

## **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 05 December 2022

(Application Ref: 2254/22/HHO)

Patrick Whymer

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



In any correspondence please quote application number: **2254/22/HHO**

## **HOUSEHOLDER GRANTED**

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

**Application No.:** 2254/22/HHO

**Date Received:** 29 June 2022

**Proposal:** Householder application for proposed single storey side extension in place of existing lean to volume & two storey rear extension, enlarge parking area to accommodate one additional parking space & extension to guest annexe, alterations to fenestration, proposed solar panels to roof, proposed landscaping & new swimming pool

**Location:** Waterside, East Portlemouth, TQ8 8PU

**Applicant/Agent:**

Ms Valentina Gonzalez - Spratley & Partners  
7 Centenary Business Park  
Station Road  
Henley-On-Thames  
RG9 1DS

**Applicant:**

Mr & Mrs Bradley & Tracey Worsfold  
Waterside  
Mill Bay Road  
East Portlemouth  
TQ8 8PU

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 drawing number(s)

WOR:003 B (Landscape planting concept) 29/11/2022

PL.102 B (Proposed Site Plan) 23/11/2022

16646-500-E (Proposed Drainage Strategy) 07/11/2022

TC220709- TS.TCP-P1 (Tree survey and constraints plan) 10/10/2022

TC220709- TPP-P2 (Tree protection plan) 10/10/2022

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PL.120.A (proposed elevations) 24/11/2022

PL.121.A (Proposed elevations) 24/11/2022

Carbon Reduction Statement 13/07/2022

Ecology Report 13/07/2022

PL.143 (Guest annex proposed elevations) 13/07/2022

PL.142 (Guest annex proposed plans) 13/07/2022

PL.112 (House proposed RF) 13/07/2022

PL.111 (House proposed 01) 13/07/2022

PL.110 (House proposed 00) 13/07/2022

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. Prior to commencement of the development hereby approved, the Planning Authority shall have received and approved a Construction and Environmental Management Plan (CMEP), which shall include details of the following:

(a) the timetable of the works;

(b) daily hours of construction;

(c) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 08:00 and 18.00 Mondays to Fridays inc.; 09.00 to 13.00 Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the Planning Authority in advance;

(d) a site plan showing 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;

(e) the means of enclosure of the site during construction works; and (f) The proposed route of all construction traffic exceeding 7.5 tonnes.

(g) Photographic evidence of the condition of adjacent public highway prior to commencement of any work, and any damage incurred to the highway as a result of construction vehicles to be made good within 3 months of completion of build);

(h) details of environmental protection measures

(i) details of future use and maintenance of the site and buildings, including site/security lighting – in particular in relation to the estuary tidal waters and shore

(j) Access of construction vehicles and plant if required at any point onto the foreshore

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- (k) consideration of breakdowns & oil leaks
- (l) required use of bio-degradable hydraulic oil where relevant
- (m) availability of appropriate pollution spill kits and training in their use
- (n) Site runoff, care of cement washings, excavations, building waste, etc.
- (o) Any disturbance to foreshore and ground surface and details of how it will be restored
- (p) Care should be taken when working with materials on the foreshore to ensure no loss or spillages. A spill-kit and pollution boom should be made available for the duration of the works.
- (q) There should be no storage of plant or materials on the foreshore. (r) An appropriate plant recovery protocol should be put in place to ensure plant can be recovered from the intertidal area (as required by Natural England)

Reason: In the interests of public amenity, highway safety, and to prevent damage and pollution harm to the foreshore, designated sites, and the wider marine environment

4. The stonework shall be constructed of natural stone which matches the colour and texture of that occurring locally. The new stonework shall be laid on its natural bed and pointed in a lime mortar recessed from the outer face of the stone. Machine cut or sawn faces shall not be used in the wall or for quoin stones.

Reason: To ensure that the development displays good design practice in respect of the age and character of the development and to allow the Local Planning Authority to assess the details of the scheme to ensure that their character is maintained

5. The roofs hereby approved shall be clad in natural slates, of British or European origin.

Reason: To perpetuate the use of vernacular materials so as to retain the character of the locality.

6. No external lighting shall be installed at any time at the application site without the written permission of the Local Planning Authority.

Reasons: In the interests of the designated site and to prevent harm to protected species.

7. The development hereby approved shall be carried out in accordance with the submitted Protected Species Survey (from Burton Reid dated July 2022). Upon completion of works, written confirmation by the consultant ecologist that features for bats have been correctly installed shall be submitted to the Local Planning Authority.

Reason: To safeguard the welfare of a protected species of wildlife

8. The drainage scheme shall be installed in strict accordance with the approved plans, maintained and retained in accordance with the agreed details for the life of the development.

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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.

9. The Guest annex hereby approved shall only be used as ancillary, in connection with the adjoining dwelling house and for no business or commercial activity.

Reason: To safeguard the amenity and character of the surrounding area.

## **INFORMATIVES**

1. Any concretes, sealants, coatings, or glazing etc. used should be fast drying and suitable for works within the marine environment.
2. The Environment Agency Pollution Prevention Guidelines should be adhered to, particularly PPG5 for works and maintenance in or near watercourses. Although this guidance has been archived, the key principles are still relevant.
3. If your decision requires the discharge of conditions then you must submit an application for each request to discharge these conditions. The current fee chargeable by the Local Planning Authority £34 where the related permission is for extending or altering an existing dwellinghouse or other development in the curtilage of an existing dwellinghouse. Application forms are available on the Council's website.
4. 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.
5. 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.
6. 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.
7. To be considered as "ancillary" accommodation, the extension/building can only be occupied by a person with a degree of dependence upon the occupiers of the main dwelling such as an aged or disabled relative or a dependent child. If the accommodation is occupied

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by persons economically independent or unrelated to those occupiers, then this use would not be considered to be ancillary, but as an independent unit of accommodation, for which a separate planning consent would be required.

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

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