

## 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 29 November 2016

(Application Ref: 52/1503/15/F)

**Anna Henderson-Smith**

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



In any correspondence please quote application number: **52/1503/15/F**

## **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 No.:** 52/1503/15/F

**Date Received:** 1 April 2015

**Proposal:** Erection of 53 dwellings and the erection of an employment hub/community building of Class B1 & D1 floorspace (approximately 150sqm), together with access, car parking, landscaping, open space and associated works

**Location:** Proposed Development At Sx 8502 5769, Paignton Road, Stoke Gabriel, Devon

**Agent:**

D2 Planning Ltd  
1 St Floor  
4 Stoke Lane  
Westbury On Trym  
Bristol  
BS9 3DL

**Applicant:**

Cavanna Homes (Devon) Ltd  
C/O Agent

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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 to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which this permission is granted.

Reason: In accordance with Section 91 of The Town and Country Planning Act 1990

2. Except for any details required by any of the conditions attached to this permission, the development hereby approved shall accord with the detailed drawings and other submitted documentation hereby approved. A schedule of said approved drawings and documentation is set out in the "Informatives" section of this decision notice.

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 landscaping scheme shall be carried out in full accordance with the details as shown on drawing nos. 12732 L93.01, 12732 L93.02 and 12732 L94.01.

Prior to the commencement of the development, the following landscaping details shall be submitted to and approved in writing by the Local Planning Authority. The landscape designs and specifications shall include the following:

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## Soft Landscaping

(a) 1:200 plans (or at a scale otherwise agreed) with cross-sections of mounding, ponds, ditches and swales and proposed treatment of the edges and perimeters of the site;

(b) Details of changes of level across the site to be carried out;

## Hard Landscaping

(a) Full details of any adventure play and play equipment areas, including surfacing materials;

(b) Utility routes, type and specification;

(c) The location and specification of minor artefacts and structures, including furniture, refuse or other storage units, signs and lighting columns/brackets;

(d) 1:200 plans (or at a scale otherwise agreed) including cross sections, of roads, paths and cycleways;

The landscaping shall be implemented in accordance with a schedule of works to be submitted to and approved in writing by the Local Planning Authority setting out the timing for implementation and replacement of landscaping. No development shall commence until the landscaping scheme and schedule of works have been approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details.

Reason: In the interests of visual and residential amenity

4. No development shall take place until such time as details showing how the existing hedges and trees will be protected throughout the course of the development have been submitted to and approved in writing by the local planning authority. The details shall include a hedge protection plan, in accordance with BS:5837:2010, which shall include the precise location and design details for the erection of protective barriers and any other physical protection measures, the location of contractors/construction compounds and a method statement in relation to construction operations in accordance with paragraph 7.2 of the British Standard. Development of each phase shall be carried out in accordance with the approved hedge protection plan.

Reason: In the interests of visual and residential amenity

5. No development hereby permitted shall be commenced until a Construction Management Plan (CMP) has been 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;

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- (c) confirmation (by means of a site location plan) of the route(s) to and from the site to be used by delivery and construction traffic, together with a details of temporary AA Road Signing Strategy;
- (d) any road closure;
- (e) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8.00am and 6.00pm Mondays to Fridays inc (excluding the hours between 8.30 to 9.00am and 3.00 to 4.00pm during school term times).; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays;
- (f) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (g) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (h) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (i) provision of wheel wash facilities, dust suppression and noise limitation measures;
- (j) hours during which no construction traffic will be present at the site;
- (k) the means of enclosure of the site during construction works;
- (l) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site; (m) site management arrangements, including the site office and developer contact number in the event of any construction/demolition related problems, and site security information; and
- (n) a road condition survey using photographic evidence neat to each proposed entrance to the site.

This approved CMP shall be strictly adhered to during the construction of the development hereby permitted, unless variation is approved in writing by the Local Planning Authority.

Reason: In the interests of residential amenity, public convenience and highway safety, including taking into account school pick-up and delivery times and preventing inconvenient obstruction and delays to public transport and service vehicles and to emergency vehicles.

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6. Prior to the commencement of the development a phasing plan setting out the timing of the construction and completion of the roads and footpaths to serve the approved development will be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate and safe access for both vehicles and pedestrians is provided to properties before occupation

7. No dwelling shall be occupied until the vehicular and bicycle parking facilities and turning spaces for that dwelling have been completed in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority. Such parking and turning spaces shall not thereafter be used for any purpose other than the parking of vehicles and bicycles.

Reason: To ensure adequate parking and turning facilities off the adjoining highway and to ensure provision is made for alternative transport modes.

8. No employment unit shall be occupied until the parking, servicing and turning spaces/facilities for that unit have been completed in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority. Such parking, servicing and turning spaces/facilities shall not thereafter be used for any purpose other than the parking, loading/unloading and turning of vehicles used by persons attending that unit.

Reason: To ensure adequate parking, servicing and turning facilities off the adjoining highway in the interests of highway safety and convenience.

9. The proposed employment units shall only be used for the purposes set out under Classes B1 and D1 of the Town and Country planning (use Classes) order 1987 (as amended) (or any Order revoking and re-enacting this Order).

Reason: to safeguard residential amenity of existing and future occupiers of nearby properties.

10. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting this Order) no development of the types described in Part 7, Classes F & H (erection, extension or alteration of office, industrial or warehouse buildings) and C (hard surfacing) of Schedule 2 of the Order shall be undertaken without the express consent in writing of the Local Planning Authority.

Reason: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development within the locality and to safeguard residential amenity; and to safeguard parking and circulation areas.

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 [amended] investigation and risk assessment and, where necessary, a[n amended] remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

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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.

12. There shall be no installation/construction of street lighting or any other external lighting within the development unless otherwise previously agreed in writing by the Local Planning Authority. Details of any external lighting (including security lighting) to be erected, placed or operated on the site shall be submitted to and approved in writing by the Local Planning Authority prior to its installation/construction. Such details shall include the position, heights, type, luminance and cowling of all external lights to the buildings and other parts of the application site. The work shall thereafter be carried out in accordance with the approved details and under no circumstances shall it cause light pollution or adversely affect the movement of protected species across and around the site nor shall external illumination be operated on the site other than in accordance with the approved details.

Reason: In the interests of visual amenity; to protect existing and future residential amenity; and in the interests of biodiversity.

13. Prior to the commencement of the development a Landscape and Ecological Management Plan (LEMP), providing full detail of all of the mitigation measures required during the pre-construction and construction phases and details of the subsequent management, maintenance and monitoring of the new and retained habitats shall be submitted to and approved in writing by the Local Planning Authority. The development including the mitigation measures shall thereafter be undertaken in accordance with the approved LEMP.

Reason: To ensure that the development does not have an adverse impact on habitats and bio-diversity.

14. Prior to the commencement of the development hereby approved a flood exceedance route and mitigation plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken and subsequently retained and maintained in accordance with the flood exceedance route and approved plan.

Reason: To ensure that any flood water is dealt with in an appropriate manner.

15. Prior to the installation of any external meter box on any of the approved buildings, details of the location of the meter box shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the location of the meter boxes are in locations that do not have an adverse impact on the design and appearance of the approved dwellings.

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16. Prior to the installation/construction/fixing of any external finish of the approved buildings and the construction of the stone boundary walls a detailed schedule of finishes and materials shall be submitted to and approved in writing by the Local Planning Authority.

Reason To ensure that the external finish to the buildings and stone boundary walls are appropriate for this location and do not have an adverse impact on the design and appearance of the approved dwellings.

17. No development shall take place until details of how at least 10% of the energy supply of the development shall be secured from a decentralised renewable or low-carbon energy supply or taking a fabric first approach to the construction how the energy consumption of the development will be reduced by at least 10% have been submitted to and approved in writing by the Local Planning Authority, unless the Local Planning Authority gives prior written approval to any variation to this percentage figure. The development shall be carried out in accordance with the approved details and retained in operation thereafter.

Reason In the interests of sustainability.

18. The surface and foul water drainage shall be constructed and installed in accordance with the approved plans and details. The drainage arrangements for each individual property and the access/parking for that property shall be fully installed and commissioned prior to occupation of that individual property.

Reason: To ensure that suitable drainage arrangements are in place.

## **INFORMATIVES**

1. This authority has a pro-active approach to the delivery of development and early pre-application engagement is always encouraged. As the Local Planning Authority we have endeavoured to work proactively and positively with the applicant to ensure that all relevant planning considerations have been appropriately addressed. This approach accords with the National Planning Policy Framework and with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, as amended.

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 unauthorized and vulnerable to enforcement action.

3. This permission is to be read in conjunction with the Section 106 Obligations, dated 29 November 2016, between South Hams District Council, Devon County Council, Mariann Ford Fairchild and Cavanna Homes (South West) Limited.

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## Schedule of Approved Drawings

### *Plans*

12732 H01 A AISH 02.00 P1, 02.01 P2, 04.00 P2, 04.01 P2  
12732 H02 A BARNWOOD 0200 P1, 02.01 P1, 04.00 P2, 04.01 P2, 04.02 P2, 04.03 P2  
12732 H03 A SLATEWOOD 02.00 P1, 02.01 P1, 04.00 P2, 04.01 P2  
12732 H04 A MAYPOOL 02.00 P1, 02.01 P1, 04.00 P2, 04.01 P2, 04.02 P2  
12732 H04 B MAYPOOL 02.00 P1, 02.01 P1, 04.00 P2, 04.01 P2, 04.02 P2  
12732 H05 A SANDRIDGE 02.00 P2, 02.01 P1, 04.01 P2, 04.02 P2, 04.03 P2  
12732 H06 A POMEROY 02.00 P1, 02.01 P1, 04.00 P2, 04.01 P2, 04.02 P2  
12732 H07 B WADETON 02.00 P1, 02.01 P1, 04.00 P2, 04.01 P2, 04.02 P2  
12732 H07 D WADETON 02.00 P1, 02.01 P1, 04.00 P2, 04.01 P2, 04.02 P2  
12732 H07 E YARBERTON 02.00 P1, 02.01 P1, 04.00 P2, 04.01 P2, 04.02 P2  
12732 H08 A LONGCOMBE 02.00 P1, 02.01 P2, 04.00 P2, 04.01 P2, 04.02 P2  
12732 H08 B LONGCOMBE 02.00 P1, 02.01 P1, 04.00 P2, 04.01 P2  
12732 H10 A ORCHARD 02.00 P1, 04.00 P2, 04.01 P2, 04.02 P2, 04.03 P2  
12732 H10 B ORCHARD 02.00 P2, 04.00 P2, 04.01 P2, 04.02 P2, 04.03 P2  
12732 H11 A CHURCHWARD 02.00 P2, 02.01 P2, 04.00 P2, 04.01 P2, 04.02 P2  
12732 H11 B CHURCHWARD 02.00 P1, 02.01 P1, 04.00 P2, 04.01 P2, 04.02 P2, 04.03 P2  
12732 H11 C CHURCHWARD 02.00 P2, 02.01 P2, 04.00 P2, 04.01 P2, 04.02 P2  
12732 H12 A DUNCANNON 02.00 P1, 02.01 P1, 04.00 P2, 04.01 P2, 04.02 P2, 04.03 P2  
12732 H13 A GREENWAY 02.00 P1, 02.01 P1, 04.00 P2, 04.01 P2, 04.02 P2, 04.03 P2  
12732 H16 OATHILL - 2 BED HQI COMPLIANT 02.00 P1, 02.01 P1, 04.00 P2, 04.01 P2, 04.02 P2  
12732 H16 WHITEHILL - 3 BED HQI COMPLIANT 02.00 P2, 02.01 P2, 04.00 P2, 04.01 P2, 04.02 P2, 04.03 P2  
12732 L 02.00 – EMPLOYMENT BUILDING FLOORPLAN  
12732 L 04.00 – EMPLOYMENT BUILDING ELEVATIONS

12732 L01.02 Site Location Plan Revision B  
127321 L01-02 - Land at Paignton Road, Stoke Gabriel - Illustrative Masterplan 1.500 A1  
12732 L01.01 - GA Site Plan – Revision C

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12732\_L93.02\_Boundary Treatment Plan Revision D  
12732\_L93.01\_Hardworks Plan Revision F  
12732\_L94.01\_Softworks and Planting Plan Revision F

13110-020 Revision P – Sheet 1 of 4	S38 Highway Layout
13110-021 Revision P – Sheet 2 of 4	S38 Highway Layout
13110-022 Revision P – Sheet 3 of 4	S38 Highway Layout
13110-023 Revision P – Sheet 4 of 4	S38 Highway Layout

13110-024 Revision P Highway Long Sections 1 of 2  
13110-025 Revision P Highway Long Sections 2 of 2  
13110-026 Revision P Highway Cross Sections 1 of 4  
13110-027 Revision P Highway Cross Sections 2 of 4  
13110-028 Revision P Highway Cross Sections 3 of 4  
13110-029 Revision P Highway Cross Sections 4 of 4

### ***Reports***

Design & Access Statement Revision A  
Ecological Impact Assessment  
Flood Risk Assessment & Drainage Strategy  
Historic Environment Assessment  
Land Contamination Report  
Landscape & Visual Impact Assessment  
Planning Statement  
13110-050 Revision D Proposed Drainage Strategy Layout  
Site Waste Management Plan  
Statement of Community Engagement  
Transport Statement

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

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