

# PLANNING COMMITTEE REPORT

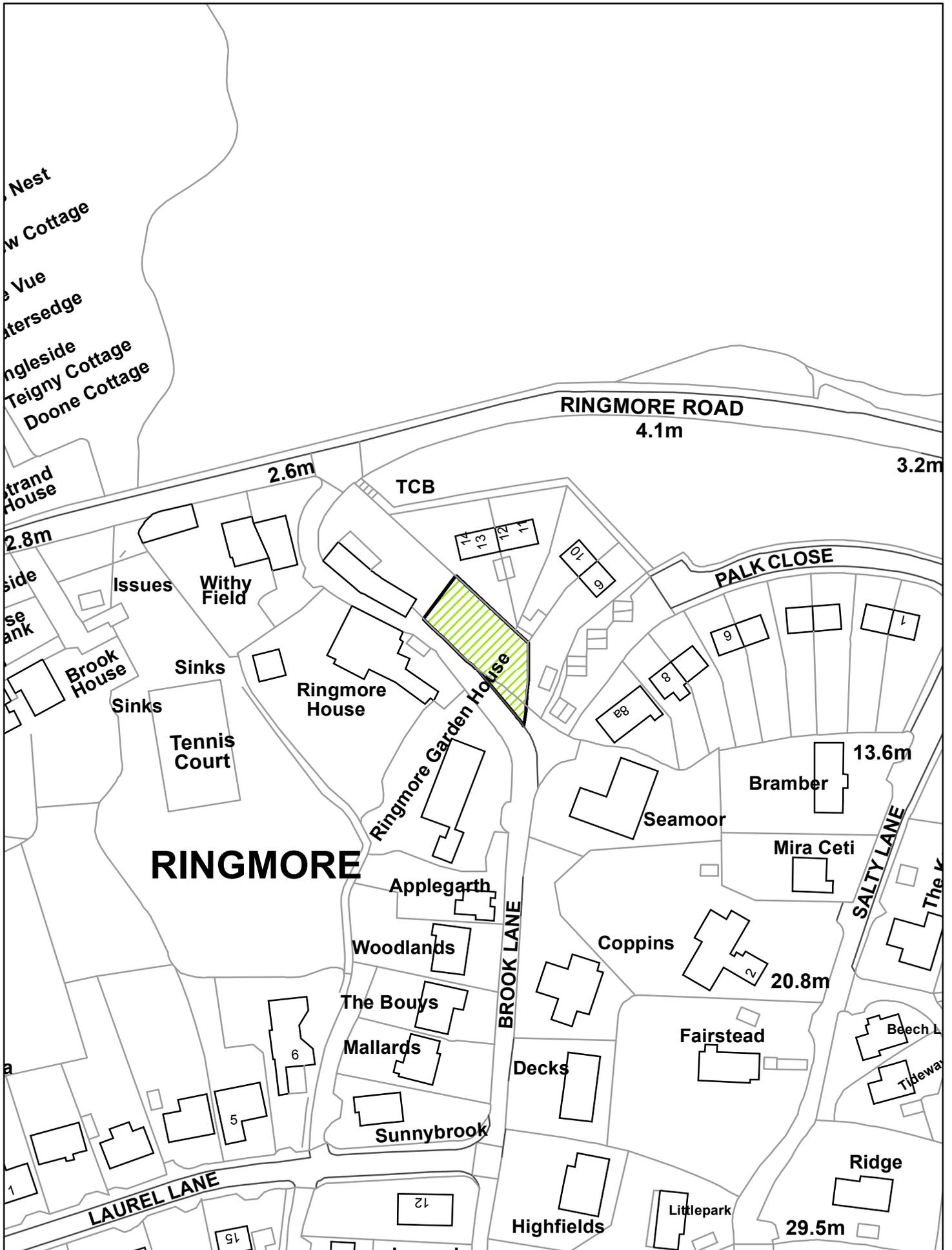
## Tuesday 19 February 2019

CHAIRMAN: Cllr Dennis Smith



<b>APPLICATION FOR CONSIDERATION:</b>	<b>SHALDON - 18/02230/FUL - Land At Brook Lane - Two dwellings (instead of approved single dwelling)</b>	
<b>APPLICANT:</b>	<b>Mr &amp; Mrs Mole</b>	
<b>CASE OFFICER</b>	<b>Anna Mooney</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=18/02230/FUL&amp;MN">https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=18/02230/FUL&amp;MN</a>	





## 1. REASON FOR REPORT

Councillor Clarence supports the approval of “two modestly-sized dwellings” on the application site.

## 2. RECOMMENDATION

PERMISSION BE REFUSED for the following reasons:

1. The design of the two dwellings in association with extensive hard surfacing is not considered to respond positively to the character and distinctiveness of the Conservation Area and is not considered to protect the setting of Grade II Listed Ringmore House contrary to Policies S2 (Quality Development) and EN5 (Heritage Assets) of the Teignbridge Local Plan 2013-2033, the National Planning Policy Framework 2018 and the Planning (Listed Buildings and Conservation Areas) Act 1990;
2. The proposal gives rise to unacceptable overlooking of the occupiers of neighbouring dwellings in Palk Close (north) and to Ringmore Garden House (south west) contrary to Policy S1 (Sustainable Development Criteria) of the Teignbridge Local Plan 2013-2033 and the National Planning Policy Framework 2018; and,
3. The proposal results in the provision of insufficient and poor quality amenity space for both of the proposed dwellings contrary to Policy S2 (Quality Development) of the Teignbridge Local Plan 2013-2033 and the National Planning Policy Framework 2018.

## 3. DESCRIPTION

- 3.1 The application is for two dwellings, instead of the approved single dwelling.
- 3.2 Planning permission was granted in February 2016 (15/02609/FUL) for a single dwelling on the application site. This permission has been effectively renewed, by an almost identical proposal for a single dwelling, in January 2019 (18/02211/FUL).

### Principle of development

- 3.3 The application site falls within the settlement limit for Shaldon, as depicted on the Teignbridge Local Plan 2013-2033 Proposals Map.

### Impact upon setting of listed buildings and the character and appearance of the Conservation Area

- 3.4 The proposed dwelling is located in the Conservation Area and adjacent to a listed building (Grade II Listed, Ringmore House).
- 3.5 Following comments received from contributors and Councillor Clarence and following discussions with the Conservation Officer, revised drawings were received on 11 December 2018 showing a boundary wall to Brook Lane, in place of the previously-proposed Devon Bank.

- 3.6 The Teignbridge Conservation Officer has commented that the current proposal is an inferior design to the previously-approved single dwelling on the site (15/02609/FUL). She further comments that the design is of a rather standard domestic character, the introduction of a sense of symmetry with the pair of dwellings, and the introduction of more external hard surfacing, together will not sit as comfortably in the context - particularly given the informal character of this part of Brook Lane.
- 3.7 Whilst the principle of two dwellings on this site is acceptable, practical accommodation of two dwellings on the site is considered to give rise to an inferior design and to result in a significantly increased area of hardstanding for more car parking, resulting in dwellings that are not in keeping with the character of the area.
- 3.8 To address comments from the Conservation Officer about the extensive hard surfacing proposed, the Agent has advised that a Grass-Grid (living) surfacing will be used for the car parking and turning areas. This is, however, not considered to improve the proposal as living surfacing when used for permanent and frequent car parking inevitably leads to unsightly yellowing and deterioration of the living surfacing as it fails to thrive under the parked cars.
- 3.9 The previous approval for one dwelling on the site, in terms of design and less hard surfacing, is considered to be more in keeping with the character of the Conservation Area.
- 3.10 In coming to this decision the Council must be mindful of the duty as set out in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building, its setting and features of special architectural or historic interest which it possesses, and have given it considerable importance and weight in the planning balance.
- 3.11 The Council must also be mindful of the duty as set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area, and have given it importance and weight in the planning balance.
- 3.12 Paragraph 130 of the NPPF requires that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 3.13 In summary, the practical accommodation of two dwellings on the site is considered to give rise to an inferior design and to result in a significantly increased area of hardstanding, resulting in dwellings that are not considered to protect the setting of Grade II Listed Ringmore House and the character of the Conservation Area.

#### Residential amenity

- 3.14 The previous approval (15/02609/FUL) conditioned a screen to the north elevation window and Juliet balcony to prevent an oblique view to the end property in Palk Close, which is split into two flats. Similarly, the large north elevation in the current proposal is considered to give rise to unacceptable overlooking to this neighbouring dwelling. In the event of an approval for this scheme, privacy screening across this

window at a minimum height of 1.7 metres would be recommended to remove the unacceptable overlooking.

- 3.15 The previous approval (15/02609/FUL) raised concerns about overlooking of the large area of glazing at Ringmore Garden House to the south west. However, as the windows facing Ringmore Garden House, in the previous approval, were relatively small, serving a utility room and kitchen, they were not considered to give rise to unacceptable overlooking. Under the current proposal, however, there is a much larger upper floor living/dining room window looking towards Ringmore Garden House and this window is considered to give rise to unacceptable overlooking. In the event of an approval for this scheme, privacy screening across this window at a minimum height of 1.7 metres would be recommended to remove the unacceptable overlooking.
- 3.16 The application site is located in an area of Shaldon that is characterised by generously-spaced dwellings with substantial, and in many cases large, gardens. The current proposal as highlighted by the Conservation Officer allocates a large percentage of the site to hard paving areas for access and parking for two dwellings. This has the result that the remaining space is limited and translates to small and poor quality outdoor amenity spaces for each of the two dwellings. The small amenity areas provided are therefore in direct contrast with the large gardens that characterise this part of Shaldon.
- 3.17 In summary, the proposals are considered to give rise to unacceptable overlooking of the occupiers of neighbouring dwellings and to provide for poor quality outdoor amenity areas for both of the proposed dwellings, contrary to Policies S2 (Quality Development) and WE8 (Domestic Extensions, Ancillary Domestic Curtilage Buildings and Boundary Treatments) of the Teignbridge Local Plan 2013-2033.

#### Ecology/biodiversity

- 3.18 The application site is within 10km of the Exe Estuary SPA and Dawlish Warren SAC and is therefore 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/> .

In the absence of bespoke mitigation, a Habitat Mitigation Regulations contribution of £800 per additional dwelling is required to offset in-combination recreation impacts on the SPA and/or SAC. A net gain of two dwellings is proposed, i.e. a total of £1,600 is required to be contributed.

To mitigate against impacts of the development on these habitats the applicant has elected to make an upfront Habitat Mitigation Contribution of £1,600.

With this in place, the LPA, as Competent Authority, has undertaken an Appropriate Assessment of the proposals in consultation with Natural England and is able to conclude that there will be no effect on the integrity of the European site(s) such that this does not constitute any reason for refusal of the development.

- 3.19 A contribution has been received relating to provision of swift nesting boxes. In the event of an approval for this scheme, a condition would be required for the enhancement of biodiversity on the site.

#### Highway safety

- 3.20 The County Highway Authority recommends that the Standing Advice issued to Teignbridge District Council is used to assess the highway impacts of the development. The previous approval considered that one additional dwelling would not have a demonstrable impact upon highway safety concerns. Similarly, the addition of two dwellings is not considered to have a demonstrable impact upon highway safety concerns.

#### Drainage

- 3.21 As with the previous approvals for a single dwelling (15/02609/FUL and 18/02211/FUL) it is noted that the site is not within an area of high flood risk and in the event of approval, surface water drainage could be agreed through condition.

#### Other Matters

- 3.22 The application does not constitute affordable housing as defined by Policy WE2 (Affordable Housing Site Targets) of the Teignbridge Local Plan 2013-2033 and the National Planning Policy Framework.

#### Summary and Conclusion

- 3.23 The Planning Act, the National Planning Policy Framework (NPPF) and Policy S1A (Presumption in favour of Sustainable Development) of the Teignbridge Local Plan 2013-2033 require that applications must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 3.24 The design of the two dwellings in association with extensive hard surfacing is not considered to respond positively to the character and distinctiveness of the Conservation Area and is not considered to protect the setting of Grade II Listed Ringmore House contrary to Policies S2 (Quality Development) and EN5 (Heritage Assets) of the Teignbridge Local Plan 2013-2033, the National Planning Policy Framework 2018 and the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 3.25 The proposal gives rise to unacceptable overlooking to the occupiers of neighbouring dwellings in Palk Close (north) and to Ringmore Garden House (south west) contrary to Policy S1 (Sustainable Development Criteria) of the Teignbridge Local Plan 2013-2033 and the National Planning Policy Framework 2018.
- 3.26 The proposal results in the provision of insufficient and poor quality amenity space for both of the proposed dwellings contrary to Policy S2 (Quality Development) of the Teignbridge Local Plan 2013-2033 and the National Planning Policy Framework 2018.

## **4. POLICY DOCUMENTS**

Teignbridge Local Plan 2013-2033

S1A (Presumption in Favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

S21 (Villages)

EN5 (Heritage Assets)

EN9 (Important Habitats and Features)

EN10 (European Wildlife Sites)

Ringmore Conservation Area Character Appraisal

National Planning Policy Framework

National Planning Practice Guidance

## 5. **CONSULTEES**

Teignbridge Conservation Officer - Many thanks for consulting me on this application, which lies in Ringmore Conservation Area and across the road from the Grade II listed Ringmore House. The unlisted vernacular barn to the north of the application site is considered to be a building that makes a particularly positive contribution to the character and appearance of this part of the Conservation Area.

I am aware of the existing consent for a single dwelling on this site. I am afraid in my view the present proposal is an inferior design to the approved building. In my view the rather standard domestic character, the introduction of a sense of symmetry with the pair of dwellings, and the introduction of more external hard surfacing, together will not sit as comfortably in the context - particularly given the informal character of this part of Brook Lane.

South West Water - Informative required.

Devon County Highways - Standing Advice.

Natural England - Thank you for your e-mail consulting Natural England on the Appropriate Assessment for the above development in accordance with Paragraph 63 (3) of the Conservation of Habitats and Species Regulations 2017. Please be advised that, on the basis of the appropriate financial contributions being secured to the South-east Devon European Sites Mitigation Strategy (SEDESMS), Natural England concurs with your Authority's conclusion that the proposed development will not have an adverse effect on the integrity of Dawlish Warren SAC, the Exe Estuary SPA and Exe Estuary Ramsar site.

## 6. **REPRESENTATIONS**

1 letter of objection:

1. Swift nest boxes should to provided

5 letters of comment:

1. Concern about overlooking to Ringmore Garden House (with larger window that proposed under the previous single dwelling)
2. Support for the two local people who intend to live in the proposed dwellings
3. Preference for a boundary wall rather than a boundary hedge

9 letters of support:

1. Support for the two local people who intend to live in the proposed dwellings
2. Support for parking provision
3. Preference for a boundary wall rather than a boundary hedge

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

SUPPORT unanimous as long as the stone wall is included, rather than a Devon Bank. The original planning application was approved with a stone wall, this being a conservation area.

Somehow this has been changed by Teignbridge District Council to a Devon bank. A stone wall is right in this application as it prevents soil erosion which leads to blocking of the drains, which in turn then causes neighbouring properties to flood. Please Teignbridge take note of the neighbours' comments

## **8. COMMUNITY INFRASTRUCTURE LEVY**

The proposed gross internal area is 199.13 m<sup>2</sup>. 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 m<sup>2</sup>. The CIL liability for this development is £52,990.24. This is based on 199.13 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.

**Business Manager – Strategic Place**