

SOUTH HAMS DISTRICT COUNCIL

Notes to accompany Decision Notices

Building Regulations - This decision is not a decision under the Building Regulations and the applicant should ensure that all necessary approvals for the same proposal and same plans are obtained before commencing any work on the site. See www.devonbuildingcontrol.gov.uk for further information.

Discharge of Conditions - If your application has been approved with conditions then any pre-commencement conditions must be discharged before work starts. The fee to discharge conditions is per request, not per condition, and it is therefore more cost effective to discharge all conditions at once. Listed Building Consents are exempt from fees.

Amending your permission (only applies to planning permissions) - If you want to change some details of your planning permission and it is a very small change you can apply for a Non Material Amendment. Larger changes may need a Variation of Condition application to amend the plans condition or a new Planning Application.

Adherence to approved plans/conditions - Failure to adhere to the details of the approved plans or to comply with the conditions contravenes the Town and Country Planning Act 1990 and enforcement action may be taken.

Right of Appeal - further information about appealing can be found at:

http://www.planningportal.gov.uk/uploads/pins/procedural_guide_planning_appeals.pdf

If you are aggrieved by a decision to refuse permission or to grant it subject to conditions you can appeal to the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk/planning/appeals/ Appeals must be made on the correct form relating to the type of application you submitted. Information provided as part of the appeal process will be published online. In some circumstances the Planning Inspectorate may refuse to consider an appeal.

Planning Appeals (Section 78 of the Town and Country Planning Act 1990).

- Householder appeals must be made within **12 weeks** of the date of this notice.
- Minor Commercial Appeals must be made within **12 weeks** of the date of this notice.
- Other planning appeals must be made within **6 months** of the date of this notice.
- Certificate of Lawfulness Appeals (Section 195 of the Town and Country Planning Act 1990) - There is no time limit for submission of an appeal.
- Listed Building Consent or Conservation Area Consent Appeals (Section 20 of the Planning (Listed Building and Conservation Areas) Act 1990). Appeals must be made within **6 months** of the date of this notice.

Advertisement Consent Appeals (Regulation 17 of the Town and Country Planning (Control of Advertisements) Regulations 2007).

- Appeals must be made within 8 weeks of the date of this notice.

High Court Challenge/Judicial Review

As there is no third party right of appeal the only route available for an objector to challenge a decision is through the courts. Legal advice should be sought before considering this option.

Purchase Notices

If the Local Planning Authority or the Planning Inspectorate refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council requiring them to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Disabled Persons

Where any planning permission granted relates to buildings or premises to which the public are to be admitted (whether on payment or otherwise) or to premises in which persons are employed to work, your attention is drawn to Sections 4, 7 and 8a of the Chronically Sick and Disabled Persons Act, 1970 and to the British Standards Institutions Code of Practice for Access for the Disabled to Buildings.

Site Notices

If any site notices are still on or near the site relating to this application, it would be appreciated if you could now remove them please

Dated this 1 August 2024
Application ref. 1003/24/HHO

Patrick Whymer
*Head of Development Management
for and on behalf of the Council*



In any correspondence please quote application number:
1003/24/HHO

Householder Application GRANTED

Town and Country Planning Act, 1990
Town and Country Planning (Development Management
Procedure) (England) Order 2015

Application: 1003/24/HHO

Received: 27 March 2024

Proposal: Householder application for partial demolition, rebuild & extension of existing dwelling, construction of new boatstore & slipway, new swimming pool, new stone retaining wall to replace existing substandard tyre boundary sea defence, with associated driveway/car parking & landscape enhancements

Location: Harbour Watch, East Portlemouth, Salcombe, TQ8 8PU

Applicant: Mr & Mrs P Nagle
Harbour Watch
East Portlemouth Corner To
Mill Bay
East Portlemouth
Devon
TQ8 8PU

Agent: Mr Mark Evans
Cedar House
Membland
Newton Ferrers
Plymouth
PL8 1HP

The South Hams District Council hereby **GRANT** permission to carry out the development described above subject to the following condition(s):

1. The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall in all respects accord strictly with drawing number(s)

- 1702/015 Proposed boathouse floor plans received on 27 March 2024
- 1702/016 Proposed boathouse elevations received on 27 March 2024
- 1702/007 Proposed site plan received on 27 March 2024
- 1702/008 Proposed Upper Ground Floor Plan received on 27 March 2024
- 1702/010 Proposed South Elevation received on 27 March 2024
- 1702/012 Proposed West Elevation received on 27 March 2024

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- 1702/011 Proposed East Elevation received on 27 March 2024
- 1702/014 Proposed North Context Elevation received on 27 March 2024
- 1702/013 Proposed North Elevation received on 27 March 2024
- 1702/009 Proposed Lower Ground Floor Plan received on 27 March 2024
- Siting of proposed boathouse in relation to foreshore 1702/023A received 23.07.2024

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

3. The development shall be carried out in accordance with the following Arboricultural plans and documents:

- Baseline Tree Survey: 05647 4.5.21 (received 27.03.2024)
- Tree Constraints Plan: 05647 TCP 5.5.21 (received 27.03.2024)
- Arboricultural Impact Assessment: 05647 AIA Rev B 7.3.24 (received 27.03.2024)
- Tree Protection Plan: 05647.tpp. Rev B 7.3.24 (received 27.03.2024)
- Garden Management Plan: 05647 October 2021 (received 27.03.2024)
- 1702/007 proposed site plan (received 27.03.2024)

Reason: To avoid the loss or deterioration of trees in the interests of visual amenity and the protection and enhancement of biodiversity in accordance with Joint Local Plan policies DEV26 and DEV28.

4. The development hereby approved shall be carried out in accordance with the actions set out in the Ecology Report by Green Lane Ecology dated August 2023 and any measures required under licence from Natural England. Prior to the commencement of use, the recommendations, mitigation, compensation, net gain and enhancement measures shall be fully implemented and thereafter retained for the life of the development.

Reason: To safeguard the interests of protected species and biodiversity net gain in accordance with Joint Local Plan policy DEV26.

5. The cladding hereby approved shall be natural timber. The cladding shall be allowed to patinate naturally and shall not be stained, colourwashed, or otherwise treated in a manner which would obscure the natural finish.

Reason: To retain the character and appearance of the host building and setting in accordance with DEV20 of the Joint Local Plan.

6. Construction Environmental Management Plan:

Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Environmental Management Plan (CEMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) confirmation that the public footpath adjacent to the site will not be blocked or restricted from use by the construction works
- (e) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 08:00 and 18.00 Mondays to Fridays inc.; 09.00 to 13.00 Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the Planning Authority in advance;
- (f) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (g) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (h) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (i) hours during which no construction traffic will be present at the site;
- (j) the means of enclosure of the site during construction works; and
- (k) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work, and any damage incurred to the highway as a result of construction vehicles to be made good within 3 months of completion of build);
- (o) The CEMP must be reviewed and agreed by the appointed arborist in respect of actions of the proposed piling adjacent to the protected trees prior to Local Authority review.

(p) The CEMP will be required to demonstrate how any construction works will be managed to avoid damage, pollution or disturbance to the environment around the wider site; foreshore and estuary waters during the building phase (including any demolition phases).

The construction management plan must then be implemented and adhered to throughout the construction phase of the development as per the agreed details.

Reason: In the interests of public amenity and highway safety in accordance with policy DEV29 of the Plymouth and South West Devon Joint Local Plan. A pre commencement condition is required as the development has the potential to disturb the highway from the outset, so these matters must be considered before any work commences on site.

Reason: In the interests of environmental and landscape protection to accord with DEV23 and DEV24 of the JLP.

Reason: To ensure the protection of trees and hedges, as required by DEV28 of the JLP.

7. The drainage scheme shall be installed in strict accordance with the approved plans 'Surface Water and Foul Water Plan 1702/022', maintained and retained in accordance with the agreed details for the life of the development.

Reason: To ensure surface water runoff does not increase to the detriment of the public highway or other local properties as a result of the development.

8. The boathouse hereby approved shall only be used for purposes incidental to the enjoyment of the main dwellinghouse. It shall not be used as ancillary accommodation, or let, sold, or otherwise occupied as a separate unit of accommodation.

Reason: The establishment of an additional independent unit of accommodation would give rise to an over intensive use of the site and have a poor spatial relationship with the main dwelling.

9. The proposed GRP Dura on the boathouse is to be in the dark grey colour and retained as such for the lifetime of the development.

Reason: in the interests of environmental preservation and compliance of DEV26 of the JLP.

10. The steel mesh with the base arches of the boathouse as indicated on drawing no 1702/023A are to be coloured in a mute tone and maintained as such for the lifetime of the development.

Reason: in the interests of visual amenity to accord with DEV23 of the JLP.

INFORMATIVES

1. This authority has a pro-active approach to the delivery of development. Early pre-application engagement is always encouraged. In accordance with Article 35(2) of the Town and Country Planning Development Management Procedure (England) Order 2015 (as amended) in determining this application, the Local Planning Authority has endeavoured to work proactively and positively with the applicant, in line with National Planning Policy Framework, to ensure that all relevant planning considerations have been appropriately addressed.

2. The responsibility for ensuring compliance with the terms of the approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details can render the development unauthorised and vulnerable to enforcement action.

3. This permission only allows the use of the proposed boathouse, as approved on drawing numbers 1702/015, 1702/016 and 1702/007 Proposed site plan, all received on 27 March 2024, for purposes incidental to the residential use and occupation of the property known as Harbour Watch. This permission does not authorise any ancillary use or occupation of the development, including overnight accommodation for personal or commercial purpose

THIS DECISION IS NOT A DECISION UNDER BUILDING REGULATIONS

Dated this 1 August 2024
Application ref. 1003/24/HHO

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