

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 7th May 2020

(Application Ref: 4159/19/FUL)

Patrick Whymer

**Head of Development Management Practice
for and on behalf of the Council**



In any correspondence please quote application number: **4159/19/FUL**

FULL PLANNING APPLICATION REFUSED

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

Application No.: 4159/19/FUL

Date Received: 23 December 2019

Proposal: Construction of new two storey house with ancillary external paths and terraces and renewal of external staircase (Resubmission of 0201/19/FUL)

Location: Land at SX 738 387, Lower Rockledge, Devon Road, Salcombe, TQ8 8HJ

Agent:

Mr Richard Pain
The Loft
Chillington
Nr. Kingsbridge
TQ7 2LW

Applicant:

Mr P Williams
Flat 6
Stonehanger Court
Devon Road,
Salcombe
TQ8 8HJ

The South Hams District Council hereby **REFUSE** permission to carry out the development described above **for the following reason:**

1. The proposed development by virtue of its siting and proximity to the 2no. off-site Corsican Pine Trees (identified as T1 and T2 in Tree Protection Order Ref: 1010) would likely amplify fear of harm from any future occupiers and would likely give rise to pressure upon the tree owner to inappropriately prune or fell the aforementioned third-party trees contrary to the public visual amenities of the local and wider landscapes as presently contributed by the subject trees which are considered well-formed examples of evergreen species that are highly tolerant of coastal conditions, and which positively contribute to the setting of the townscape within the AONB and visual landscape generally.

Further, the offer by the applicant to engage into an s106 agreement between the current landowner and the owner of the third-party Corsican Pine Trees T1 and T2 as a means of mitigation is not considered a suitable vehicle nor remedy to the risks / detriment posed, as set out in the relevant section of the officer's report.

As such, in the interests of preserving the significant public visual amenity benefits of the prominent subject trees which serve to add extensive varied amenity benefits as large sylvan features to the wider sylvan setting of estuary/ harbour mouth locality, as amplified by the steeply falling topography and paucity of blocking features, the proposal, on balance and in consideration of its limited social and economic benefits, is not deemed acceptable.

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This refusal notice refers to the following documents:

HWS.87_Rockledge Trees Agreement_Dated_22.4.20 (Unsigned)

HWS.87.127 - Site plan corsican pines - Dated: April 2020 - Scale: 1:100 @ A1.

HWS.87.128 - Corsican Pines View from East - Dated: April 2020 - Scale: NTS @ A1.

Preliminary Ecological Appraisal – Colin N Wills – Received: 23/12/2019.

Stonehanger Court Survey_Location_parking_refuse – Ref: HWS.87.79a – Dated: January 2019 – At Scale: 1:100 @ A1.

Flood Risk Ref: HWS.87.78 Dated: January 2019 At scale: NTS @ A4.

Site Plan – Ref: HWS.87.110 – Site Plan – Dated: April 2019 – At Scale: 1:100 @ A1.

Design and Access Statement – Ref: HWS.87 – Lower Rockledge – Dated: December 2019.

Phase 1 Contamination Assessment Report – November 2018 – Ref: P180910.

Upper Plan – Ref: HWS.87.111 – Dated: April 2019 – At Scale: 1:50 @ A1.

Lower Plan – Ref: HWS.87.112 – Dated: April 2019 – At Scale: 1:50 @ A1.

Roof Plan - Ref: HWS.87.113 – Dated: April 2019 – At Scale: 1:50 @ A1.

Section - Ref: HWS.87.114 – Dated: May 2019 – At Scale: 1:100 @ A1.

Section - Ref: HWS.87.115 – Dated: May 2019 – At Scale: 1:50 @ A1.

North West Elevation – Ref: HWS.87.117 – Dated: May 2019 – At Scale: 1:50, 200 @ A1.

East Elevation – Ref: HWS.87.116 – Dated: May 2019 – At Scale: 1:50, 200 @ A1.

South West Elevation – Ref: HWS.87.119 – Dated: May 2019 – At Scale: 1:50, 200 @ A1.

North East Elevation – Ref: HWS.87.118 – Rev – A - Dated: May 2019 – At Scale: 1:50, 200 @ A1.

View from South – Ref: HWS.87.121 – Dated: May 2019 – At Scale: 1:100 @ A1.

Isometrics – Ref: HWS.87.122 – Dated: March 2019 – At Scale: 1:100 @ A1.

Tree Survey – Aspect Tree Consultancy – Ref: 045156-TreeSurvey-2018 – Dated: 01/11/2018.

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Site Plan – Comparison - HWS.87.106c – Dated: March 2019 – Scale: 1:100 @ A1.

Drainage Statement – Expedite – Rev E – Dated: 23/01/2020 – Ref: ES18.92.

Tree Protection Plan – Dated: 16/05/2019 – At Scale: 1:200 @ A1. Ref: 05156 TPP 16-05-2019 Rev A.

Arboricultural Impact Assessment Report – Ref: 05156 – Lower Rockledge – AIA REV A. Received: 03/01/2020.

Structural Survey – Slope Stability Review – Ref: 18069/01 – Received: 03/01/2020.

Cover Letter – Ref: HWS.87.05 / rjkg – Dated: 20/12/2019.

Email from Agent with drainage details – Received: 28/01/2020.

Drainage Plan – Overall Strategy Sketch – At Scale: 1:100 – Dated: January 2019 – Ref: SK03.00 Rev: P6.

Outlet- Overflow Hand Sketch – Received: 28/01/2020.

Blue Roof Design Enquiry – Bauder comments – Dated: 14/02/2019.

Report from Structural Engineer – Briefing Note 01 – Slope Stability. Dated: 06/03/2020.

Arboricultural Response – Dated: 06/04/2020 - Ref: 05156.

Architect Comments – Dated: 09/04/2020.

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.

THIS DECISION IS NOT A DECISION UNDER BUILDING REGULATIONS

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