

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.

Dated this 14 February 2024
Application ref. 4114/23/VAR

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



In any correspondence please quote application number:
4114/23/VAR

Variation or Removal of Condition GRANTED

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

Application: 4114/23/VAR

Received: 4 December 2023

Proposal: Application for variation of condition 2 (approved plans) of planning consent 53/3160/11/F

Location: The Cove Guest House, Torcross, TQ7 2TH

Applicant: Mr Mikael Armstrong
Hockham House
Hockham Road
Compton
Newbury
Berkshire
RG20 6QN

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 approved shall in all respects accord strictly with drawing number(s)

TCGT-LAY-11-F Proposed Lower Ground Floor Plan received on 4 December 2023

TCGT-LAY-12-G Proposed Upper Ground Floor Plan received on 4 December 2023

TCGT-LAY-14-H Proposed North Elevation received on 4 December 2023

TCGT-LAY-15-K Rev:K TCGT-LAY-15-K East Elevation received on 19 January 2024

TCGT-LAY-17-J Rev:J TCGT-LAY-17-J West Elevation received on 19 January 2024

and

1501-PL-00 – Existing site, location and block plans and 1501-PL-01 - Proposed landscape strategy and block plan approved under 1411/21/VAR

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.

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2. Prior to any further works, a cliff stabilisation report and details of works necessary shall be submitted for approval to the Local Planning Authority and thereafter carried out in accordance with the approved details. In the event of future unforeseen stability issues requiring further engineering works no works shall be undertaken (apart from temporary emergency works required to protect the safety of the occupiers or the public) without first obtaining the written permission of the Local Planning Authority

Reason: To ensure a satisfactory form of development and in the interests of public health, and consistency with the development now permitted in accordance with DEV1, DEV2, DEV24 and DEV25 of the Plymouth and South West Devon Joint Local Plan

3. Prior to works commencing, details of repair works to the sea wall and construction methodology that highlights the working area and safeguards in place to protect the adjacent SSSI shall be submitted for approval to the Local Planning Authority and thereafter carried out in accordance with the approved details. No future works to the sea wall shall be carried out (apart from temporary emergency works required to protect the safety of the occupiers or the public) without first obtaining the written permission of the Local Planning Authority

Reason: To protect a designated area and in accordance with DEV26 of the Joint Local Plan

4. The stonework to be used in the development shall accord with those details previously approved under application reference 0693/21/ARC. The new stonework shall be laid on its natural bed and pointed in a mortar recessed from the outer face of the stone. Machine cut or sawn faces shall not be used in the wall or for quoin stones.

Reason: To ensure that the development displays good design practice and to ensure that a high-quality development is maintained and in accordance with DEV20 of the Plymouth and South West Devon Joint Local Plan

5. Details of the triple glazing and the glazed screens around the roof terrace shall be submitted to the Local Planning Authority for approval prior to their installation. Such details shall investigate the use of a combination of low reflective glazing (in accordance with those details previously approved under application reference 0693/21/ARC), also low e glazing to reduce heat loss. Details shall also include measures to minimise light escape during the hours of darkness. Such details as may be approved shall then be installed in accordance with the approved details and under no circumstances shall it cause light pollution nor shall external illumination be operated on the site other than in accordance with any approvals under condition 13.

Reason: To prevent excessive glare and heat loss from the windows, in the interests of amenity, nature conservation and carbon emissions reduction in accordance with DEV23, DEV24, DEV25 and DEV32 of the Plymouth and South West Devon Joint Local Plan

6. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (and any Order revoking and re-enacting this Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:-

(a) Part 1, Class A (extensions and alterations)

(b) Part 1, Classes B and C (roof addition or alteration)

(c) Part 1, Class D (porch)

(d) Part 1, Class E (a) swimming pools and buildings incidental to the enjoyment of the dwelling house and; (b) container used for domestic heating purposes/oil or liquid petroleum gas)

(e) Part 1, Class F (hard surfaces)

(f) Part 1, Class G (chimney, flue or soil and vent pipe)

(g) Part 40, Class A & B (Installation of domestic Microgeneration Equipment)

(h) Part 1, (h) Including those classes described in Schedule 2 Part 2 of the Town and Country Planning (General Permitted Development) Order 1995 (and any Order revoking and re-enacting this Order).

Reason: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development and locality in accordance with DEV20, DEV24 and DEV25 of the Plymouth and South West Devon Joint Local Plan

7. No further development shall take place until a Landscape and Environmental Management Plan, which shall include indications of all existing trees and hedgerows on the site; details of biodiversity enhancements on the site; details of any trees / vegetation to be retained, together with measures for their protection in the course of development has been submitted to and approved by the Local Planning Authority. The landscaping scheme shall include a specification of works for the repair of the existing sea defences within the site and timetable for the completion of such, to be carried out prior to first occupation of the new dwelling.

All planting, seeding, turfing or hard-surfacing comprised in the approved landscaping scheme shall be carried out by the end of the first planting and seeding seasons following the occupation of the buildings or completion of the development, whichever is the sooner. 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 the interests of the visual amenities of the locality and to assimilate the development into its surroundings in

accordance with DEV20, DEV23, DEV24 and DEV25 of the Plymouth and South West Devon Joint Local Plan

8. No further development within the site shall take place until details of biodiversity enhancements which shall include a revised Reptile Mitigation Strategy have been submitted to and approved in writing by the Local Planning Authority. The Mitigation Strategy shall accord with the recommendations set out in the Statement by George Bemment Associates dated 5 September 2015 submitted in association with planning permission reference 53/2267/15/F. Development shall take place in accordance with the agreed biodiversity enhancements and maintained for the duration of the development.

Reason: In the interests of wildlife conservation and DEV26 of the Plymouth and South West Devon Joint Local Plan

9. The parking and manoeuvring area hereby approved shall be provided in accordance with the approved plans prior to the first occupation of the dwelling and thereafter retained solely for the parking and movement of motor vehicles only and shall be retained as such.

Reason: To ensure there is adequate parking and turning within the site in the interests of amenity in accordance with DEV29 of the Plymouth and South West Devon Joint Local Plan

10. 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.

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 in accordance with DEV2 of the Plymouth and South West Devon Joint Local Plan

11. Prior to occupation of the dwelling hereby approved a privacy screen shall be erected on the northern end of the first floor east facing balcony and along the northern side of the roof terrace, in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the amenity of the neighbouring property in accordance with DEV1 of the Plymouth and South West Devon Joint Local Plan

12. No further development shall take place until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority and shall include the following:

(a) The timetable of the works;

(b) Daily hours of construction which shall not exceed between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and at no time on Sundays and Bank/Public Holidays or during the Easter and Summer Devon School Holidays.

(c) Any road closure;

(d) Hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays or during the Easter and Summer Devon School Holidays.

(e) The number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;

(f) 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;

(g) 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;

(h) Hours during which no construction traffic will be present at the site;

(i) The means of enclosure of the site during construction works; and

(j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site

(k) details of wheel washing facilities which shall then be provided in accordance with the agreed details

(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.

(o) Details for the protection of the SSSI from building works, especially those works relating to the repair of the sea wall

Reason: In the interests of highway safety, residential amenity, wildlife conservation and tree protection and in accordance with DEV1 and DEV2 of the Plymouth and South West Devon Joint Local Plan.

13. Prior to their installation details and locations for the air source heat pump, battery storage and solar/pv panels shall be first approved by the Local Planning Authority and thereafter installed in accordance with the approved details. The solar /pv panels to be submitted for approval shall use low reflective glazing and on being life expired shall be replaced with newer products of a similar or better specification.

Reason: In order to reduce the carbon emissions arising from the development in accordance with DEV32 of the Plymouth and South West Devon Joint Local Plan and the South Hams Climate Emergency Planning Policy.

14. Details of any external lighting (including security lighting) to be erected, placed, or sited within the site shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The work shall thereafter be carried out in accordance with the approved details and under no circumstances shall it cause light pollution, nor shall external illumination be operated on the site other than in accordance with the approved scheme.

Reason: In the interests of the amenities of the occupiers of neighbouring residential properties and to protect the area for excessive light pollution in accordance with policy DEV2 of the Plymouth and South West Devon Joint Local Plan

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.

THIS DECISION IS NOT A DECISION UNDER BUILDING REGULATIONS

Dated this 14 February 2024
Application ref. 4114/23/VAR

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