

## **PLANNING COMMITTEE**

### **26 NOVEMBER 2012**

#### **Present:**

Councillor Clemens (Chairman)  
Councillor Smith (Vice Chairman)  
Councillors Austen, Brodie, Colclough, Cox, Dennis, Dewhirst (for Connett), Fusco, Goodey, Haines, Keeling, Klinkenberg, Lambert, Lewis, Lonsdale, Matthews, Parker (for Lonsdale), Price, Shantry, and Williams

**Apologies:** Councillors Connett, Corney-Walker and Lonsdale

**Members in attendance:** Councillors Ballinger, Bromell, Clarence, McMurray, Petherick, Prowse, Purser, Russell and Vogel.

#### **Officers in attendance:**

Service Manager, Development Management – Nick Davies  
Area Planning Officer – Tom Wilson  
Service Manager, Spatial Planning and Delivery - Simon Thornley  
Senior Planning Officer – Rosalyn Eastman  
Senior Planning Enforcement Officer – Steven Hobbs  
Principal Solicitor – Duncan Moors  
Democratic Services Officer – Trish Corns

### **247. MINUTES**

The minutes of the meeting held on 29 October 2012 were approved as a correct record and signed by the Chairman.

### **248. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman reminded Members that they should not vote on an application if they are not present at the meeting to hear the entire debate on that application. The Chairman also welcomed public speakers to the meeting.

### **249. DECLARATIONS OF INTEREST**

Members declared interests as detailed below. Those declaring a disclosable pecuniary interest withdrew from the meeting while the application was determined.

### **250. APPLICATIONS FOR CONSIDERATION**

The Committee considered the reports of the Service Manager – Development Management together with comments of public speakers, additional information reported by the officers and information detailed in the updates sheet previously circulated.

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**(i) DAWLISH 12/03067/LBC: Playing Fields Pavillion, Sandy Lane – Installation of three extractor fans**

It was proposed by Councillor Price and seconded that the recommendation as set out in the report circulated with the agenda be approved.

Resolved

The National Planning Casework Unit be recommended to grant Listed Building Consent. **(20 votes for and 0 against)**

**(ii) ABBOTSKERSWELL 12/02992/LBC: 1 Model Cottages – Install satellite dish on rear elevation of property**

It was proposed and seconded that the application be approved as set out in the report circulated with the agenda.

Resolved

Listed building consent granted subject to the following conditions:-

1. Standard 3 years for commencement.
2. Work to be carried out in accordance with the approved plans.
3. Precise location of dish to be agreed prior to installation.

**(20 votes for and 0 against)**

**(iii) DAWLISH 12/02281/MAJ: Land to the south of Shutterton Lane - Development for housing, multi-purpose community building, car parking, hard and soft landscaping and open space, sustainable urban drainage system and new vehicular, cycle and pedestrian routes and accesses together with all associated works**

The Committee noted the following further information:

- A revised plan confirming the retention of the hedgerow along Shutterton Lane.

Representations

- Members had received direct correspondence from: Nabarro LLP acting for the Applicant; Stephens Scown Solicitors representing a number of concerned parties; and PCL Planning.
- One additional letter of objection reiterating the concerns about the loss of separation between Dawlish and Dawlish Warren.
- Eight additional letters of objection, largely reiterating the points summarised in the report and expanding on the concerns raised by Dawlish Town Council. The following additional points have been made:
  - i. Some controlled expansion within the town is necessary, but feel that current building levels in Dawlish are sufficient for current needs;
  - ii. The site is not suitable for building as it is an environmentally sensitive and very visible location outside the current boundary of the town;

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iii. At the present time there are many properties on the market for sale and not enough buyers for the existing stock. More house building will further distort an already depressed housing market.

- The following comments from Ashcombe Parish Council:

“Ashcombe, four miles inland from Dawlish, is an important year round South Devon holiday destination. Over the last twenty years Ashcombe business has expanded in a controlled and sustainable way, starting with the Activity Centre followed by the high standard self-catering cottages, collectively sleeping about 150 people. Together with the village community we all depend on Dawlish for its shops, medical services, pubs and beaches. The local plan will make it very difficult for anyone to visit Dawlish. We would not be able to recommend that our 4,000 annual visitors risk their vehicles and enjoyment by visiting a potentially congested town such as Dawlish.

**Excessive house building** - It is noted that Shutterton Park, an offshore development company with no intention of benefiting Dawlish, is already attempting to replace workshops with houses thus raising the total number planned for the Starcross end of the town to ‘at least’ 1,100. All in direct conflict with the two vitally important biggest revenue earners in the area: tourism and agriculture.

**Additional road use** - Devon is proud of its country lanes. But the narrow lanes around Dawlish are already being aggressively used as rat runs by commuter traffic and Luscombe Hill, between the B3192 and Dawlish is increasingly dangerous. An additional daily +1,500 cars resulting from the Local Plan, will cause certain chaos at the Starcross ‘bottle neck’ and spread to all local roads.

**Over burdened services** - The Barton Surgery is already overburdened by an elderly population, figures which have not been considered by the Shutterton Park development company, who seem unprepared to pay for additional medical facilities. It is also very likely that the coveted quality of Dawlish beaches will suffer from increased pollution. All this will be detrimental to the local community and to the local tourist business which contribute large sums of money in taxes and revenue.

**Conclusion** - Nothing in the Local Plan helps this area. Dawlish and the surrounding district will suffer and degenerate, unless the number of houses planned for Dawlish is reduced to be appropriate for available local employment and infrastructure. This scheme would generate very few new jobs or help to improve town facilities. Dawlish would lose the cachet of being a charming seaside town being merely an overcrowded commuter satellite town.”

- Environment Agency Response - The Environment Agency issued a holding objection as they believe the submitted Flood Risk Assessment (FRA) has some omissions and needs to address the following:

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- a) the FRA is revised to properly reflect the existence and performance of the adjacent Shutterton Brook Flood Alleviation Scheme;
- b) the area at risk of fluvial inundation is properly determined in the FRA;
- c) the FRA confirms that there will be no raising of ground levels in those areas deemed to be at risk of flooding other than for essential infrastructure that has to be there and that measures are promoted to mitigate for any volumetric loss of water storage capacity;
- d) the FRA should promote all habitable floor levels 600mm above the 'design' water level for the year 2112. (recommend they be established at or above 5.0m O.D. to minimise design effort on this important point);
- e) proper assurances should be included in the FRA to demonstrate that surface water runoff from the site can and will be managed in a manner that both conforms with the principle of SUDS to a high standard and which addresses our concerns that the volumes of water generated by the development can be safely accommodated within the site and not drained or displaced off-site in a manner that will increase flooding risks for third parties. This is very important given the severe risk posed by flooding to the nearby heavily developed home parks. It is important to note that satisfaction on this point cannot be achieved by attenuation in sealed underground tanks but will require the creation of additional infiltration and volumetric capacity to ensure waters are properly treated and safely stored during tide-lock conditions. This may be best achieved by lowering the lower margins of the site to enable the creation of above ground linear surface water management features. These could be designed to supplement the capacity of the Shutterton Brook Flood Alleviation Scheme capacity thereby resulting in the situation whereby surface waters are managed to the required standard while also contributing to the reduction in flooding risks locally;
- f) the FRA should quantify and set out clearly where the replacement flood water storage capacity will be provided to mitigate for that lost due to the construction of the road that passes through Flood Zone 3/2 between the two residential blocks.

The Applicant has been in discussions with the Environment Agency (EA) and confirmation has been given that the calculations/scheme referred to in the EA response was not publicly available at the time that the application was submitted. The applicant and EA have verbally confirmed that the issues have been concluded satisfactorily. An updated FRA has been completed but a formal response from the EA has yet to be received. It is therefore recommended that this be factored in to a revised recommendation.

- NHS Response - Following the publication of the committee report the NHS have made a more detailed request for a financial contribution of £51,200 to

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provide additional or improved surgery facilities to mitigate the impact of the development.

This request is calculated on the basis that new development will result in an additional 770 patients requiring services from the practice (growth of 6% against raw list size). Based on GP/Patient ratios there is insufficient capacity within the system currently to be able to absorb the additional residents generated by the development and an additional 770 patients will further exacerbate the problem of physical capacity, resulting in the practice being 17% undersized.

The £51,200 financial request has been calculated to deliver an additional 32m<sup>2</sup> of surgery space which would be required to mitigate the impact of the development.

The applicant has agreed to meet this contribution.

- Devon County Education Response - Following the publication of the committee report, and as a result of the applicants concerns about the levels of education requested, Devon County have reviewed the data used to calculate their request. The methodology used to assess this application has not changed but now incorporates the latest forecast data which indicates that there is more spare capacity in future years than previously forecast.

The methodology considers primary schools with a 1.5 miles radius of the development site which for this development includes Gatehouse Primary and Cockwood Primary. It takes into account the total pupil capacity in each school, the projected number on roll based on Devon's published short term forecast figures, the impact of approved but implemented development and the pupil yield expected from this development which for primary is 0.25 per family dwelling.

Based on a multiplier of 0.25 pupils Devon County believe that this development will be able to be to build up to 256 family dwellings without making a primary section 106 contribution and will be required to contribute £2,839 per family dwelling built thereafter.

In respect of secondary provision, the revised surplus accommodation factoring in the same information is 70 places and therefore based on a multiplier of 0.15 pupil per family dwelling. Devon County believe that a development of 350 dwellings will not now be required to make a contribution.

Devon County Council have now requested that, should planning permission be granted, £2,839 per family dwelling over 256 family dwellings will be required to improve primary education infrastructure.

The applicant has agreed to this contribution.

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- Public Art - In light of the fact that late financial contribution requests have been made by the NHS and Devon County Education (both of which are agreed) the applicant has advised that their voluntary contribution for public art (set as £50,000 in the agenda) be reviewed. The applicant has stressed that they are still prepared to make a contribution, however, they need to assess the amount available alongside the other financial contributions being delivered. This has been reflected in the revised recommendation.
- SANGS Payment - The SANGS payment was wrongly reported as £731,457 in the committee report. The correct figure is £701,471 and this has been amended in the revised recommendation below.
- Given that the acceptability of this proposal is reliant on the delivery of Suitable Alternative Natural Green Space (SANGS) it is recommended that the recommendation be slightly amended.

*The Service Manager for Development Management be authorised to grant permission subject to the following conditions, any additional conditions which may be recommended by the Environment Agency and an agreed method to ensure that the replacement SANGS are provided by the developer or Council (using the agreed financial contributions if delivery is to be by the Council) in a phased approach alongside the development:-*

- Recommendation - A revised officer recommendation is as follows with all amendments shown in italics:

Subject to *no objection being received from the Environment Agency and the Applicant entering into a Section 106 Agreement by the Planning Performance Agreement date of 7 December 2012, or in accordance with a revised Planning Performance Agreement, to secure:-*

1. Scheme to deliver a minimum of 30% affordable dwellings (with a tenure split of 70/30 in favour of rental) and an agreed amount of wheel chair accessible units
2. £100 per dwelling towards air quality management measures
3. £61,500 to provide a replacement cirl bunting territory
4. £350 per dwelling HRA payment
5. £701,471 towards the delivery of Suitable Alternative Natural Green Space (SANGS)
6. £99,600+VAT to upgrade the public foul sewer network
7. £600,000 to deliver 3 hectares of employment land in Dawlish
8. £10,000 for a pedestrian link to Secmaton Lane

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9. £240,000 for a bus route diversion
10. £143,000 for the Countess Wear Principal Urban Area (PUA) outbound lane improvement scheme
11. £3,000 for dropped kerb crossings on footways along Exeter Road
12. £90,896 to upgrade street lighting along Secmaton Lane
13. £6,000 for cycle parking provision at Dawlish Station
14. £37,500 for shared use footway on Dawlish Warren Road (link to Exe Estuary Trail)
15. £300 per dwelling for Sustainable Travel Vouchers
16. £625.33 per dwelling for improvements/new facilities at Dawlish Leisure Centre
17. *£51,200 to provide additional or improved surgery facilities*
18. *A financial contribution (to be agreed) for public art provision on site*
19. £2,839 per family dwelling, exceeding 256 family dwellings, for primary education
20. Delivery of a site for a multi-purpose community building,

*The Service Manager for Development Management be authorised to grant permission subject to the following conditions, any additional conditions which may be recommended by the Environment Agency and an agreed method to ensure that the replacement SANGS are provided by the developer or Council (using the agreed financial contributions if delivery is to be by the Council) in a phased approach alongside the development:-*

1. Submission of reserved matters (scale, appearance, layout, means of access and landscaping)
2. Reserved matters to be submitted within 2 years
3. Development shall be begun before the expiry of 1 year from the date of approval of the final reserved matter
4. Development to be carried out in accordance with the approved plans and documents
5. Submission and approval of revised Transport Assessment
6. Submission and approval of estate road, cycle ways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service

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routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture

7. Submission and approval of a highways phasing plan and programme
8. Access, visibility splays and off-site highways works to be completed prior to first use
9. Submission and approval of a highways construction management plan
10. Submission and approval of a parking strategy
11. Full details of foul and surface water drainage (surface water to be SUDS)
12. Submission and approval of full engineering drainage strategy
13. Submission and approval of design calculations and percolation tests for surface water management proposals, design details/calculations for offsite surface water discharge with a copy of the discharge consent and construction consent from the approving authorities, maintenance agreements and details of the designated persons/management company responsible for the maintenance of the surface water system to the point of discharge and also a copy of the maintenance schedule and details of all surface water drainage adoption agreements
14. Submission and approval of a construction management plan
15. Details of air quality monitoring scheme (PM10) to be submitted and agreed
16. Details of the method, timing and duration of any piling to be agreed
17. Full details of existing ground level, proposed ground levels and all slab and finished floor levels to be submitted with reserved matters application
18. No burning of waste on site
19. Details of features for breeding birds
20. Details of on-site open space, including a timetable for delivery and a management/maintenance plan, to be submitted and approved in writing
21. Full landscape and ecological management plan to be submitted with any reserved matters application
22. *All planning conditions to be dealt with on a phase by phase basis.*

Public Speaker: Objector, Mrs Mawhood – Representing DARE which objected on the grounds of: speculative and premature application; Teignbridge Local Plan Proposed Submission does not include the site;

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contrary to policies H7 and H8; the site lies within designated countryside and Area of Great Landscape Value (AGLV); loss of prime agricultural land with no overriding need for the development because the required housing allocation for the town can be provided at other sites identified in the Teignbridge Local Plan Proposed Submission; contrary to Localism Act and Dawlish Neighbourhood Plan; loss of natural break between Dawlish and Dawlish Warren.

Public Speaker: Objector, Mr Graves – Objections on the grounds of: contrary to the recent decisions of the Council, the Teignbridge Local Plan Proposed Submission, Dawlish Town and Starcross Parish Councils' views, and the Dawlish Neighbourhood Plan; residential development on the site was refused in 2005; a five year supply of residential land for housing development at Dawlish is allocated in the Teignbridge Local Plan Proposed Submission; the site is not sustainable being isolated from education, the town centre and other residential developments; it would thwart the delivery of a site allocated for employment use; adverse landscape impact - the site is prominent and an AGLV; erosion of the distinct landscape separation of Dawlish and the tourist area of Dawlish Warren; undermining of policy HD3 to support tourist development of Dawlish Warren; neither the Applicant or the Council control the land identified for ecological mitigation and therefore the impact could remain unmitigated; and unsatisfactory mitigation proposals against the risk of flooding .

Public Speaker: Supporter, Mr Jarvis – The application is robust and transparent and the result of extensive local consultation; there are only 20 objections from residents and no strong local opposition; Natural England, Devon County Council and South West Water raise no objections; 30% affordable housing in excess of the 25% requested in the Teignbridge Local Plan Proposed Submission with the result of decreasing the housing need list, addressing 25% of the housing need; the provision of a multi-purpose community building, open spaces, cycle routes and other planning obligations amounting to approximately £3 million, including bus service enhancements, street lighting, Countess Weir enhancements; technical assessments evidence that there would be no increased flooding risk or affect on sewerage; the site is sustainable; the Neighbourhood Plan was found unsound and lacking evidence; 3 hectares off-site for employment opportunities; the adopted Local Plan is out of date and the draft is not adopted; the Council does not have a five year land supply and the proposal should be granted in accordance with NPPF paragraph 14.

The Council's Solicitor advised that Counsel's opinion had been sought and a copy of the opinion was sent to members on a confidential basis.

Representations that had been circulated independently to Members over the weekend included letters from PCL Planning on behalf of the NHS and from neighbouring land owners; from the Applicant's solicitors; and from Stephens and Scown Solicitors representing unnamed parties.

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Comments raised by Members in objection to the proposal included: loss of natural break between Dawlish and Dawlish Warren; loss of good agricultural land; loss of wildlife habitats; no need for the development ; the site is not included in the Teignbridge Local Plan Proposed Submission; the housing allocation for Dawlish can be provided at alternative sites as included in the Teignbridge Local Plan Proposed Submission; unsustainable site; designated countryside and AGLV; this application in addition to houses to be provided in the Teignbridge Local Plan Proposed Submission would result in an additional 1250 dwellings for Dawlish as opposed to the required 900 which equated to an additional 38%; loss of employment land; and contrary to the Dawlish Neighbourhood Plan.

Comments raised in support of the proposal by Members of the Committee included: the site was removed from the Teignbridge Local Plan Proposed Submission but this document does not have sufficient weight as yet, until it has proceeded through the plan adoption process; there is no clear break between Dawlish and Dawlish Warren; there is no justified planning reasons to refuse the application; the 2005 reasons for refusal would not be justified for the current application because policies have changed; and the Council's housing services supports the application as set out at paragraph 5.12 of the report, at agenda page 32.

The Service Manager - Development Management responded to comments from public speakers and Members: the report circulated with the agenda is balanced with a robust recommendation; the 2005 refusal is irrelevant because it carries little weight because of the significant policy change that has occurred since; there is currently minimal natural break between Dawlish and Dawlish Warren with the break being only between Sainsbury's and Sandpipers development; Paragraphs 3.7 and 3.8 of the report covers the issue of why loss of agricultural land is not a robust reason for refusal; in terms of sustainability, the site is adjacent to a supermarket, within walking distance to school and leisure facilities; a loss of green space would result but this is expected for development to occur. The arguments for refusal are not robust.

The Solicitor advised members that it would be difficult to justify a refusal based on landscape designation or loss of agricultural land because some of the western field has been allocated for employment use and the Landscape Officer has not raised an objection to the proposal.

Further comments raised in objection to the proposal by Members of the Committee included: the Neighbourhood Plan identified the site as sustainable for employment use; current wildlife includes deer; cirl bunting, bat species and otters; the proposed road would open up the area for greater use by the public, would dissect the wildlife area and destroy habitats and the ecological balance of the area; the proposal is contrary to the Localism Act; permission has already been granted for 850 dwellings in Dawlish; and increased risk of flooding.

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In response to a question from the Committee, the Service Manager, Spatial Planning and Delivery referred to paragraph 5.20 at agenda page 35, which set out his response to the proposal.

The Area Planning Officer advised that in relation to flooding risk concerns, the Environment Agency is content with the principle of development. The revised recommendation allows for further views of the Environment Agency. Any objections would be reported to Committee for consideration.

In response to points raised about location of the proposed dwellings and the uses for the community building, the Service Manager - Development Management advised that the development would be subject to a reserved matters application.

It was proposed by Councillor Klinkenberg and seconded by Councillor Lambert that the application is refused on the grounds of: points 1 to 4 at paragraph 5.20 of the report of the Service Manager – Development Management, at agenda page 35.

To address the point that the members have only recently resolved to remove the site from its housing allocation the Solicitor advised that there are a number of material considerations germane to determining a planning application which are not necessarily germane to the local plan process. He referred the Committee to paragraphs 3.29 and 3.30 of the report at agenda page 14. The Council does not have a five year land supply until the Teignbridge Local Plan Proposed Submission is adopted; therefore every application should be considered on its merits; there are no site specific overriding objections to the application; and in his view an Inspector would uphold an appeal if the application is refused.

The Service Manager, Spatial Planning and Delivery referred to the five year land supply as detailed in the Teignbridge Local Plan Proposed Submission. It is essential that there is no delay in the adoption of this document. Whilst the document gathers weight as the adoption process proceeds it does not have full weight until adopted. It was a matter for the Committee to decide how much weight to give the Teignbridge Local Plan Proposed Submission. The Council was moving towards a situation where it would have control over which applications to approve or refuse, but currently the NPPF probably has the upper hand.

The Service Manager, Development Management referred to the proposed reasons for refusal and why they were not robust as follows: there is no consultee objection to justify a loss of wildlife reason; a financial contribution would be made towards education; approximately £3 million contribution towards community infrastructure; and the application should only be refused if this can be defended at appeal with robust reasons.

The Solicitor emphasised that the purpose of the £3 million contributions was to mitigate the impact of the development. The required contributions had

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been requested by officers in accordance with the Community Infrastructure Levy Regulations.

In response to a question from the Committee the Area Planning Officer advised that the phasing of the development due to SANGS would be controlled through the Section 106 Agreement or via a condition.

Further comments from Members of the Committee included: there were approximately 300 dwellings currently for sale in Dawlish; this development in addition to the required 900 through the Local Plan process and the 500 already granted planning permission is a significant over supply for Dawlish; Dawlish and Dawlish Warren are separate communities with separate postal addresses and with a natural landscape break between; reasons for refusal in addition to those already proposed should include the loss of the natural break between the town of Dawlish and Dawlish Warren, the loss of the settlements' individual character and harm to the tourism character of Dawlish Warren and loss of agricultural land.

In relation to the reason for refusal of loss of the natural break between the two settlements, the Solicitor advised that the Committee needs to firstly consider whether they are two distinct settlements in planning terms. If they are, then what harm would be caused to their individual identities by allowing this development and then this harm needs to be considered as part of the planning balance.

In response to questions from Members, the Area Planning Officer confirmed that: £600,000 would be provided to deliver 3 hectares of employment land in Dawlish, based on an independent employment land assessment of £200,000 per hectare to render site available for employment; £701,471 towards the delivery of Suitable Alternative Natural Green Space (SANGS); the details of the SUDs scheme would be provided as part of the reserved matters application.

In response to further questions from Members, the Service Manager - Development Management advised that, although land that was recently approved for employment had not come forward, the employment contribution from the current application would be available to meet the needs of Dawlish over 20 years. He also advised, on the lack of robustness of the reasons proposed for refusal on the following grounds, in addition to advice he had already provided throughout the course of discussion: the saved local plan was out of date; the emerging policies lacked weight because they were not yet adopted; there is no evident natural break between Dawlish and Dawlish Warren and there is no objection from the Landscape Officer.

The Service Manager - Spatial Planning and Delivery advised that harm to the tourism character of Dawlish Warren was not a robust reason for refusal as it lacked academic evidence, and would easily be dismissed by the Inspector. He advised against this reason being put forward because it could result in partial costs being made against the Council.

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The Solicitor reiterated the need for strong, robust reasons for refusal to defend at appeal.

The Committee referred back to the proposal by Councillor Klinkenberg and seconded by Councillor Lambert that the application is refused on the grounds of: points 1 to 4 at paragraph 5.20 of the report of the Service Manager – Development Management, at agenda page 35. The proposer and seconder also included two additional reasons for refusal relating to: the loss of the natural break between the settlements of Dawlish and Dawlish Warren, the loss of the settlements' individual character and harm to the tourism character of Dawlish Warren; and the loss of agricultural land.

Members considered that the reasons were robust and defensible at appeal.

Resolved

Permission refused for the following reasons:

1. The proposal is not in accordance with relevant policies of the Teignbridge Local Plan Proposed Submission 2013 – 2033 to which weight can be given. More particularly, the proposal is contrary to policies S22, DA1 and EN2A. The site is not allocated for residential development and part of the site is outside the settlement limit for Dawlish and in an Area of Great Landscape Value (AGLV).
2. The proposal is not in accordance with the saved policies of the adopted Teignbridge Local Plan (1996). More particularly, the proposal is contrary to policies ENV1, ENV3, ENV4 and H7. The site is designated countryside and AGLV over which the Council applies strong development control policies. The proposal does not positively enhance the area. The proposal is for residential development in the countryside outside the settlement, where residential development is not permitted and there is no justification to depart from the policies of restraint.
3. The proposal is contrary to policies SS19, SS21, EC3 and TRAN1 of Regional Planning Guidance 10 for the South West, contrary to policies ST3, ST5 and TR2 of the Devon Structure Plan 2001 – 2016 and policies S3, EC1, EC2 and DA1 of the Teignbridge Local Plan Proposed Submission 2013 – 2033, to which weight can be given. The proposal would result in the unacceptable loss of allocated land for employment uses that would undermine the strategy for the sustainable growth of Dawlish over the next 20 years. The Applicant's offer of a financial contribution to the Council to mitigate the loss of this allocated site by providing employment land on an unknown site elsewhere does not secure the delivery of that employment land and therefore does not overcome the policy objection.
4. The Council is able to demonstrate a five year plus 20% supply of housing land through permissions, existing commitments and through the allocations in the Teignbridge Local Plan Proposed Submission 2013 – 2033, to which weight can be given. Therefore there is no overriding need to release this land for residential development when considered against

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the proposal's conflict with the policies of the current and emerging development plans.

5. The proposal is contrary to policy S17 of the Teignbridge Local Plan Proposed Submission 2013 – 2033, to which weight can be given, because it would result in the loss of the natural break between the town of Dawlish and Dawlish Warren which would result in the loss of their individual character and harm to the special tourism character of Dawlish Warren.
6. The proposal is contrary to policy CO14 of the Devon Structure Plan 2001 – 2016, policy P1 of the Teignbridge Local Plan (1996) and paragraphs 109 and 112 of the National Planning Policy Framework because it would involve development of best and most versatile agricultural land and there is no overriding need for the development to outweigh the need to protect such land. **(15 votes for, 4 against and 1 abstention)**

*Note: The refusal of the application was contrary to the advice of the Service Manager, Development Management. The Committee considered the application unacceptable for reasons outlined above.*

**(iv) KINGSKERSWELL 12/02509/MAJ: Land at Charles Road - Approval of the details for 62 dwellings (approval sought for layout, scale, landscaping and appearance)**

*Councillor Haines declared a Disclosable pecuniary interest by virtue of the proximity to the site of his place of residence, and withdrew from the meeting while the application was considered.*

Public Speaker: Objector, Mrs Whiting – Objected for the following reasons: the design is out of keeping with the surrounding area; three storey dwellings are proposed for the higher ground; this ground is higher than the ridge level of existing properties resulting in a domineering development, overlooking and loss of privacy for neighbours; the play area is proposed for a corner of the site, tight against rear gardens of existing properties, resulting in noise, disturbance, antisocial behaviour, security problems and concern from the police. Passive surveillance would not be achieved; pedestrian safety during and after development due to the access being off a quiet cul-de-sac; increased on-road parking; surface water run-off and drainage proposals would result in increased flow of the stream, drying out of soil and potential risk of subsidence for existing properties; detrimental effect of existing wildlife habituates.; and wrong development for the location.

Public Speaker: Supporter, Mr Dunlop – The principle of residential development was granted in February 2012; supportive technical information includes a satisfactory detailed flood risk assessment including details of drainage, transport assessment and biodiversity details; there is no objection from the Devon County Council Highways; the degree of affordable housing; ecological enhancements, and infrastructure contributions are acceptable; and the current application is the result of discussions with officers and consultees.

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Comments raised by Members of the Committee included: the design and height of dwellings are out of keeping with the surrounding area; the affordable housing units are concentrated in one area and should be scattered; the play area is isolated; and potential flooding risk.

The Service Manager - Development Management commented that the play area was overlooked by 8 dwellings; the affordable housing is blocked but is located within the centre of the development for integration.

It was proposed by Councillor Colclough and seconded by Councillor Dewhirst that consideration of the application be deferred for negotiations with the Applicant in relation to design.

Resolved

Consideration deferred for negotiations with the Applicant in relation to design.  
**(15 votes for and 1 against)**

- (v) **TEDBURN ST MARY 12/02784/MAJ: land south of Goldcross Hill - 19.59 hectares solar farm (6.9 Megawatt installed capacity) comprising the erection of solar arrays (covering 13.15 hectares), equipment housing, fencing and ancillary equipment**

The Committee noted a correction to the report circulated with the agenda at paragraph 3.26. The Proposed Submission Teignbridge Local Plan 2013-2033 does have a policy concerning energy developments in policy S22 (item 'c'), which is as follows:

*S22 Countryside - Land outside the defined settlement limits of Bovey Tracey, Chudleigh, Dawlish, South West of Exeter, Kingskerswell, Kingsteignton, Newton Abbot, Teignmouth and the villages listed in S21 is classified as open countryside, where development and investment will be managed to provide attractive, accessible and biodiverse landscapes, sustainable settlements and a resilient rural economy.*

*In open countryside, development will be strictly managed, and limited to uses which are necessary to meet the overall aim set out above, as follows:*

- a) affordable housing for local needs, replacement dwellings, travelling showpeople plots, Gypsy and Traveller pitches, and dwellings for agricultural, forestry and other necessary rural workers;*
- b) agricultural, forestry, equine, industry, business, warehousing, retail, leisure and tourist uses;*
- c) transport, communication, **energy** and other infrastructure and community facilities;*
- d) development to support biodiversity and geodiversity; and*
- e) alterations and extensions to existing dwellings, and to other buildings with one of the uses in criteria (a) – (d) above.*

*In assessing development proposals, particular account will be taken of:*

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*f) the distinctive characteristics and qualities of the Landscape Character Area;  
g) the integrity of green infrastructure and biodiversity networks; and  
h) impact on overall travel patterns arising from the scale and type of development proposed.*

The Committee also noted the receipt of three further letters of objection (two from the same author) raising the following new issues:

- Winslake Foot substation does not supply electricity to Tedburn St Mary or prevent the electricity generated from the solar farm from reaching the 'main grid' since according to Western Power Distribution it is merely a 'switching substation'.
- Suggests developer explains more clearly how power will actually be delivered and used by the village as claimed.
- A supplementary exercise would involve providing how those houses would be supplied with electricity during a cold, dark winter's night.
- The installation will have 0.91kW of electrical power.
- Reduced number of panels but claiming bigger CO<sub>2</sub> reductions per household?
- Developer's stated capacity factor is 11.5% while Department for Energy and Climate Change states recently that the average capacity factor across the UK was 5.5% in 2011. According to the developers they will be producing twice the power and CO<sub>2</sub> reductions than can be delivered.
- Solar only viable in the UK due to subsidies. Irradiation levels are too low to allow viable operation without.
- Solar Farms of at least 1megawatt can affect stability of the transmission grid. Therefore local storage of power is important and needed to stabilise the peaks and troughs in output. Storage facilities can be large batteries or other experimental installations. This is not mentioned by developers.
- Efficiency of conversion of solar energy to electricity around 15%.
- What if the solar pv industry collapses along with subsidies?
- Note NPPF paragraph 112, Teignbridge Local Plan policy P1 and Devon Structure Plan policy C14 re best and most versatile agricultural land.

Public Speaker: Objector, Mr Hunt – Objected to the proposal However his objections did not raise any planning reasons to refuse the application. He urged the Applicant to withdraw the application.

Public Speaker: Objector, Mr Leithgoe – Represented the Parish Council which understands the need to reduce carbon emissions, however, objects on the grounds of: an adverse impact on the landscape; Area of Great Landscape Value and designated countryside; loss of skyline; a prominent site viewed from several public viewpoints including Dartmoor National Park and the dual carriageway; severe adverse visual impact; the submission is flawed and the footprint is virtually the same as previously proposed; the

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proposal is out of scale for the area; and the Parish Council has supported a similar proposal on a smaller scale at an appropriate site.

Public Speaker: Supporter, Mr Homewood – The site is not visible from the Dartmoor National Park; the proposal constitutes a 20% decrease in area compared to the previous application; there are no specific policies relating to renewable energy. However, policy S7 states a target for 2030 of 42% reduction in CO<sub>2</sub> and a reduction of 42,000 tonnes of CO<sub>2</sub> per annum; larger areas of panels are more efficient and fewer sites would be required resulting in less of an overall impact; the proposal would have a modest visual impact; extensive research and investigation is undertaken to find suitable sites; high grade agricultural land is avoided; the site consists of low grade, grade 3 agricultural land; Devon County Council (Highways) raise no objection; the proposal would provide power for 1400 homes; the project is temporary and could be easily dismantled, unlike a nuclear power station which takes 100 years to decommission; and the Applicant would withdraw the current appeal for the previously refused application should Members be mindful to approve the current application.

The Chairman referred to comments from the Ward member who was unable to remain in attendance at the meeting for this item, and which related to the importance of the agricultural land for the provision of crops.

Comments raised by Members of the Committee included: sympathy for the need for renewable energy sources, however the current application would have a detrimental effect on the landscape; a highway hazard; the development is unsuitable for the site and an alternative site should be found.

Contrary comments included; the development is temporary; the site is available and suitable; any site used for this purpose would be visible to a certain extent; the land is not good quality agricultural land; there is no highway objection; and it is essential that forms of renewable energy are found.

It was proposed by Councillor Colclough and seconded by Councillor Matthews that the application is refused on the grounds of an adverse impact on the landscape.

Resolved

Permission refused for the following reason:

1. The proposal would have an adverse impact on the Area of Great Landscape Value in which it is situated by virtue of its scale, location, elevation and appearance contrary to Policies ENV1 (Development in Coastal Preservation Areas, Areas of Great Landscape Value, and Nature Conservation Zones), ENV3 (Development in Areas of Great Landscape Value) and ENV4 (Development in the Countryside) of the Teignbridge Local Plan 1989-2001 and Policies CO1 (Landscape Character and Local

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Distinctiveness) and CO4 (Areas of Great Landscape Value) of the Devon Structure Plan 2001-2016. **(11 votes for, 4 against and 1 abstention)**

*Note: The refusal was contrary to the advice of the Service Manager, Development Management. The Committee considered the application unacceptable for landscape reasons as outlined above.*

**(vi) DAWLISH 12/02897/FUL: Rainbow's End, 37 Teignmouth Road - Garden room extension with balcony over and balconies in rear roof (revised scheme) and raise height of boundary wall at rear**

The Committee noted a late representation from the Applicant and associated photographs received 22/11/12 raising the following issues:

- None of the 12 adjacent properties have the same degree of screening as 35 and 35a Teignmouth Road. No others have screening above waist height.
- Balconies have reduced overlooking.
- Offer of screening was withdrawn, nevertheless a condition was introduced requiring the screening.
- No further objection from the Town Council and no objection to other elements of the scheme.
- Two dormers could have been constructed as Permitted Development and the condition is unjustified.
- Proposal is in keeping with vast majority of properties in the area
- 4 letters of support on file.

Public Speaker: Supporter, Mr Webster – In January 2011 a garden room was granted planning permission; the height of the boundary wall was increased; this protects the privacy of the neighbour and therefore the additional screening at the balcony is excessive and unnecessary and would make little difference; most properties lack screening on the balconies; there is a degree of unrestricted overlooking between most properties; and the dormers reduce overlooking and increase privacy for neighbours.

Comments raised by Members of the Committee included: the screening would make little difference; and the neighbours' balconies lack screening. A contrary comment referred to the officer's recommendation for the necessity of the screens.

The Service Manager - Development Management advised that refusal of the application is justified because permission was granted subject to the provision of balcony screens.

Members considered that the screens were unnecessary and unjustified because it would make little difference; there is a degree of unrestricted overlooking between most properties; and the neighbours' balconies lack screening. It was proposed by Councillor Clemens and seconded by Councillor Matthews that the application be approved.

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Resolved

Permission granted subject to the following condition:

1. Works in accordance with approved plans.

**(14 votes for, 0 against and 1 abstention)**

*Note: The approval was contrary to the advice of the Service Manager, Development Management. The Committee considered the application acceptable for reasons outlined above.*

### **251. APPEAL DECISIONS**

The Committee noted a report at agenda pages 72 to 74 on decisions made by the Planning Inspectorate on appeals against refusal of planning permission.

### **252. ENFORCEMENT ISSUES**

The Committee noted a report at agenda page 75 on enforcement issues dealt with under delegated powers since the last meeting of the Committee.

### **253. OVERBROOK LINHAY, DUNSFORD - 07/00575/ENF**

It was noted that a site inspection was held on 8 November 2012 to which all Members of the Committee were invited.

### **254. EXCLUSION OF THE PRESS AND PUBLIC**

The Press and public were excluded from the meeting, under Section 100(A)(4) of the Local Government Act 1972, for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraphs 1, 2 and 3 of Part 1 of Schedule 12A of the Act.

### **255. OVERBROOK LINHAY, DUNSFORD – 07/00575/ENF**

Following consideration of the report circulated with the agenda it was,

Resolved

That no further action is taken and the owner is permitted to remain on the land in breach of the Enforcement Notice subject to:

1. The works to tidy the site, as detailed in the letter dated 30 October 2012 from the Devon Racial Equality Council, to be completed by 31 July 2013.
2. The owner remaining the sole occupant.
3. No changes in circumstances which would warrant the Council taking further action.

**(13 votes for, 1 against and 1 abstention)**

HUMPHREY CLEMENS  
Chairman