

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 30 January 2018

(Application Ref: 1240/16/FUL)

Patrick Whymer
Development Management Lead
for and on behalf of the Council



South Hams
District Council

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(Application Ref: 1240/16/FUL)

Patrick Whymer
Development Management Lead
for and on behalf of the Council

Application No.: 1240/16/FUL

Date Received: 25 April 2016

Proposal: Proposed residential development of three detached dwellings

Location: Land Opposite Lyndale, Onslow Road, Salcombe, TQ88AH

Applicant/Agent:

Mr Nigel Keen
The Studio
105 Southbroom Road
Devizes
SN10 1LY

Applicant:

King, Cooper & Payne
Land Opposite Lyndale
Onslow Road
Salcombe
TQ88AH

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

1. The proposed development, due to its design, siting, height, scale, form, bulk and massing would result in an unduly overbearing, dominant and unneighbourly development, detrimental to the amenities of neighbouring occupiers by reason of an overbearing impact, increased sense of enclosure, overlooking, loss of privacy (direct and perceived) and overshadowing, contrary to Policy DP3 (1 and 2), paragraph 17 the NPPF, Planning Practice Guidance on Design including paragraphs 002 and 026 and emerging JLP Policy DEV 1(1).
2. The proposed development, due to the layout, form, scale, appearance and extent of built development and hard surfacing, absence of opportunities for the retention of natural features and limited capacity for mitigation planting, would result in a development of an inappropriate and overtly urban nature of incongruous appearance in the street scene and landscape, tantamount to an overdevelopment, and which fails to positively respond to local townscape, settlement and landscape character, fails to conserve or enhance the landscape and scenic beauty of the South Devon AONB (a landscape of national importance), or to protect or enhance local views, contrary to Policies DP1 (a, c & e), DP2 (1 b, c & d), CS7 (1) and CS9 (1), paragraphs 7, 8, 17, 61, 64 & 125 of the NPPF, Planning for the South Devon AONB: Planning Guidance Version 1 Supplementary Planning Guidance, advice in National Planning Practice Guidance on Design including paragraphs 006 & 007, 023, 026 & 040 and on Light Pollution including paragraphs 001, 002, 003 & 005, and emerging JLP Policies DEV 10 (1, 2 & 6) and DEV20 (2, 3, 5 & 7) and SPT11 (2).
3. In the absence of adequate drainage and ground stability details, the proposal fails to demonstrate that surface water can be adequately dealt with, in the absence of which

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the proposal could give rise to an increased risk of flooding elsewhere, and land instability, to the detriment of the safety and amenities of neighbouring occupiers and the area generally, contrary to policy DP4 (3 & 5), paragraphs 103, 109, 120 & 121 of the NPPF, advice in National Planning Practice Guidance on Land Stability including paragraphs 001,003 & 006, and emerging JLP Policy DEV2 (1).

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 Decision Notice refers to drawing numbers:

Site Location Plan

Proposed Site Plan A-001 REV F

Entry/Garden Level With Indicative Drainage Plan A-002 Rev E (Parking/manoeuvring layout only)

Proposed Floor Plans – Units 2 & 3 A-101 REV F

Proposed Floor Plans – Units 2 & 3 A-102 Rev C

Proposed Floor Plans – Unit 1 A-103 REV F

Proposed Floor Plans – Unit 1 A-104 REV F

Front Elevation with existing foliage A-201 REV F

Sectional Front Elevation A-201-A REV F

Rear Elevation with existing foliage A-202 REV F

Sectional Rear Elevation A-203 REV F

Unit 1 East Elevation A-204 REV F

Unit 2 West Elevation A-205 REV F

Unit 1 End Elevation - West A-206 REV F

Proposed Section A-A A-301 REV B

Proposed Section B-B A-302 REV B

NK Latest highways Drwg A-004 Rev B (visibility splay only)

THIS DECISION IS NOT A DECISION UNDER BUILDING REGULATIONS

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