

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 and Conservation Area 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 **six 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.

Dated this 30 April 2021

(Application Ref: 4063/19/FUL)

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



In any correspondence please quote application number: **4063/19/FUL**

FULL PLANNING APPLICATION GRANTED

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

Application No.: 4063/19/FUL

Date Received: 16 December 2019

Proposal: Replacement dwelling with associated landscape work (amendment to design previously approved 1125/17/FUL)

Location: Sandnes, Beadon Road, Salcombe, TQ8 8LU

Agent:

Mr Philip Andrews
WvH Planning Ltd
Elmwood
High Park Avenue
East Horsley, Surrey
KT24 5DD

Applicant:

Mr & Mrs R & L Dafforn
31 Elystan Place
London
SW3 3JY

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

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

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): -

- Construction Management Plan (Eclipse Construction) Rev K, dated 8 April 2021
- B100h (proposed floor plans & elevations) & b160a (brise soleil detail), 30/04/21
- Light spillage assessment – rev A (Huf Haus) (dated 29/10/20), 2/11/20
- Materials schedule, 16/07/20
- Arboricultural Impacts Assessment Report, Aspect Tree Consultancy; Tree Protection Plan & Layout Plan (27/02/20)

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- B125g (proposed landscape plan), b120g (proposed site plan), b121a (OS Map), b122e (block plan), b123k (bat mitigation and bat house) & LD/S01 revision D (landscape proposals), 11/06/20

- Mitigation Method Statement (David F Wills), December 2019

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. All elements of the Landscape Scheme, as shown on drawing number LD/S01 revision D 'landscape proposals' shall be implemented and maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation. The landscaping scheme shall be strictly adhered to during the course of the development and thereafter.

Reason: To ensure the provision of an appropriate landscaping scheme in the interests of the visual amenities of the locality and to assimilate the development into its surroundings.

4. The recommendations and mitigation measures set out in the report from Ecology & Habitat Management Ltd, dated 30/10/20 shall be fully implemented and therefore retained in perpetuity.

Reason: To safeguard the interests of protected species from light spill.

5. No works should commence until the LPA has been provided with a copy of the licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the works to go ahead.

Reason: In the interests of ecology. It is a criminal offence to harm protected species and therefore confirmation of the licence is required before works can commence.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), no development of the types described in Part 1, Classes A - H and Part 2, Class A of Schedule 2 to the Order, shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission.

Reason: To safeguard the character and appearance of the area.

7. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

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Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.

Reason: No site investigation can completely characterise a site. This condition is required to ensure that any unexpected contamination that is uncovered during remediation or other site works is dealt with appropriately.

8. There shall be no floodlighting or other external lighting at the site unless otherwise agreed in writing by the Local Planning Authority. Any submitted scheme shall include details of the position, type, luminance and cowl of all external lights to the building and external areas. The development shall be carried out in strict accordance with the agreed details.

Reason: To safeguard the appearance of the locality and the amenities of adjoining residents and in the interests of ecology.

9. Notwithstanding the submitted information, no development shall be commenced until full details to confirm the condition and capacity of the existing surface water drainage scheme have been submitted to and approved in writing by the LPA. Design steps are:

- Percolation testing in accordance with DG 365 will be required to support the re-use of the existing soakaway. The report should include the trial logs and calculate the infiltration rate.

- Soakaway design to demonstrate it can accommodate additional surface water for a 1:100 year event plus an allowance for climate change. (Currently 40%)

- If the ground conditions are not suitable for soakaway then a controlled discharge to a watercourse or Sewer can be considered. The surface water should be attenuated for a 1:100 year event plus 40% for climate change. The offsite discharge should be limited to greenfield runoff rate. Full details of the flow control device including head/discharge relationship will be required.

If the calculated Greenfield runoff rate is too small to be practically achievable, then a maximum offsite discharge rate of 1.0l/s can be considered. Which is achievable in most cases with suitable pre-treatment and shallower storage depth.

- If discharging to the sewer written permission from SWW will be required.

a. If the Local Planning Authority concludes that the method of drainage approved as part of this permission is undermined by the results of the percolation tests, a mitigating drainage alternative shall be agreed with the Local Planning Authority.

b. Shared maintenance and management plan for any shared scheme will be required.

c. The drainage scheme shall be installed in strict accordance with the approved plans, maintained and retained in accordance with the agreed details for the life of the development.

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Reason: To ensure surface water drainage scheme is in line with the current standards and that surface water runoff does not increase to the detriment of the public highway or other local properties as a result of the development.

10. Details of the works for the disposal of sewage shall have been submitted to and approved in writing by the Local Planning Authority, and the dwelling shall not be occupied until the approved works have been completed to the satisfaction of the Local Planning Authority. Details to include a completed FDA1 form and justification for private foul system.

If the proposed development results in any changes/replacement to the existing system or the creation of a new system, scale plans of the new foul drainage arrangements will also need to be provided. This will include a location plan, cross sections/elevations, specification and its capacity to hold additional load.

Written permission from South West Water will be required if discharge to mains sewer is proposed.

Reason: In the interests of the prevention of pollution.

11. The development hereby approved shall proceed in strict accordance with the information set out on sustainability within paragraphs 4.17 – 4.20 of the Design and Access Statement (WVH Planning). The air source heat pump and solar panels shall be installed in accordance with the details shown on the approved drawings, prior to the first occupation of the dwelling.

Reason: in the interest of neighbouring amenity and to demonstrate that the development that the development can deliver low carbon development in accordance with Policy DEV32 of the Plymouth and South West Devon Joint Local Plan.

12. The recommendations and mitigation measures set out within the Arboricultural Impact Assessment Report (05368 AIA REPORT REV B 22.4.20 , Aspect Tree Consultancy, February 2020), Layout Impact Plan Rev B (05368 LIP Rev A) & Tree Protection Plan (05368 TPP Rev B) shall be fully implemented, and the following should be adhered to: -

(a) No development or other operations shall take place except in complete accordance with the approved scheme.

(b) No operations shall be undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place.

(c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.

(d) Protective fencing shall be erection in accordance with the details set out and retained intact for the full duration of the development hereby approved and shall not be removed or

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repositioned without the prior written approval of the Local Planning Authority. Reason: To ensure the continued well being of the trees in the interests of the amenity of the locality.

13. The Construction Management Plan (Eclipse Construction) Rev K, dated 8 April 2021 shall be strictly adhered to. For the avoidance of doubt only those vehicles specified in appendix 10 shall be used, and there shall be no deliveries outside of the site hours specified (Monday – Friday 08.00-18.00 & 08.00-13.00 Saturdays).

Reason: In the interests of safety, residential amenity and visual amenities.

INFORMATIVES

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.

THIS DECISION IS NOT A DECISION UNDER BUILDING REGULATIONS

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