to stabilize the slope a slope stabilization scheme including a scheme for the management of vegetation on the cliff shall be submitted to and approved by the Local Planning Authority;
4. All surface water and foul drainage shall be directed to the public sewer. No surface water drainage shall be allowed to discharge onto the garden, to a soakaway or the cliff at any time;
5. All external material samples shall be submitted and approved prior to first use on the dwelling and garage;
6. Sample of reclaimed stone to be used for the new wall to the access shall be submitted and approved prior to first use;
7. Tree protective measures shall be put in place as per the approved tree protection plan prior to commencement of development and retained for the duration of the build;
8. On-site parking provision shall be provided prior to first use of the dwelling and shall be retained thereafter;
9. Landscaping details to be agreed;
10. Ecological report including safeguarding measures and installation of ecological enhancement measures shall be followed and on completion a bat consultant shall confirm that the ecological enhancement measures have been installed in accordance with the recommendations in the report.

## 3. DESCRIPTION

### Site Description and Proposal

- 3.1 This application relates to the demolition of an existing villa in residential use off Horse Lane in Shaldon. The property is located in a prominent position and is of a Mediterranean design located in close proximity to a cliff edge. The property is clearly visible from many locations including the centre of Shaldon, Marine Parade, the beach below, the Teign Estuary and from across the river in Teignmouth.
- 3.2 The building is not listed and is not in a Conservation Area but does lie adjacent to the Shaldon Conservation Area which applies to properties on Marine Parade to the north of the site and also lies within reasonable proximity to a group of listed buildings located on Marine Parade.

- 3.3 Planning consent is sought for the demolition of the existing dwelling on site and for its replacement with a new dwelling of a contemporary design.

Principle of the development/sustainability

- 3.4 The site is located within the settlement limit of Shaldon where there would be in-principle support for development in this location including a replacement dwelling under Policies S1A, S1 and S21 of the Teignbridge Local Plan 2013-2033.

Impact upon setting of listed buildings, the character and visual amenity of the area and the Conservation Area

- 3.5 The site is not in a Conservation Area however the Shaldon Conservation Area does lie to the north of the site, and, whilst the dwelling to be demolished is not itself listed, there is a group of buildings in reasonable proximity to the site on Marine Parade which are listed.
- 3.6 As the property lies immediately adjacent to the Conservation Area, in coming to this decision the Council must 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.
- 3.7 Furthermore, given that the planning application could affect the setting of listed buildings, in coming to this decision the Council must also 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.
- 3.8 It is clear from the representations received for this application that there is a mix of views locally on the existing dwelling and on the design of the proposed replacement dwelling with some seeing the existing dwelling as worthy of retention whilst others welcome its replacement.
- 3.9 The site is in an elevated position detached from the principal settlement by virtue of its height and its location beyond the main built environment of the village. The terrain falls steeply at times to the cliff edge above Marine Parade. The area above the site to the south is defined by the landscape of the Botanical Gardens which also defines the context within and around the site which consists of heavy and mature landscaping and trees. The gardens of the site are also well established and contain a number of significant trees some of which are subject to a Tree Preservation Order. The existing building is a villa which has a Mediterranean style.
- 3.10 The existing property is clearly a focal point in the village and from views across the Teign Estuary, given its prominent location, and any change here will be noticeable both locally and from wider views across the estuary. The existing building itself is not locally distinctive and is also visually prominent and of no architectural or historic merit itself, although it is noted that there is some historic interest as noted in the representations relate to former occupiers of the dwelling.

- 3.11 The Council's Conservation Officer has been consulted and considers that the demolition of the existing building on the site would have a positive impact on the setting of the nearby heritage assets of Shaldon Conservation Area and the listed buildings on Marine Parade, particularly in long views across the estuary. It is considered that the building currently detracts from the setting of the heritage assets and that a replacement dwelling provides the opportunity to respond more positively to the site itself and to the architecture of the area.
- 3.12 It is not considered that the resistance of this application on the basis of the loss of the existing dwelling on the site in this case could be justified given that it has little architectural merit and is not worthy of being listed.
- 3.13 The proposed replacement dwelling provides a property over three floors, consistent with the principal accommodation in the existing dwelling and is designed in a manner to make the most of the views across the river and along the coast.
- 3.14 The proposed dwelling is at a reduced height compared with the existing dwelling, is sited further back from the cliff edge than the existing dwelling and has a more fragmented façade design to reduce the visual impact of the dwelling when viewed across the estuary compared with the existing dwelling which currently dominates views of this part of Shaldon when viewed from across the Estuary. The mixed palette of materials proposed, including a mixture of steel cladding, white render, aluminium and local red breccia sandstone, would further help to break up the façade compared with the existing building which has a purely rendered finish.
- 3.15 It is considered that the reduced scale and massing and design result in a replacement dwelling which would appear more subservient in its setting and would be less dominant than the existing dwelling which would ensure that the dwelling would not detract from the heritage assets on Marine Parade.
- 3.14 The Council's Conservation Officer has been consulted and advised that she broadly welcomes the proposed contemporary architectural approach to the design of the replacement dwelling and does not object to the scale, massing or design approach taken by the proposed replacement dwelling. Some reservations are however given to the proposed use of materials and how these will weather in this prominent site which will be clearly visibly as the backdrop to the heritage assets when viewed from the Teignmouth side of the estuary. These reservations are made as it is considered that it would be unfortunate particularly in relation to the cladding proposed if this were to end up detracting from the appearance of the building as a result of rusting.
- 3.13 Whilst the concern about the cladding is noted and this choice of materials has been discussed with the applicant's agent, this is the material that the applicant wishes to pursue the Corton cladding has been chosen as a visually regressive material with the rusted patina of the material being chemically fixed and constant to present an autumnal hue of earthen colours. This has, the applicant's agent advises, been chosen in order to seek to diminish the mass of this element of the building into the landscape. It is not considered that the Council would be justified in refusing the application on the basis of this use of material without evidence that the cladding would rust and if so that this would be in an unsympathetic manner. In conclusion, it is considered that the Council has no substantive evidence that the proposal would result in harm to the listed buildings or adversely impact on the character and appearance of the Conservation Area to an extent that would justify a

refusal. It is, however, recommended that before all external materials for the dwelling and garage are installed samples of the materials to be used shall be submitted to and agreed in writing by the Local Planning Authority and that a sample of the reclaimed stone for the new wall to provide the access into the site be provided prior to first use and agreed to ensure that this would not harm the visual amenity of the area or setting of the heritage assets.

- 3.14 With these conditions in place it is not assessed that there would be a justified reason to refuse the application on heritage or visual amenity grounds and it is considered that the more subservient nature of the design is more compatible with its setting.

#### Impact on residential amenity of the occupiers of surrounding properties

- 3.15 The dwelling would be a detached residence located centrally on a large plot as a result the proposed dwelling would not, given the separation distance to the nearest neighbours, result in harm to their residential amenity in terms of being overbearing or resulting in loss of light, nor does it raise overlooking/loss or privacy concerns from the dwelling itself or from the proposed terraced areas.
- 3.16 No residential amenity objections are therefore raised to the proposed replacement dwelling.

#### Impact on ecology/biodiversity

- 3.17 The application site is within 10km of the Exe Estuary SPA and Dawlish Warren SAC and therefore would be subject to the requirements of the 2017 Conservation of Habitat and Species Regulations. More information about these regulations as they apply in this area can be found here <https://www.teignbridge.gov.uk/planning/biodiversity/exe-estuarydawlish-warren-habitat-mitigation/> .
- 3.18 However, in this case as the proposal is a one for one replacement and no additional dwellings are proposed it is concluded that the proposal will not have an increased recreational impact on the SPA and/or SAC than the existing dwelling. No Habitat Mitigation Contribution is therefore required in this case and the Local Planning Authority as Competent Authority, is able to conclude that there will be no likely significant effect on the European site(s) such that this does not constitute any reason for refusal of the development.
- 3.19 A preliminary bat and nesting bird survey report has been prepared and has been submitted with this application.
- 3.20 The building to be demolished was found to have no/negligible roosting potential and therefore it was concluded that bats do not pose a constraint to the development. Furthermore, no signs of bird use were noted on the building itself although the vegetation on the walls of the courtyard has potential for use by nesting birds and therefore the report recommends measures to avoid harm to nesting birds in Appendix 4 of the document. Also in accordance with the NPPF it recommends ecological enhancement measures in the form of two bird nest boxes to be erected on the new building or a tree on site and a bat box to be installed on site. It is recommended that if minded to approve, the safeguard and mitigation measures in the report be conditioned to be following including the installation of the

recommended ecological enhancement measures in the interests of biodiversity protection and enhancement.

- 3.21 Subject to this condition being applied no ecological objections are raised to the application.

#### Impact on trees

- 3.22 The Council's Arboricultural Officer has visited the site and advises that, subject to the submission of an Arboricultural Method Statement and Tree Protection Plan, there would be no arboricultural objections to the proposal.

- 3.23 This documentation has since been provided and the Arboricultural Officer has confirmed that the documentation is acceptable. It is recommended that, if minded to approve, these form part of the approved documents and it is also recommended that a condition be applied that the tree protective fencing be installed prior to development of the site (including site clearance) and retained on site for the duration of the works and until all machinery and materials are removed from site in the interests of protecting the retained trees from harm during construction works. The plans submitted also show the established landscaping being retained and new hard and soft landscaping details being proposed but do not provide specific details of the proposed new hard and soft landscaping including planting plans. It is recommended that this be secured by condition.

#### Cliff stability and drainage

- 3.24 Concern has been raised in representations received and in the Council's Engineer response about the proximity of the proposal to the cliff edge and an initial geotechnical appraisal and opinion has been submitted by the applicant with the application. This refers to recent interventions directly below Altamura (17 Horse Lane) within the adjacent property together with the layout of the replacement dwelling being set back from its existing position. This matter will need to be fully investigated before works progress to ensure that the stability of the cliff would not be compromised by any development. The Council's Engineer is satisfied that this can be dealt with by way of a suitably worded condition for a detailed geotechnical investigation to be submitted prior to the development commenting to inform the appropriate design of the foundations of a new dwelling, assessing rock (or soil) strength and drainage in the cliff. All of which should inform a slope stability analysis to assess the impact of the new building loads which will surcharge the steep coastal slope. With such a condition in place and also a condition to ensure that all surface water and foul drainage is directed to the public sewer and no surface water drainage shall be allowed to discharge onto the garden, to a soakaway or the cliff at any time it is considered that this issue should not preclude development being granted at this stage as these safeguarding conditions are recommended in the interests of ensuring the stability of the cliff during both demolition and rebuild works.

#### Flood risk

- 3.25 The site is in an elevated position and is not in a high risk flood zone (i.e. flood zone 2 or 3) according to the Environment Agency flood risk maps and therefore in flood control terms would be a suitable site for residential development. No objection is therefore raised on flood risk grounds.

### Highway safety

- 3.26 The site would be accessed off Horse Lane with an improved visibility splay compared with the existing. The application proposes a replacement dwelling and therefore there would be no net gain in units on the site as a result. It is not anticipated that the proposal would greatly increase the vehicular movements to and from the site (excluding the construction phase) as a result it is not assessed that the proposal would pose any greater highway safety risk for users of Horse Lane than the existing residence. Furthermore, the proposal makes allowance for on-site parking which it is considered is adequate to serve the proposed dwelling and is recommended to be secured by condition to be provided prior to first occupation of the new dwelling if minded to approve.
- 3.27 No highway safety objections are therefore raised to the proposed development.

### Conclusion

- 3.28 Whilst design can sometime be considered subjective, Officers, having carefully considered the proposal, can find no reason that could be sustained at appeal to recommend refusal of this application. The Officer recommendation is therefore one of conditional approval.

## **4. POLICY DOCUMENTS**

### Teignbridge Local Plan 2013-2033

S1A (Presumption in favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

S21 (Villages)

S21A (Settlement Limits)

EN5 (Heritage Assets)

EN8 (Biodiversity Protection and Enhancement)

EN9 (Important Habitats and Features)

EN10 (European Wildlife Sites)

EN11 (Legally Protected and Priority Species)

EN12 (Woodlands, Trees and Hedgerows)

National Planning Policy Framework

National Planning Practice Guidance

Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

## **5. CONSULTEES**

Devon County Council Highways - Recommend that the Standing Advice issued to Teignbridge District Council is used to assess the highway impacts.

Drainage and Coastal Engineers - Following discussions with the Agent/Engineer concerning the proposals and the adjacent recent development it is clear the principle of development in the area of this cliff is viable without significant

intervention. The submitted Geotech report refers to recent interventions directly below Altamura, within the adjacent property, together with the layout of the replacement dwelling being set back from its existing position. Therefore it would be appropriate in this instance that a suitably worded condition is included on any approved application for a detailed geotechnical investigation to be submitted prior to the development commencing. This will inform the appropriate design of the foundations of any new dwelling, assessing rock (or soil) strength and drainage in the cliff. All of which should inform a slope stability analysis to assess the impact of the new building loads which will surcharge the steep coastal slope. Therefore we have no further objection to the application providing the following conditions are included on any approved application:

- No development shall take place until a site specific geotechnical investigation and slope stability report is submitted to, and approved by, the Local Planning Authority, to demonstrate any potential impact of the works on cliff stability. If additional works are required to stabilise the slope (should any instability be confirmed); a slope stabilisation scheme should be submitted to, and approved by, the Local Planning Authority. This shall include a scheme for the management of vegetation on the cliff. The development shall proceed in accordance with the approved scheme.

REASON: In the interests of the stability of the cliff.

- All surface water and foul drainage shall be directed to the public sewer. No surface water drainage shall be allowed to discharge onto the garden, to a soakaway or the cliff at any time.

REASON: In the interests of the stability of the cliff.

Arboricultural Officer - I confirm the tree protection plan and arboricultural method statement are acceptable.

Conservation Officer - I have no objection in principle to the proposal.

The demolition of the existing building on the site will have a positive impact on the setting of the nearby heritage assets of Shaldon Conservation Area and the listed buildings on Marine Parade, particularly in long views from across the estuary. The existing building is of no architectural or historic merit, is visually prominent and detracts from the setting of the heritage assets.

I broadly welcome a contemporary architectural approach to the design of a replacement dwelling. The site offers potential for a new building to make a positive contribution to the architecture of the area. I do not object to the scale, massing, or design approach.

However, I do have reservations about the proposed materials, in particular the proposed use of corten steel. In this visually prominent coastal location I have reservations about its use above areas of white render. I am concerned that there is a risk of extensive rust staining which, given the prominence of the site, is likely to be clearly visible as the backdrop to the heritage assets when viewed from the Teignmouth side of the estuary.

If there had been any pre-application discussion on this application, I would have taken the opportunity to discuss the proposed palette of materials with the architect. Given the level of public discussion/dispute about the acceptability of contemporary architecture in Shaldon in recent years, it would be unfortunate if the cladding materials selected end up detracting from the building's appearance.

## **6. REPRESENTATIONS**

18 representations have been received.

1 comment has been received which advises that the ecology report makes no reference to the 2 Lesser Horseshoe Bat roosts nearby. These are not common knowledge, but their very close proximity means that this will be part of their territory.

6 objection representations have been received which raise the following summarised points (see case file for full representations):

1. This is a large inappropriate modern development;
2. This brutalist modern design is inappropriate in the context of its failure to integrate into the traditional buildings that go to make up this much loved village;
3. Concern is raised about safety of occupiers given the proximity to the cliff edge and also for users of Horse Lane immediately adjacent and a key access road at the foot of the cliff;
4. The existing building an iconic villa has been an attractive focal point above the Teign Estuary, the proposal is to erect yet another glass fronted elongated box shaped building. The existing dwelling compliments the character and historic charm of the village of Shaldon and the conservation area immediately beneath. The proposed replacement build has no elements of the traditional character of the village style that its prominent position should reclaim;
5. The applicants seem to have no sense of history as the existing building was the former home of the Morgan-Giles family who had significant historical influence in the development of the Teign Estuary and Teignmouth's contribution to World War 2;
6. The building from the elevations appears as a solid block building which is very featureless;
7. To replace the existing iconic building with an 'ugly' square box is detrimental to the conservation area below and the character of the village; The house should be remodeled on the inside and an extension added if required to be larger;
8. Concern about the impact on Horse Lane during building works;
9. Unsuitable design for this location;
10. The current villa sitting beneath the tall trees, adds a flavour of the Mediterranean to the vista from Teignmouth which would be missed if replaced by a soulless glass box.

11 representations of support have been received which raise the following summarised points (see case file for full representations):

1. The design of the proposed new property is as you would expect, a mixture of architect and owner's choice;
2. Proposed replacement dwelling is fully supported;
3. Proposal is a beautiful-looking home;

4. Often I have thought that the current house that stands there needs enhancing. I really like the plans that have been put forward and believe that the building fits far better into the surroundings. Surely this type of property will enhance all around it;
5. Proposal is a huge improvement on what is already there and will compliment other recent developments in the area;
6. I have seen other development schemes by Godfrey & Partners Architects and subsequently built by the applicant. One in particular at the top end of Bishopsteignton near to Colway Cross which was put forward for several awards, and well deserved to be. I think this current application will be of the same calibre and will sit well within this prominent position and would enhance the beautiful village of Shaldon;
7. Proposal will enhance the area and sit better in the landscape than what is there at the moment;
8. Plans submitted are innovative, attractive and architecturally bold given the extremely challenging aspects of the site;
9. The new building is infinitely preferable to the existing dwelling not least because of its lower and therefore more discreet profile within the surroundings;
10. The proposed development represents a huge investment and commitment to the village and should therefore be encouraged – particularly in this instance where it is clear that the present building will very soon become uninhabitable if left in its current precarious condition;
11. The choice of materials and elevation design facing the harbour allow the property to blend into the site and its surroundings;
12. I can see the property in question clearly from my house. I feel the new design fits well into the area and will look less obtrusive than the existing house, being set back and lower.

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

Mr Horsey the architect presented to Councillors and members of the public.

“This building is set back from the cliff edge by 5 metres therefore ensuring the footings are safe. There will be a new vehicle access which allows for a garage and it will be safer for pedestrians. The topography is modern in design, we have been sensitive with materials, floor plan is greater, but the foot print is smaller.”

All Councillors expressed concerns about how the new building would be “at odds” with the common architectural elements of the village. Viewed from the Teignmouth side of the estuary, this site is extremely prominent and is a beacon that marks the edge of the village. There are only 2 flat roofed dwellings visible in the village and most of Ringmore, so this proposed building would create a complete disconnect with the typical visual clues that typify Shaldon houses. The architect calls out in the heritage statement that the design has been chosen as it sits comfortably in the confines of the site. It is disappointing then, that no attempt has been made to link it with the character of the village. Based on villager reactions to previous modern builds, it is clear that there are serious concerns about losing the traditional character of Shaldon. We want to insist that the design incorporates a pitched roof with grey slate tiles to match the predominant Shaldon housing stock.

**OBJECT 5/5**

## **8. COMMUNITY INFRASTRUCTURE LEVY**

The proposed gross internal area is 759.3. 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 £115,759.98. This is based on 435.01 net m<sup>2</sup> at £200 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. 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.

**Business Manager – Strategic Place**