

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 28 June 2022

(Application Ref: 1078/22/FUL)

Patrick Whymer

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



In any correspondence please quote application number: **1078/22/FUL**

FULL PLANNING APPLICATION GRANTED

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

Application No.: 1078/22/FUL

Date Received: 25 March 2022

Proposal: Development of a bat house

Location: Land at the former Dairy Crest site, Totnes

Applicant/Agent:

Mr D Seaton - PCL Planning Ltd
13a-15a Old Park Avenue
Exeter
EX1 3WD

Applicant:

Fastglobe (Mastics) Ltd
C/O Agent

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

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

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 the following drawings:

- Arboricultural Impact Assessment & Tree Protection Plan, 05787 AIA.TPP 15.2.22 Sheet 1 of 1 Received by the LPA on 06/05/2022
- Location Plan, 20.162/04 Rev D Received by the LPA on 04/05/2022
- Proposed Plans, 20.161/01 Rev C Received by the LPA on 14/04/2022
- Proposed Site Sections, 20.161/03 Rev C Received by the LPA on 14/04/2022
- Proposed Elevations, 20.161/02 Rev C Received by the LPA on 14/04/2022

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. No development shall take place before details of the existing and proposed site levels and floor levels for the development hereby permitted are submitted to and approved in writing by the Local Planning Authority. The submitted levels shall be measured against a fixed datum

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and shall show the existing ground levels of the adjacent public footpath and neighbouring property to the south west of the site, known at Cotehele, Weirfields.

Reason: In the interests of the amenity of local residents and the character and appearance of the area.

4. Prior to commencement of the development hereby permitted (including preparatory earthworks/site clearance) and prior to the removal of any trees/hedges shown on the Arboricultural Impact Assessment & Tree Protection Plan Dwg Ref: 05787 AIA.TPP 15.2.22, a scheme of soft landscaping and tree planting shall be submitted to and approved by the Local Planning Authority. The scheme shall include:

- Details of existing trees and hedging which are to be retained
- The location, number, species, density, form and size of proposed tree, hedge and shrub planting and grassed areas
- Details of proposed mitigation to replace the trees which are shown to be removed on the Arboricultural Impact Assessment & Tree Protection Plan, Dwg Ref: 05787 AIA.TPP 15.2.22, in accordance with Table 28 of the Plymouth and South West Devon Joint Local Plan 2014-2034 Supplementary Planning Document 2020.
- The method of planting, establishment and protection of tree, hedge and shrub planting and grassed areas
- Maintenance schedules for the establishment of new planting and its ongoing management
- A timetable for implementation of all soft landscaping and tree planting. All trees which are to replace/mitigate for the loss of the trees which are to be removed shall be planted within the first planting season following the removal of such trees.

The development shall be carried out in accordance with the approved scheme of soft landscaping and tree planting, including the timetable for implementation.

Reason: To ensure that appropriate landscaping is provided to integrate the site into the Local Area, and in the interests of the protection and enhancement of biodiversity and protected species/habitats. This condition is imposed in accordance with DEV20, DEV23, DEV26 and DEV28 of the Plymouth and South West Devon Joint Local Plan 2014-2034

5. Prior to commencement of the development hereby permitted, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning authority. The CMP shall include details of:

- (a) the timetable of the works;
- (b) daily hours of construction and hours during which delivery and construction traffic will travel to and from the site;
- (c) confirmation that the public footpath adjacent to the site will not be blocked or restricted from use by the construction works
- (d) the location of a storage area for construction equipment and materials, and construction worker parking
- (e) the means of access to the application site for construction workers and equipment

The development shall be carried out in accordance with the approved CMP.

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Reason: In the interests of public amenity and highway safety.

6. No development above existing ground level shall commence until a surface water drainage strategy is submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved strategy and thereafter so maintained.

Reason: To ensure that the development does not increase the risk of flooding elsewhere and does not have a harmful impact on water quality.

7. The development shall be carried out in accordance with the Arboricultural Method Statement and Tree Protection Plan, Dwg Ref: 05787 AIA.TPP 15.2.22, and the Tree Survey carried out by Aspect Tree Consultancy, Aspect Ref: 05787.

Reason: To ensure that appropriate landscaping is provided to integrate the site into the local area, and in the interests of the protection and enhancement of biodiversity.

8. The development shall be carried out in accordance with the Bat Mitigation & Compensation measures set out in Paragraph 6.5 of the Bat Emergence Survey 2021 & Bat Survey Results Summary, carried out by ECOLOGIC, Report Reference: 210328 rev01. This condition shall be discharged when the consultant ecologist confirms in writing to the LPA that the recommendations have been implemented.

Reason: In the interests of the protection of protected habitats and species.

9. 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 is kept.

Reason: In the interests of the protected of protected habitats and species.

10. 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 the character of the area and the protection of protected habitats and species.

11. Notwithstanding the provisions of the Town and Country (General Permitted Development)(England) Order 2015 (or any Order revising, revoking and re-enacting that Order with or without modification), except for any areas agreed as part of condition 6, no new hard standing areas shall be constructed within the site.

Reason: To ensure the Local Planning Authority retains control over the future development of the site in the interests of its visual amenity and the visual amenity of the local area, in the interests of surface water flood risk and the protection of biodiversity.

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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. You should note that certain wildlife habitats and species are subject to statutory protection under the Wildlife and Countryside Act 1981 (as amended) and/or the Habitats Regulations 1994. It is a criminal offence to breach the provisions of these legal constraints and if your development impacts upon such sites or species you are advised to take advice from a competent ecologist who has experience in the habitats/species involved and, as necessary, any relevant licenses from Natural England.

3. 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.

4. The applicant is reminded that the public footpath adjacent to the site must not be blocked/obstructed during the construction of the development hereby permitted. If a path is blocked deliberately it is a criminal offence under Section 137 of the Highways Act 1980.

5. As the works are within 8 metres of the leat, the applicant is advised to contact the Environment Agency in respect of obtaining a Flood Risk Activity Permit.

6. The applicant's attention is drawn to the comments from the Marine Management Organisation, received by the Local Planning Authority on 31.05.2022.

THIS DECISION IS NOT A DECISION UNDER BUILDING REGULATIONS

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