

## **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](http://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](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/](http://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 24<sup>th</sup> May 2019

(Application Ref: 2574/16/OPA)

Patrick Whymer

**Development Management Lead**  
for and on behalf of the Council



In any correspondence please quote application number: **2574/16/OPA**

# OUTLINE PLANNING APPLICATION GRANTED

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

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**Application No.:** 2574/16/OPA

**Date Received:** 17 August 2016

**Proposal:** Outline application with all matters reserved for 14 new dwellings.

**Location:** Dennings, Wallingford Road, Kingsbridge, TQ7 1NF

**Agent:**

Mike Derry  
Derry Owen Architects  
The Warehouse  
Prince Of Wales Road,  
Kingsbridge  
TQ7 1DY

**Applicant:**

Mr Jonathan Stilwell  
The Warehouse  
Prince Of Wales Road  
Kingsbridge  
TQ7 1DY

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

1. In the case of any matter reserved by this permission application for approval of any reserved matter must be made not later than the expiration of three years beginning with the date of grant of outline planning permission.

The development to which this permission relates must be begun not later than whichever is the later of the following dates:

(i) the expiration of three years from the date of the grant of outline planning permission; or if later

(ii) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 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 authorised shall be carried out in accordance with detailed drawings which shall previously have been submitted to and approved by the Local Planning Authority. These detailed drawings shall show the following:

(a) the design and external appearance of the proposed buildings;

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- (b) their siting;
- (c) existing (and proposed) (i) site levels (together with proposed (ii) slab levels);
- (d) the materials for their construction
- (e) the arrangements for the disposal of foul and surface water;
- (f) the areas for (i) parking (ii) (and turning) of vehicles;
- (g) all other works including walls, fences, means of enclosure, screening;
- (h) the location, extent and layout of open spaces;
- (i) the design, layout, levels, gradients, materials, drainage, lighting and method of construction of all new roads and connection with existing roads.
- (j) means of access
- (k) any necessary off-site highway works
- (l) landscaping

Reason: To ensure that adequate information is available for the proper consideration of the detailed proposals.

3. The development hereby approved shall in all respects accord strictly with drawing number 2072/SLP Rev C.

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.

4. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

REASON: To ensure that adequate information is available for the proper consideration of the detailed proposals.

5. All off site highway works shall be complete prior to occupation of the first dwelling.

Reason - In the interests of highway safety.

6. The development hereby authorised shall be carried out in accordance with detailed drawings which shall previously have been submitted to and approved by the Local Planning Authority. These detailed drawings shall show the following: (a) the design and external appearance of the proposed building(s); (b) its/their siting; (c) existing (and proposed) (i) site

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levels (together with proposed (ii) slab levels); (d) the materials for their construction (e) the arrangements for the disposal of foul and surface water; (f) the means of access from public highways; (g) the areas for (i) parking (ii) (and turning) of vehicles (in accordance with the Devon County Council's parking standards); (h) all other works including walls fences means of enclosure screening. (i) the location, extent and layout of open space(s) play space(s) (j) the design, layout, levels, gradients, materials, drainage, lighting and method of construction of all new roads and connection with existing roads.

Reason: To ensure that adequate information is available for the proper consideration of the detailed proposals.

7. Prior to their installation details / samples of external facing materials and roofing materials to be used in the construction of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with those samples as approved.

Reason: In the interests of visual amenity

8. Details of all boundary treatments shall be submitted to and agreed in writing by the Local Planning Authority prior to their installation and shall be provided/implemented prior to first occupation/use. Thereafter the boundary detail shall be retained and maintained.

Reason: In the interest of visual amenity in order to protect and enhance the amenities of the site and locality.

9. Prior to the commencement of development hereby permitted, a construction environmental management plan (CEMP) shall be submitted, detailing measures to mitigate or reduce the impact of the construction activities. This plan shall include;

- detailed hours of operation and hours of deliveries,
- methods of controlling noise from construction activities,
- a dust impact assessment and mitigation assessment,
- location of contractors compound,
- location of the storage of materials,
- wheel washing facilities,
- details of delivery routes for construction traffic,
- provision of car parking for contractors,
- details of a temporary direction signing scheme,
- photographic evidence of the condition of adjacent public highway prior to commencement of any work and
- measures to prevent water quality impacts arising during the construction phase.

Once approved all construction activities shall be carried out in accordance with this management plan.

Reason: In the interests of the safety and amenities of neighbouring occupiers and the safety of highway users.

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This needs to be a pre-commencement condition as it controls construction management from the very start of development

10. No part of the development hereby permitted shall be commenced until a programme of percolation tests has been carried out in accordance with BRE Digest 365 Soakaway Design (2007), and the results approved in writing by the Local Planning Authority, with consultation with Devon County Council as the Lead Local Flood Authority. A representative number of tests should be conducted to provide adequate coverage of the site, with particular focus placed on the locations of the proposed soakaways and permeable surfaces.

Reason: To ensure that surface water from the development is discharged as high up the drainage hierarchy as is feasible.

This needs to be a pre-commencement condition to ensure appropriate testing is concluded to inform the drainage design before development commences.

11. No part of the development hereby permitted shall be commenced until a detailed permanent surface water drainage management plan has been submitted to, and approved in writing by, the Local Planning Authority, with consultation with Devon County Council as the Lead Local Flood Authority. This detailed permanent surface water drainage management plan will be informed by the programme of approved BRE Digest 365 Soakaway Design (2007) percolation tests, together with assessment to ensure that infiltrating water will not raise groundwater levels, be evacuated further downslope, or destabilise the site slopes itself. If this assessment demonstrates that infiltration is not a viable means of disposing of surface water on this site, the alternative attenuation drainage strategy should be implemented. The detailed design should be in accordance with the principles of sustainable drainage systems and those set out in the Drawing No. 2072/107-A - Proposed Drainage Layout Plan (dated 20/09/2017) and HR Wallingford Surface Water Storage Requirement Report Ref: 6110908 (dated 20/09/2017).

The proposed drainage scheme should demonstrate how it will prevent detrimental water quality impacts on the Salcombe to Kingsbridge Estuary SSSI

Reason: To ensure that surface water from the development is discharged as high up the drainage hierarchy as is feasible, and is managed in accordance with the principles of sustainable drainage systems.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

This needs to be a pre-commencement condition to ensure a detailed drainage scheme is designed and laid out at the appropriate stage in the construction process.

12. No part of the development hereby permitted shall be occupied until details of the adoption and maintenance arrangements for the entire site's permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, with consultation with Devon County Council as the Lead Local Flood Authority.

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Reason: To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development.

13. No part of the development hereby permitted shall be commenced until a detailed surface water drainage management plan for the full period of the development's construction, has been submitted to, and approved in writing by, the Local Planning Authority, with consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system shall then be constructed in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority, with consultation with Devon County Council as the Lead Local Flood Authority, and shall thereafter be so maintained.

Reason: To ensure that surface water from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

This needs to be a pre-commencement condition as it seeks to ensure proper management of surface water from the very start of the construction process.

14. Prior to the commencement of development a Landscape and Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This plan shall include details of ongoing management of boundary features, reptile receptor sites, trees, and public open space and an ongoing management regime required to sustain the agreed mitigation/enhancement works.

Reason: In the interests of biodiversity.

This needs to be a pre-commencement condition as some of the measures may need to be implemented from or before the start of construction.

15. 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.

16. The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees and hedgerows as shown on the plans, including their root

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systems, or other planting to be retained as part of the landscaping scheme, by adopting the following:

- (i) All trees to be preserved should be marked on site and protected during any operations on site by a fence.
- (ii) No fires shall be lit within the spread of the branches of the trees
- (iii) No materials or equipment shall be stored within the spread of the branches of the trees
- (iv) Any damage to the trees shall be treated with an appropriate preservative.
- (v) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, or trenches excavated, except in accordance with details shown on the approved plans.

Reason: To protect the existing trees and hedgerows in order to enhance the amenities of the site and locality.

This needs to be a pre-commencement condition to ensure proper protection measures are in place before development commences.

17. Except in accordance with the provisions of a landscaping scheme/reserved matters application approved by the Local Planning Authority no tree or hedge, shall be felled, removed or otherwise damaged or destroyed unless otherwise agreed in writing by the Local Planning Authority

Reason: In the interests of visual amenity in order to protect and enhance the amenities of the site and locality.

18. All garages and parking area shall be provided in accordance with the approved details prior to the occupation of the dwelling to which they relate and the garages and parking areas shall be retained for the parking/storage of a private motor vehicle(s) only.

Reason: To safeguard the residential amenities of adjoining occupiers and in the interests of the safety and convenience of users of the highway

19. Notwithstanding the provisions of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking, re-enacting or further amending that Order), no development of the types described in Schedule 2, Part 1, Classes B, C and F of the Order, including the construction of dormers, roof alterations and provision of hardstandings and part 2, Classes A and B including gates, fences, walls or other means of enclosure and means of access shall be carried out on the site, other than that hereby permitted, unless the permission in writing of the Local Planning Authority is obtained.

Reason: To protect the appearance of the area, to ensure adequate space about the buildings hereby approved, to prevent the increased risk of flooding elsewhere and in the interests of amenity.

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20. No external lighting shall be installed until a detailed lighting strategy has been submitted to and approved in writing by the Local Planning Authority. The lighting strategy shall accord with the recommendations in para 4.7 of the Bat Activity and Emergence Survey by Green Lane Ecology dated January 2016 and shall have been signed off by a qualified ecologist before submission to the LPA.

Development shall take place in accordance with the approved strategy.

Reason: In the interests of biodiversity

21. The recommendations, mitigation and enhancement measures of the submitted Ecological Reports and Surveys shall be fully implemented prior to the commencement of the use hereby approved and adhered to at all times. In particular with regard to section 2 of the Badger Mitigation Report by Green Lane Ecology dated January 2016 and Section 4 of the Reptile Survey and Mitigation Report by Green Lane Ecology dated April 2016.

In the event that it is not possible to do so all work shall immediately cease and not recommence until such time as an alternative strategy has been agreed in writing with the local planning authority.

Reason: To safeguard the interests of protected species

This needs to be a pre-commencement condition to ensure that necessary mitigation measures are taken before work starts on site.

22. The housing mix shall be agreed with the local planning authority and shall reflect local housing need. This detail shall be agreed when reserved matters for layout is applied for.

Reason: To ensure a balanced provision of housing stock in the area.

## **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. This permission is to be read in conjunction with the Section 106 Obligation dated 17 May 2019 between South Hams District Council and Roger Tyler and Joyce Tyler and Devon Country Council and South Devon Rural Housing Association

3. 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

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Framework, to ensure that all relevant planning considerations have been appropriately addressed.

4. 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.

5. If your decision requires the discharge of conditions then you must submit an application for each request to discharge these conditions. The current fee chargeable by the Local Planning Authority is £116 per request. Application forms are available on the Council's website.

**THIS DECISION IS NOT A DECISION UNDER BUILDING REGULATIONS**

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