

## **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 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 **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 17 January 2025  
Application ref. 2572/24/FUL

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



In any correspondence, please quote application number:  
**2572/24/FUL**

## **Full Planning Application GRANTED**

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

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**Application:** 2572/24/FUL

**Received:** 12 August 2024

**Proposal:** Demolition & construction of new replacement dwelling with associated landscaping

**Location:** Sheerwater  
Devon Road  
Salcombe  
TQ8 8HJ

**Applicant:** BBH Chartered Architects  
Ltd  
Sheerwater  
Devon Road  
Devon  
Salcombe  
TQ8 8HJ

**Agent:** Mr Adam Bennis  
BBH Chartered Architects  
Ltd  
BBH Chartered Architects  
Ltd  
9 Duke Street  
DARTMOUTH  
TQ6 9PY

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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. 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)

4300 20 Rev: C Proposed first floor plan received on 12 August 2024

4300 21 Rev: C Proposed second floor plan received on 12 August 2024

4300 22 Rev: C Proposed third floor plan received on 12 August 2024

4300 23 Rev: C Proposed roof & garage first floor plan received on 12 August 2024

4300 24 Rev: C Proposed roof plan received on 12 August 2024

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4300 27 Rev: B Proposed area of works plan received on 12 August 2024  
4300 30 Rev: C Proposed southeastern elevation received on 12 August 2024  
4300 31 Rev: C Proposed northwest elevation received on 12 August 2024  
4300 32 Rev: C Proposed northeastern elevation received on 12 August 2024  
4300 33 Rev: A Proposed garage elevations received on 12 August 2024  
4300 35 Rev: A Proposed northeastern elevation received on 12 August 2024  
4300 40 Rev: B Proposed section A-A received on 12 August 2024  
4300 01 Location Plan, Block Plan received on 12 August 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. Notwithstanding the information provided, if the demolition/construction phase requires a crane, before the crane is first brought onto site, information shall be submitted to and approved in writing by the local planning authority demonstrating how the use of a crane on site will not over sail existing tree canopies or cause harm to branches of the protected offsite trees whilst moving materials around the site. The development shall proceed in strict accordance with the details approved.

Reason: in the interests of protecting existing trees in accordance with policy DEV28 of the Plymouth and South West Devon Joint Local Plan.

4. Prior to installation, details of the proposed render type and colour(s) shall be agreed in writing with the Local Planning Authority and shall be applied without the use of metal beads or stops. Movement joints, where required, shall be positioned at changes of direction or directly behind rainwater downpipes.

Reason: To ensure that the finishes and colours are appropriate to the locality, and to conserve and enhance the National Landscape in accordance with policies DEV20, DEV23 and DEV24 of the Plymouth and South West Devon Joint Local Plan.

5. All areas of new stone walls shall be constructed of natural random stone laid traditionally on its quarry bedding and pointed in a brown mortar finish recessed from the outer face of the walls. A sample panel of not less than two square metres shall be provided for inspection and written agreement by the Local Planning Authority prior to the construction of any of the new walls.

The natural stone used in all of the new walls must accord with the hierarchy of origin as well as meeting the requirements to be compatible with local vernacular and design:

- a. Reclaimed UK or European stone where available with proof of origin from supplier
- b. New UK derived stone with proof of origin from supplier

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- c. New European derived stone with proof of origin from supplier
- d. No other natural stone products will be considered acceptable

All new natural stone must be covered by a minimum warranty period of 50 years. Where possible, a product should be obtained that has an Environmental Product Declaration (EPD). If an EPD is not available, a verifiable certificate of origin or provenance will need to be supplied.

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and reenacting this Order), all new stone walls, constructed in accordance with the approved drawings and the terms of this condition, and all existing stone boundary walls shall be retained in their natural stone finish and shall not be rendered, colour washed or otherwise treated in a manner which would obscure the natural stone finish, nor shall they be demolished either in whole or in part.

Reason: To enable the Local Planning Authority to consider the details of all stonework to be constructed as part of the development hereby permitted in order to ensure that the development displays good design and is of a locally distinctive style and conserves and enhances the National Landscape in accordance with policies DEV20, DEV23 and DEV25 of the Plymouth and South West Devon Joint Local Plan.

6. Notwithstanding the information shown on the approved drawings, all glass (including balustrades) hereby approved on the south eastern elevation (as shown on drawing number 30Rev C), shall be constructed from non-reflective glass details of which shall be submitted to and agreed in writing by the local planning authority prior to installation.

Reason: To reduce light pollution, in the interests of conserving and enhancing the National Landscape and biodiversity in accordance with policies DEV23, DEV25 and DEV26 of the Plymouth and South West Devon Joint Local Plan.

7. All elements of the landscaping scheme shall be implemented and maintained in accordance with the approved Landscape details unless otherwise agreed in writing by the Local Planning Authority.

- Landscape Design Proposal, Redbay Design, June 2024
- 984/01 Rev B, planting plan 01, Redbay Design
- 984/02 Rev B, planting plan 02, Redbay Design
- 984/03 Rev A, planting plan 03, Redbay Design
- 984/03 Rev B, planting plan 04, Redbay Design

All work shall be completed by the end of the first available planting season following practical completion of the development or first occupation of the dwelling hereby approved, whichever is the sooner.

Any trees or plants that, within an establishment period of ten years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonable, practicable with other species, size and number as originally approved, unless the Local Planning Authority gives consent to any variation.

Reason: In the interests of biodiversity, to protect the landscape character and visual amenities of the area in accordance with Policies DEV20, DEV23, DEV26 and DEV28 of the adopted Plymouth and South West Devon Joint Local Plan 2014-2034.

8. No vegetation clearance shall take place during the bird nesting season (01 March to 31 August, inclusive) unless the developer has been advised by a suitably qualified ecologist that the clearance will not disturb nesting birds and a record of this kept.

Reason: In order to safeguard the interests of protected species in accordance with policy DEV26 of the Plymouth and South West Devon Joint Local Plan.

9. The development shall be carried out in strict accordance with any measures required under licence from Natural England. Prior to first occupation, the consultant ecologist shall confirm in writing to the local planning authority that the recommendations required under the licence have been implemented.

Reason: In order to safeguard the interests of protected species in accordance with policy DEV26 of the Plymouth and South West Devon Joint Local Plan.

10. The retained garage, store and annexe building (as shown on drawing 33 Rev A and 27 Rev B) shall not be occupied at any time other than for purposes ancillary to the residential use of the host dwelling "Sheerwater, Salcombe" and shall not be used, let, leased or otherwise disposed of for any other purpose or as a separate unit of accommodation.

Reason: The application does not propose the use of the building as an independent unit of accommodation, and any proposal to do so would need to be assessed and reviewed by the LPA having regard to key material considerations including but by no means limited to the relationship with the main dwelling and its occupancy as a principal residency.

11. 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 Joint Local Plan.

12. The development hereby approved shall comply with the DEV32/CEC Statement, BBH received on 8 November 2024, specifically the net carbon cost of the project should not exceed the embodied carbon figures, and the replacement dwelling must not exceed the embodied carbon figures. Prior to the occupation of the dwelling a post-construction embodied carbon evaluation, which provides a full carbon assessment of the demolition and new build to demonstrate the stated figures have not been exceeded shall be submitted to and approved in writing by the Local Planning Authority.

Reason: The proposal has been considered against the carbon reduction targets within DEV32 'Delivering low carbon development' of the Joint Local Plan and objectives within the Climate Emergency Planning Statement (adopted November 2022). This condition will ensure the environmental attributes of the proposal are not diminished through implementation.

13. Notwithstanding the information shown on the approved drawings the cantilevered roof over the games room (as shown on drawing number 20 Rev C) shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the local planning authority. Access shall be for maintenance only.

Reason: (1) In the interests of neighbouring amenity in accordance with policy DEV1 of the Plymouth and South West Devon Joint Local Plan. (2) In the interests of the appearance of the dwelling and its surroundings in accordance with policies DEV20, DEV23 and DEV25 of the adopted Plymouth and South West Devon Joint Local Plan.

14. The drainage scheme shall be installed in strict accordance with the approved plans 'Drainage Plans 4300-26-Rev B', 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 in accordance with policy DEV35 of the adopted Plymouth and South West Devon Joint Local Plan.

15. Prior to their installation, details of the solar panels to be used in the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The panels shall be of a visually recessive design. Prior to occupation of the building hereby approved, the panels shall be installed in accordance with those details as approved and retained and maintained for the lifetime of the development. The panels shall be removed as soon as reasonably practicable when no longer required.

Reason: (1) In the interests of visual amenity in accordance with policies DEV23 and DEV25 of the Joint Local Plan. (2) To ensure the development contributes toward delivering a low carbon future and supports the Plan Area target to halve 2005 levels of carbon emissions by 2034 and increase the use and production of decentralised energy; and in accordance with policy DEV32.

16. Notwithstanding the information shown on the approved drawings there shall be no external lighting at the site (including security lighting) unless otherwise previously approved in writing by the Local Planning Authority. Details of positions, heights, type, luminance/light intensity, direction and cowling (if any) of any external lighting (including security lighting), to be erected, placed or operated on any part of the application site shall be submitted to and approved in writing by the Local Planning Authority prior to its erection or installation. Such lighting shall thereafter be installed in strict accordance with the approved details and under no circumstances shall external illumination be operated on the site other than in accordance with the approved scheme.

Reason: In the interests of biodiversity and in the interests of visual amenities in accordance with policies DEV20, DEV23, DEV25 and DEV26 of the Plymouth and South West Devon Joint Local Plan.

## **INFORMATIVES**

1. 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.

2. 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**

Dated this 17 January 2025  
Application ref. 2572/24/FUL

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