

COUNTY OF DEVON

**TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015
TOWN AND COUNTRY PLANNING (APPLICATIONS) REGULATIONS 1988
TOWN AND COUNTRY PLANNING GENERAL REGULATIONS 1992**

GRANT OF CONDITIONAL PLANNING PERMISSION

To: **Mr Benjamin Towill, Devon County Council, Matford Lane Offices, Exeter, EX2 4QD**

Agent for: **Devon County Council, Matford Lane Offices, Exeter, EX2 4QD**

Devon County Council hereby grants planning permission to carry out the development described in the application received on **5 February 2016**, and the plans and drawings attached thereto numbered: **B.S.SOUTH(65)PLANNING1 Rev 1, B.S.SOUTH(65)PLANNING2 Rev 0, B.S.SOUTH(65)PLANNING3 Rev 0, B.S.SOUTH(65)PLANNING4 Rev 0, B.S.SOUTH(65)PLANNING5 Rev 1 (Red Line Drawing), B.S.SOUTH(65)PLANNING5 Rev 0 (Further Details on Proposed Buttresses) and B12037_30**, and documents and drawings entitled '**Heritage Statement**', '**Trief Safety Kerb**', '**Construction Management Scheme**', '**Elevation on Wall**', '**Construction Methodology, Materials and Workmanship updated 30th March 2016**' and '**Materials and Workmanship updated 30th March 2016**'

brief particulars of which are as follows:

Partial reduction of height to Lanherne Wall adjacent to the A379 and installation of Treif Kerbs at Lanherne, Exeter Road, Dawlish, EX7 9JW

subject to the conditions set out in the attached sheets

C. J. Keoh

on behalf of the Head of Planning, Transportation and Environment

Date: 4 April 2016

NOTE

This is not a decision under the Building Regulations

Failure to adhere to the details of the approved plans or to comply with the above conditions constitutes a contravention of the Town and Country Planning Act 1990, in respect of which enforcement action may be taken.

If this planning permission is for development by Devon County Council it can enure only for the Council's benefit.

TOWN AND COUNTRY PLANNING ACT 1990

NOTIFICATION TO BE SENT TO AN APPLICANT WHEN A LOCAL PLANNING AUTHORITY REFUSE PLANNING PERMISSION OR GRANT IT SUBJECT TO CONDITIONS

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

PURCHASE NOTICES

If either the Local Planning Authority or the First Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor can he/she render that 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 District Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

**Schedule of Conditions - Teignbridge District Council Application No. 16/00428/DCR3
Devon County Council Ref. DCC/3831/2016**

STANDARD COMMENCEMENT

1. The development shall commence within three years of the date of this permission.

REASON: In accordance with Section 91 of the Town and Country Planning Act 1990.

STRICT ACCORDANCE WITH PLANS

2. The development shall be carried out in strict accordance with the details shown on the approved drawings numbered B.S.SOUTH(65)PLANNING1 Rev 1, B.S.SOUTH(65)PLANNING2 Rev 0, B.S.SOUTH(65)PLANNING3 Rev 0, B.S.SOUTH(65)PLANNING4 Rev 0, B.S.SOUTH(65)PLANNING5 Rev 1 (Red Line Drawing), B.S.SOUTH(65)PLANNING5 Rev 0 (Further Details on Proposed Buttresses) and B12037_30, and documents and drawings entitled 'Heritage Statement', 'Trief Safety Kerb', 'Construction Management Scheme', 'Elevation on Wall', 'Construction Methodology, Materials and Workmanship updated 30th March 2016' and 'Materials and Workmanship updated 30th March 2016' except as varied by the conditions below.

REASON: To ensure that the development is carried out in accordance with the approved details.

CONDITIONS (DURING CONSTRUCTION)

3. All stone material removed during the demolition of the wall shall be retained and reused in constructing the buttresses, unless otherwise agreed with the County Planning Authority.

REASON: To ensure the development preserves and enhances the character and appearance of the Dawlish Conservation Area in accordance with Policy EN5 of the Teignbridge Local Plan.

4. Prior to the commencement of the construction of the buttresses shown on drawing B.S.SOUTH(65)/PLANNING5 Rev 0, a trial panel shall be constructed to demonstrate the materials (stone, mortar mix and mortar application) to be used in the construction of the buttresses. The panel shall be inspected and approved in writing by the County Planning Authority. Development shall be carried out in accordance with the approved panel.

REASON: To ensure the development preserves and enhances the character and appearance of the Dawlish Conservation Area in accordance with Policy EN5 of the Teignbridge Local Plan.

5. The photographic record shall be made of the wall in accordance with the section entitled 'Photographic Record' in the document entitled 'Construction Methodology, Materials and Workmanship'. This shall be submitted to the County Planning Authority within 3 months of the record being made.

REASON: To ensure that an appropriate record is made of the historic building fabric that is affected by the development in accordance with Policy EN5 of the Teignbridge Local Plan.

INFORMATIVE NOTE

Statement of compliance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015

In determining this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement of the NPPF, as set out in The Town and Country Planning (Development Management Procedure) (England) Order 2015.

If a protected species is discovered during the works, all works must stop and a licensed ecologist must be contacted.