

# WEST DEVON BOROUGH 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.
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**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 17 September 2019

(Application Ref: **1794/18/FUL**)

Patrick Whymer

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



**West Devon  
Borough  
Council**

In any correspondence please quote application number:  
**1794/18/FUL**

## **FULL PLANNING APPLICATION GRANTED**

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

**Application No.: 1794/18/FUL**

**Date Received:** 26 May 2018

**Proposal:** Redevelopment of former Hatherleigh Cattle Market comprising 102 residential units, fur and feathers auction facility/pavilion, A1/A2/A3 commercial units, market square, associated infrastructure and energy compounds, pumping station and car parking

**Location:** Hatherleigh Market, Hatherleigh, Devon, EX20 3HT

**Applicant:**

Mr P Jones  
Kingswood Homes (UK) Ltd  
8 Bridge Court  
Liverpool New Road  
Little Hoole, Preston  
PR45JT

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The West Devon Borough 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)

Location Plan PL01 Rev A

Existing Site Plan PL02 Rev A

Topographic Plan PL03 Rev A

Proposed Master Plan PL04 Rev V

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Master Plan – Unit Key PL05 Rev N

Type L PL10 Rev E

Type M PL11 Rev G

Type N PL12 Rev E

Type O PL13 Rev F

Type P PL14 Rev D

Type Q PL15 Rev B

Type R PL16 Rev D (Formerly Type Ra)

Type S PL18 Rev D

Proposed Street Elevation 1 PL23 rev b (illustrative purposes only)

Proposed Street Elevation 2 PL24 rev b (illustrative purposes only)

Proposed Street Elevation 3 PL25 rev b (illustrative purposes only)

Proposed Street Elevation 4 PL26 rev c (illustrative purposes only)

Site Section PL28 rev A

Type T PL29

Market Hall PL30

Apartment Block & Retail, Types U, V, W, X & Y PL31

1769 Arboriculture Impact Assessment Rev B

1769 TPP- Rev E (C, N, SE, SW, NW)

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 first residential occupation, details of bicycle parking shall be submitted to and approved in writing by the LPA and the parking shall be installed as approved and retained as such.

Reason: In the interests of the accessibility of the site and carbon reduction

4. Prior to the occupation of the 55th dwelling, details of demarcation of market area for stall shall be submitted to and approved in writing by the LPA and shall be fully completed prior to the occupation of the 80th dwelling.

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Reason: In the interests of the continued and efficient operation of the market and its facilities

5. Prior to the commencement of the development hereby approved, details of suitable and adequate provision for the operation of the market and its required vehicle parking during the construction of the development, shall be submitted to and approved in writing by the LPA and such provision shall be made at all times as approved unless otherwise agreed in writing by the LPA.

Reason: In the interests of the continued and efficient operation of the market and its facilities

6. Prior to commencement (other than demolition), a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Scheme shall be prepared by an appropriately qualified professional and shall include:

- location, number, species, density, form and size of proposed tree, hedge and shrub planting;
- the method of planting, establishment and protection of tree, hedge and shrub planting;
- maintenance schedules for the establishment of new planting for a minimum period of 5 years;
- details, including design and materials, of ancillary structures such as bin stores and signage;
- the construction method, facing and ground profile of any planted banks; and
- materials, heights, levels and extent of hard landscape treatment, including access points, tracks, roads and any hardstanding areas.

All elements of the Landscape Scheme shall be fully implemented within the first planting season following reasonable completion or occupation of the dwellings (whichever is sooner), and maintained in accordance with the approved details unless otherwise agreed in writing by the local planning authority. Any plants that die, are damaged, removed or fail to thrive within the first five years after planting shall be replaced with the same size and species in the following planting season, unless otherwise agreed with the local planning authority.

Reason: To protect visual amenity and the character of the area and to ensure a satisfactory environment having regard to policy DEV 20 and DEV23.

7. Prior to commencement (other than demolition), materials, heights and details of fencing and any other boundary treatments including garden gates, and details and materials of any retaining walls, underbuild, steps, railings, walls or other supporting structures shall be submitted to and agreed in writing by the Local Planning Authority and shall be implemented prior to first occupation/use of the plots/parcels to which they relate.

Reason: To protect visual amenity and the character of the area and to ensure a satisfactory environment

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8. Prior to the occupation of the first residential unit, full details of the Vegetative Environmental Buffer including

- location, number, species, density, form and size of proposed tree, hedge and shrub planting;
- the method of planting, establishment and protection of tree, hedge and shrub planting;
- maintenance schedules for the establishment of new planting in perpetuity

Shall be submitted to and approved in writing by the LPA and fully implemented prior to first occupation.

Reason In the interests of residential amenity, commercial operations and odour control.

9. Render colours to be implemented as per the approved plans and details unless otherwise agreed in writing by the LPA

Reason: In the interests of the quality of housing, built environment and setting of the Conservation Area and listed buildings

10. Prior to their installation, samples of roofing and facing materials, including the timber treatment of the market building, and the natural stone, shall be submitted to and approved in writing by the LPA and the development carried out in accordance with these details as approved.

Reason: In the interests of the quality of housing, built environment and setting of the Conservation Area and listed buildings

11. Prior to the first occupation of the phase in which a play space sits, full details of the play space, including the equipment it shall contain, shall be submitted to and approved in writing by the LPA and the play space shall be completed and available for use.

Reason: In the interests of public and resident amenity and recreation.

12. Foul drainage from the Development (and no other drainage) shall be connected to the public foul or combined sewer.

Reason: To ensure the discharge of drainage from the Development shall not be prejudicial to the public sewerage system and ensure there are adequate public foul sewerage facilities to receive foul water flows, in order to safeguard the public and environment.

13. The protection of any existing tree to be retained in accordance with the approved plans and particulars under condition 2 shall be achieved as follows:

(a) no equipment, machinery or material shall be brought onto the site for the purpose of development or demolition until fencing has been erected in accordance the approved tree protection plans.

(b) if that fencing is broken or removed during the course of carrying out the development, it shall be promptly repaired or replaced to the satisfaction of the Council;

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(c) the fencing shall be maintained in position to the satisfaction of the Council, until all equipment, machinery and surplus materials have been moved from the site; and

(d) within any area fenced in accordance with this condition, nothing shall be stored, placed or disposed of on above or below the ground, the ground level shall not be altered, no excavations shall be made, nor shall any fires be lit, without the prior written consent of the Council.

Reason: To ensure the preservation and protection of existing trees on the site.

14. Prior to the commencement of any works on site within the identified root protection areas of trees to be retained shown on the approved plans (including demolition and site clearance or tree works), details of the design of building foundations, car park surface construction and the layout (with positions, dimensions and levels) of service trenches, ditches, drains and other excavations on site, shall be submitted to and approved in writing by the Planning Authority.

Reason: To ensure the continued well-being of retained trees in the interests of the amenity of the locality.

15. Prior to the commencement of development within the identified root protection areas of trees to be retained shown on the approved plans or other operations being undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening, or any operations involving the use of motorised vehicles or construction machinery) a detailed Arboricultural Method Statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved AMS. The AMS shall include full details of the following:

- a) Implementation, supervision and monitoring of the approved Tree Protection Scheme
- b) Implementation, supervision and monitoring of the approved Tree Work Specification
- c) Implementation, supervision and monitoring of all approved construction works within any area designated as being fenced off or otherwise protected in the approved Tree Protection Scheme
- d) Timing and phasing of Arboricultural works in relation to the approved development.

Provision shall be made for the supervision of the tree protection by a suitably qualified and experienced arboriculturalist and details shall be included within the AMS.

The AMS shall provide for the keeping of a monitoring log to record site visits and inspections along with: the reasons for such visits; the findings of the inspection and any necessary actions; all variations or departures from the approved details and any resultant remedial action or mitigation measures.

On completion of the development, the completed site monitoring log shall be signed off by the supervising arboriculturalist and submitted to the Planning Authority for approval and final discharge of the condition.

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Reason: To ensure the continued well-being of the trees in the interests of the amenity of the locality.

16. Prior to the commencement of development within the identified root protection areas of trees to be retained shown on the approved plans or other operations being undertaken on site in connection with the development hereby approved details of the proposed site specific design of no dig methodology for the protection of rooting zones where vehicular or pedestrian access is required where new surfacing is to be introduced.

Reason: To ensure the continued well-being of the trees in the interests of the amenity of the locality.

17. Prior to the planting of any trees approved under the conditioned landscaping scheme, either:

- details of site specific tree pit designs including sufficient clean soil volume for the particular tree species, shall be submitted to and approved in writing by the LPA, or

- sufficient information shall be submitted to and approved in writing by the LPA to adequately demonstrate that any contamination remediation of the site will be undertaken to such a standard as to provide an adequate species specific quantity of clean topsoil for tree establishment and future growth.

Reason: in the interests of tree establishment and landscaping quality.

18. No part of the development hereby permitted shall be commenced, other than demolition works, until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Flood Risk Assessment (Ref. 173345; dated May 2018), Flow Exceedance Routes (drawing No. 173345/PDL/002; October 2017), Drainage Strategy (drawing No. 181101-KWH-PLD-001; revision -; dated 28th January 2019) and the Letter titled Response to the LLFA (dated August 2018).

Reason: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems. Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

19. No part of the development hereby permitted shall be commenced, other than demolition, until details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the proposed surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

Reason: To ensure that the surface water runoff generated from rainfall events in excess of the design standard of the proposed surface water drainage management system is safely managed.

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20. No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

Reason: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area. Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

21. Prior to commencement of development the following components of a scheme to deal with the environmental impacts of the construction phase of the development shall be submitted and approved by the local planning authority in writing. That scheme shall include details of noise impacts and controls, hours of operation, and dust impact assessment and proposed control in accordance with the Institute of Air Quality Management guidance for dust assessment from construction sites.

Reason: in the interests of the environment and amenity

22. Prior to construction above slab level the applicant shall submit for approval, full details of proposed electric vehicle charging points to be provided, these details shall include the location, number and power rating of the charging points. This shall accord with good practice guidance on mitigating air quality impacts from developments produced by the Institute of Air Quality Management.

This agreed scheme shall be implemented as agreed and available for use prior to first occupation of any building approved by this permission, and retained as such

Reason: In the interests of the environment, air quality and public health

23. Prior to the commencement of development, the following components of a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the Local Planning Authority. That scheme shall include all of the following elements unless specifically excluded, in writing, by the Local Planning Authority.

A preliminary risk assessment/desk study identifying:

All previous uses

Potential contaminants associated with those uses

A conceptual model of the site indicating sources, pathways and receptors

Potentially unacceptable risks arising from contamination at the site

A site investigation scheme, based on (1) to provide information for an assessment of the risk to all receptors that may be affected, including those off site.

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The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these agreed elements require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: The previously submitted contamination assessment shows that there is a potential risk of ground gas arising due to previously deposited bio-degradable waste, therefore further gas monitoring is required before a remediation strategy is confirmed. The condition covers the full range of measures that may be needed depending on the level of risk at the site. If the LPA is satisfied with the information submitted with the application they can decide to delete any of elements 1 to 4 no longer required. The LPA may still decide to use the whole condition as this would allow them to declare the information no longer satisfactory and require more or better quality information if any problems are encountered in future.

24. 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. The report shall include results of sampling and monitoring carried out to demonstrate that the site remediation criteria have been met. It shall also include, where relevant, a plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the local planning authority.

Reason: Without this condition, the proposed development on the site may pose an unacceptable risk to the environment. This is listed as a separate condition as it gives the LPA the option to choose a later control point: i.e. prior to occupation, rather than commencement of the development for the main phase of the remedial works.

25. 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, an [amended] remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

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.

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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.

26. Prior to the commencement of any development (other than demolition), the applicant shall provide to the Local Planning Authority an energy statement setting out the details of the 'fabric first approach' to be incorporated for approval. The carbon savings which result from this will be a minimum of 10% above and beyond what is required to comply with Part L 2010 Building Regulations. The energy-use reduction construction methods, shall be provided in accordance with these details prior to the first occupation of the development and thereafter retained so long as the development remains in existence.

Reason: To ensure that the development incorporates the principles of low carbon energy hierarchy and in the interests of the environment.

27. The development shall adhere fully to the Mitigation Method Statement (MMS) for reptiles, breeding birds and dormice which are appended to the PEA (EPS Ecology, August 2017).

Reason: In the interests of biodiversity and the environment.

28. Prior to the commencement of development (other than demolition), a Landscape and Ecological Management Plan shall be submitted to and approved in writing by the LPA and the development carried out fully in accordance with the approved details.

Reason: In the interests of biodiversity and the environment.

29. Prior to the commencement of the development hereby approved, other than demolition, a sensitive lighting strategy (reflecting PEA recommendations relating to bats and to include LUX contour modelling if there is to be street lighting along the road adjacent to the southern boundary) to demonstrate there shall be no unacceptable impact on the off-site River Lew tree-lined corridor.

Reason: In the interests of biodiversity, protected species and the environment

30. Prior to the commencement of the development hereby approved, other than demolition works, details of an Ecological Mitigation and Enhancement Strategy, to be integrated with any Landscaping Details and to include enhancements for bats, birds, reptiles, and other wildlife demonstrating a net gain for biodiversity, shall be submitted to and approved in writing by the LP and the measures of the strategy in each phase to be fully implemented prior to the occupation of the final residential unit in each phase.

Reason: In the interests of biodiversity and the environment.

31. Prior to first occupation, details of provision of high speed broadband ducting to all residential and commercial premises shall be submitted to and approved in writing by the LPA and the development carried out as approved.

Reason: In the interest of commerce and connectivity.

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32. Notwithstanding the provisions of the Planning use Classes Order 2017 (as amended), the Market building, attached 'feather and fur' building and adjacent market square, shall be utilised for community markets, auctions, and D2 assembly and leisure use only and for no other retail purposes or other such purposes as are permitted by the Order.

Reason: In the interests of the protection of residential amenity, the vitality of the Town centre and the continuation of the market operation.

33. Notwithstanding the provisions of the Planning use Classes Order 2017 (as amended), the ground floor commercial units as approved shall be use classes A1/A2/A3 only and for no other purpose as are usually permitted by the Order.

Reason: In the interests of residential amenity and the protection of the vitality of the Town.

34. Prior to construction above slab level, a noise mitigation scheme shall be submitted to and approved in writing by the LPA detailing those measures which will be incorporated into the construction or wider development site to ensure that internal noise levels within the noise sensitive properties i.e. houses meet the following levels in the following rooms and at times as stated;

Bedrooms (23:00 – 07:00): 30 dB LAeq, 1hour, and 45dB LAmax (slow) Living Rooms (07:00 – 23:00): 35 dB LAeq, 1hour

External amenity areas associated with the residential curtilage (07:00 – 23:00): 55dB LAeq, 1 hour

Once approved these measures shall be completed and installed prior to the occupation of the first unit and shall be retained as such in perpetuity.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with local planning policy.

35. Before use of the development commences, a noise-mitigation scheme shall be submitted in writing and approved in writing by the local planning authority detailing measures that will be implemented to ensure that any noise associated with the Market, auction and leisure uses aspect of the development does not cause detriment to amenity or a nuisance, especially to those living and working in the vicinity. This scheme shall then be implemented as approved and maintained as such unless otherwise agreed in writing by the LPA

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with local planning policy

36. Prior to installation of any external plant associated with the permitted commercial units, a noise impact assessment shall be conducted in accordance with BS4142:2014 and submitted to the local planning authority for approval. This assessment shall include, where necessary, details of any mitigation measures required to be installed. Once approved the plant shall be installed in accordance with the submitted noise impact assessment and maintained in accordance with manufacturer's guidance.

Reason: In order to protect residential amenity

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37. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance the application drawings

Reason: To ensure that the layout complies with current design criteria

38. The development hereby approved shall not be carried out otherwise than in accordance with a phasing programme which shall previously have been submitted to and approved by the Local Planning Authority in writing.

Reason: To ensure the proper development of the site.

39. No part of the development hereby approved shall be commenced until:

A) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 30 metres back from its junction with the public highway

B) The ironwork has been set to base course level and the visibility splays required by this permission laid out

C) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority

Reason: To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents

40. The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out to the written satisfaction of the Local Planning Authority:

A) The spine road and cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;

B) The spine road and cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;

C) The cul-de-sac visibility splays have been laid out to their final level;

D) The street lighting for the spine road and cul-de-sac and footpaths has been erected and is operational;

E) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;

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F) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;

G) The street nameplates for the spine road and cul-de-sac have been provided and erected.

Reason: To ensure that adequate access and associated facilities are available for the traffic attracted to the site

41. When once constructed and provided in accordance with condition 40 above, the carriageway, vehicle turning head, footways and footpaths shall be maintained free of obstruction to the free movement of vehicular traffic and pedestrians and the street lighting and nameplates maintained to the satisfaction of the Local Planning Authority

Reason: To ensure that these highway provisions remain available

42. Prior to the commencement of the development, other than demolition, a Travel Plan shall be submitted for the written approval of the Local Planning Authority in accordance with the aims and objectives of PPG13 (March 2001) and the Government White Paper (July 1998) and in general accordance with the Strategy in the Transport Assessment document. The approved travel plan shall be implemented prior to first occupation and for each and every subsequent occupation of the development, thereafter maintain and develop the Travel Plan to the satisfaction of the Local Planning Authority.

Reason: In the interests of sustainability and the environment and climate change

## **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. This permission is to be read in conjunction with the Section 106 Obligation dated 17<sup>th</sup> September 2019 between West Devon District Council, Devon County Council Kingswood Homes (Devon) Ltd, Vicks Hatherleigh Market Limited Liability Partnership and HSBC Bank PLC.

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

Dated this 17 September 2019

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