

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 23 February 2024
Application ref. 3629/23/HHO

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



In any correspondence please quote application number:
3629/23/HHO

Householder Application GRANTED

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

Application: 3629/23/HHO

Received: 31 October 2023

Proposal: Householder application for demolition of existing extension and extensions and alteration to existing dwelling, driveway improvements and associated landscaping

Location: Onnalea, Bantham, TQ7 3AR

Applicant: Tim Slade
Langman's Quay
West Buckland
Kingsbridge
TQ7 3AG

Agent: Mr Mark Evans - Mark Evans
Planning Limited
Cedar House
Membland
Newton Ferrers
Plymouth
PL8 1HP

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):

- Location Plan - Slade/4/SLP
- Block Plan - Slade/4/BP
- Proposed Ground Floor Plan - Slade/4/PL02 Rev D
- Proposed First Floor Plan - Slade/4/PL03 Rev D

Received by the Local Planning Authority: 06/11/2023

Dated this 23 February 2024
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- Proposed Site and Roof Plan - Slade/4/PL01 Rev E
- Proposed Second Floor Plan - Slade/4/PL04 Rev E
- Proposed North and West Elevations - Slade/4/PL05 Rev E
- Proposed South and East Elevations - Slade/4/PL06 Rev E

Received by the Local Planning Authority: 11/01/2024

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. The drainage scheme shall be installed in strict accordance with the approved plans and the Foul and Surface Water Drainage Assessment Rev B - Pawsey Design Ltd ref: 384/21 and dated: 13 December 2021 and shall be 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 Joint Local Plan.

4. The development hereby approved shall be carried out in accordance with the actions set out in the Mitigation Method Statement – Bats and Nesting Birds (Ecological Mitigation and Enhancement Strategy) by Colin N Wills and dated: 16th October 2023 and any measures required under licence from Natural England. Prior to the commencement of use, the recommendations, mitigation, compensation, net gain and enhancement measures shall be fully implemented and thereafter retained for the life of the development.

Reason: To safeguard the interests of protected species and biodiversity net gain in accordance with Joint Local Plan policy DEV26.

5. The development hereby approved shall be carried out in accordance with the actions set out in the Tree Survey by Phil Thomas Arboriculture and dated: 6th October 2023. Prior to the commencement of use, the recommendations, mitigation, compensation, net gain and enhancement measures shall be fully implemented and thereafter retained for the life of the development.

Reason: To safeguard the interests of trees and hedgerows on site in accordance with Joint Local Plan policy DEV28.

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6. No external lighting shall be installed on the site unless details of such lighting, including design, location, the intensity of illumination, have first been submitted to and approved in writing by the Local Planning Authority. Any external lighting shall accord with the details so approved.

Reason: In the interests of preserving the rural character of the landscape and to mitigate and compensate for impacts on protected species in accordance with DEV20, DEV23 and DEV26 of the Joint Local Plan.

7. No works 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: To safeguard the interests of protected species and biodiversity net gain in accordance with Joint Local Plan policy DEV26.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and reenacting this Order) the glazing to be used within all proposed rooflights hereby approved shall be glazed in low transmission glass (40% transmission reduction as a minimum requirement), and thereafter so maintained.

Reason: To mitigate and compensate for impacts on protected species in accordance with DEV26 of the Joint Local Plan.

9. The development hereby approved shall accord with the measures detailed in the Climate Emergency Compliance form received by the Local Planning Authority on 6th November 2023. All measures to reduce carbon emissions shall be installed prior to the occupation of the proposed extensions hereby approved and hereafter be retained and maintained for the life of the development.

Reason: To ensure that the development contributes to the carbon reduction targets within DEV32 of the Joint Local Plan and objectives within the Climate Emergency Planning Statement (November 2022).

10. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) Order, 2015 (and any Order revoking and re enacting this Order), no development of the types described in the

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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:

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

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 policies DEV20 and DEV23 of the 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.
3. If your decision requires the discharge of conditions then you must submit an application for each request to discharge these conditions. Please see the Council website for the current fee payable (fee payable per application, not per condition) and application forms.
4. Bats and their roosts (resting/breeding places) and nesting birds are protected by law. In the event that a bat is discovered then works should cease and the advice of a suitably qualified ecologist should be obtained. Works should not resume until their advice has been followed. No vegetation shall be removed or buildings demolished during bird nesting season (i.e. between March 1st and August 31st) in any year unless a breeding bird check by a suitably qualified ecologist has been carried out immediately prior, no more than 48 hours, to works starting and written confirmation provided that no active bird nests are present. If any nesting birds are discovered using the areas to be affected, all works should stop until the developer has been advised by a suitably qualified ecologist that the clearance will not disturb nesting birds and a record of this kept.

THIS DECISION IS NOT A DECISION UNDER BUILDING REGULATIONS

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