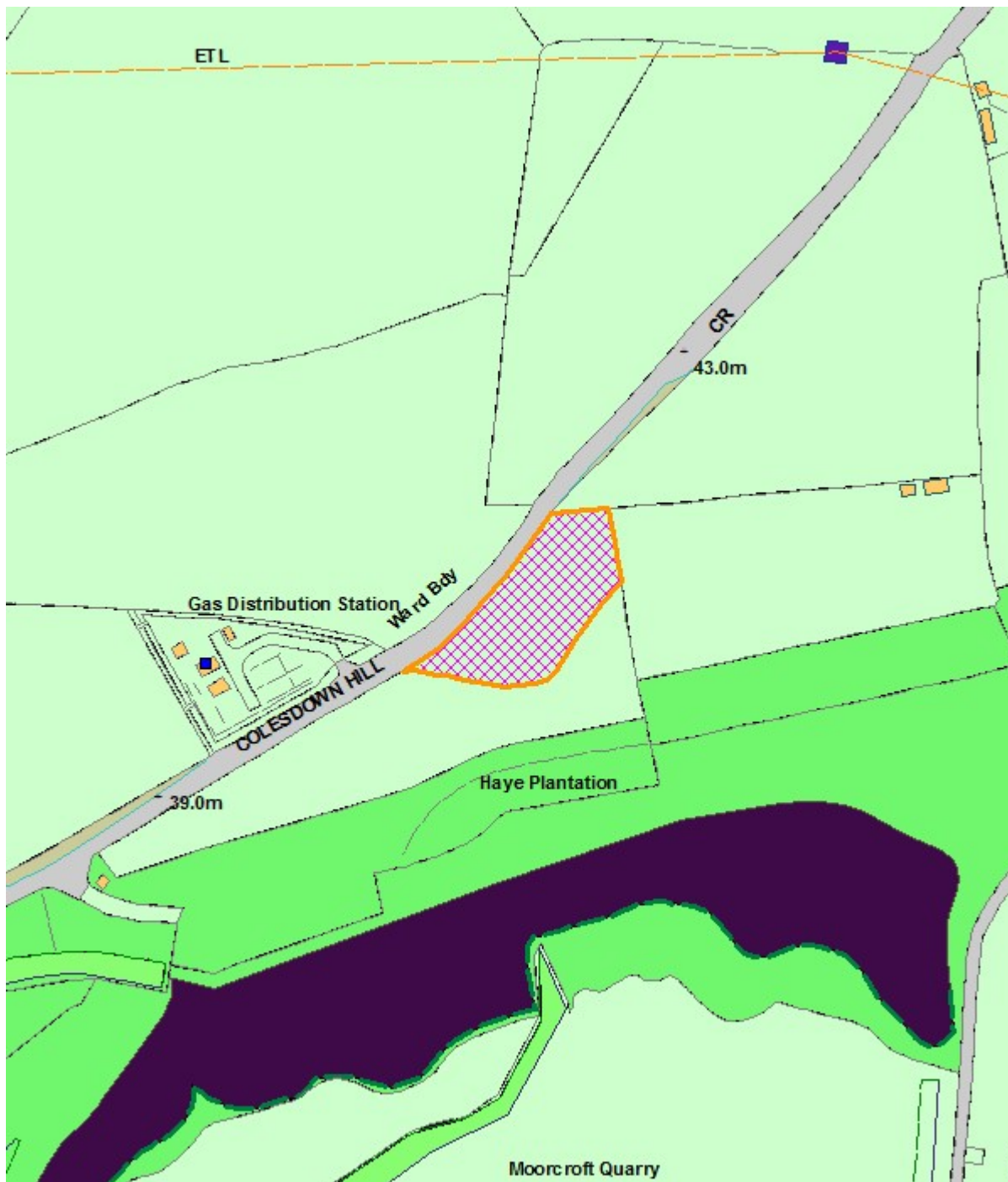


PLANNING APPLICATION OFFICERS REPORT



Application Number	22/01959/FUL	Item	02
Date Valid	16.02.2023	Ward	PLYMSTOCK DUNSTONE
Site Address	Land Off Colesdown Hill Plymouth		
Proposal	Change of use of the land to a private Gypsy and Traveller caravan site consisting of 2no mobile homes, car parking and associated development		
Applicant	Lacey Keating		
Application Type	Full Application		
Target Date	13.04.2023	Committee Date	14.06.2023
Extended Target Date	N/A		
Decision Category	Departure from Local Plan		
Case Officer	Miss Amy Thompson		
Recommendation	Grant Conditionally		



This application is scheduled for determination by the Council's Planning Committee because the proposal has been advertised as a departure from the Development Plan.

I. Description of Site

The application site is located on the southern side of Colesdown Hill within the Plymstock area of the City. The site is part of a fairly modest sized and irregular shaped field within the designated Saltram Countryside Park Strategic Green Space. The site is generally surrounded by established hedges and/or treed boundaries. There are partial views into parts of the field through the access gates and through parts of the boundary vegetation from the road.

To the south is a quarry that is well screened by a belt of trees and to the north of the site, on both sides of the road, the land consists of grazing fields bounded by hedges and trees. To the south west of the site, on the other side of the road, is a gas distribution centre, which contains hardstanding and some buildings behind its reasonably well landscaped boundaries.

Further down the road, is a grouping of commercial buildings of which some are reasonably tall and prominent when viewed from parts of Colesdown Hill. This commercial site can only be accessed from the north east as there is a barrier preventing vehicles from linking with the south west section of Colesdown Hill.

2. Proposal Description

Change of use of the land to a private Gypsy and Traveller caravan site consisting of 2no mobile homes, car parking and associated development

3. Pre-application Enquiry

None.

4. Relevant Planning History

18/00649/FUL - Change of use of the land to a private Gypsy and Traveller caravan site consisting of 2no mobile homes, car parking and associated development - Refused and dismissed at appeal

5. Consultation Responses

Public Protection Service: No objection.

Local Highway Authority: No objections subject to recommended conditions.

Natural Infrastructure Team: No objection subject to recommend conditions.

Designing Out Crime Officer: From a designing out crime perspective Devon and Cornwall Police are not opposed to granting planning permission.

Historic Environment Officer: No objections.

National Trust - No response received.

6. Representations

A total of 55 public comments have been received. This is formed of 53 objections, 1 in support and one neutral. The following objections were identified;

Transport

- o Impact on highway safety/ dangerous for road users
- o Access/ road is narrow and unsuitable/ lack of pavement
- o Increase in traffic
- o Inadequate turning area
- o Land could be required for transport improvements
- o Impact on cycle path

Character / Green Space

- o Spoil tranquillity of area
- o Out of character
- o Detrimental to area
- o Conflict with functions and characteristics of the area
- o Does not conserve or enhance character of area
- o Loss of green field/ agricultural land
- o Encroachment into open countryside
- o Area is a buffer

Ecology

- o Impact on protected species (specifically bats)
- o Negative impact on biodiversity
- o Ecological assessment is inadequate
- o Destroy nature/ wildlife/ habitat
- o Loss of hedgerow
- o Inadequate biodiversity net gain
- o Damage to flora and fauna
- o Application is not specific enough to consider the environmental impact

Amenity

- o Safety and security
- o Littering and fly tipping
- o Pollution
- o Noise
- o Proximity to businesses and dwellings will create issues for residents and businesses

General/ other

- o Does not comply with policy/ Local Plan/ impact on future plans
- o Health and safety concerns as next to gas distribution centre
- o Site is unsuitable
- o Will result in more than two mobile homes on site
- o No need for another gypsy and traveller site/ already have gypsy and traveller sites in area
- o Concerns about associated development being too vague
- o The permanence of the occupiers staying on site/ if they will be transient
- o Will create an opportunity for developers to extend site and add plots in future
- o Intimidating
- o Pets on site scaring animals
- o Already been refused
- o Are suitable utilities available
- o Affect future development of Saltram Meadow
- o Site will become a permanent site for housing in future
- o Mobile homes are permanent structures
- o Site notices being removed

Non-material planning consideration

- o Loss of value to property
- o Expense for new security
- o Set a precedent

The public comment supporting the proposal stated that it was due to the scheme improving security of the lane.

7. Relevant Policy Framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as on March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park).

On 26 March 2019 the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG) of their choice to monitor the Housing Requirement at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019 confirming the change. On 14th January 2022 the Department for Levelling Up, Housing and Communities published the HDT 2021 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 128 percent and the consequences are None.

Therefore a 5 percent buffer is applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5 percent buffer, the combined authorities can demonstrate a 5-year land supply of 5.97 years at end of March 2022 (the 2022 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2022 (published 19th December 2022).

Other material considerations include the policies of the National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG), National Design Guidance, the scale and urgency of the climate change emergency, Plymouth City Councils Declaration on Climate Emergency (March 2019) for a carbon neutral city by 2030 and the Plymouth and South West Devon Climate Emergency Planning Statement (CEPS) 2022. Additionally, the following planning documents are also material considerations in the determination of the application:

- Plymouth and South West Devon Joint Local Plan 2014-2034: Supplementary Planning Document (SPD) (July 2020).
- The Plymouth, South Hams and West Devon Gypsy, Traveller and Travelling Show People Accommodation Assessment November 2016 (GTAA)
- The Saltram Countryside Park Masterplan Report (May 2011)
- Planning Policy for Traveller Sites (PPTS) August 2015.

8. Analysis

1. This application has been considered in the context of the development plan, the Framework and other material considerations as set out in Section 7.

2. In the determination of a planning application Section 38 of the Planning & Compulsory Purchase Act 2004 is relevant. It states that for the purpose of any determination to be made under the Planning Acts, the determination is to be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for this area includes the Plymouth and South West Devon Joint Local Plan.

3. Material considerations do not displace the statutory duty of the Council to determine planning applications in accordance with the development plan.

4. Material considerations should be weighed in the planning balance to establish whether the decision should be made in accordance with the development plan, or whether there is good reason to grant planning permission for development that departs from the development plan.

5. The proposed development conflicts with Policy PLY54 - Saltram Countryside Park Strategic Greenspace of the Joint Local Plan (JLP) as it seeks to introduce a residential use within the Strategic Green Space which is not an aim or objective of Policy PLY54. The application has therefore been advertised as a 'departure' from the Development Plan. The application must be considered against the Development Plan as a whole and the relevant material considerations as part of the planning balance.

6. The fundamental assessments to be made:

- Whether the proposed development conflicts with the policies outlined in the Development Plan;
- If a conflict is identified, whether the application can be considered to be in accordance with the Development Plan when taken as a whole;
- If the proposed development is not in accordance with the Development Plan, whether there are any material considerations, including emerging policies and the NPPF, which indicate that planning permission should be granted.

7. This application will be considered in the context of the Council's adopted planning policy in the form of the Plymouth and South West Devon Joint Local Plan (March 2019) policies are SO11 - Delivering high quality development, SPT1 - Delivering sustainable development, SPT2 - Sustainable linked neighbourhoods and sustainable rural communities, SPT11 - Strategic approach to the historic environment, SPT12 - Strategic approach to the natural environment, PLY54 - Saltram Countryside Park Strategic Greenspace, DEV1 - Protecting health and amenity, DEV2 - Air, water, soil, noise and land, DEV7 - Meeting local housing need in the Plymouth Policy Area, DEV9 - Meeting local housing need in the Plan Area, DEV10 - Delivering high quality housing, DEV13 - Consideration of sites for Travellers and Travelling Showpeople, DEV20 - Place shaping and the quality of the built environment, DEV21 - Development affecting the historic environment, DEV23 - Landscape character, DEV26 - Protecting and enhancing biodiversity and geological conservation, DEV27 - Green and play spaces, DEV28 - Trees, woodlands and hedgerows and DEV29 - Specific provisions relating to transport, Plymouth and South West Devon Supplementary Planning Document (2020), Plymouth City Council's Climate Emergency Action Plan for a carbon neutral city by 2030, The Saltram Countryside Park Masterplan Report (May 2011) and the National Planning Policy Framework (NPPF).

8. This report assesses the following issues:

- Planning History;
- Principle of the Development;
- Natural Infrastructure - Ecology, Green Space, Trees and Landscape
- Historic Environment;
- Design
- Access and Highway Safety;
- Amenity;
- Contamination;
- Planning Balance and Conclusion

Planning History

9. An application was submitted in 2018 on the current site for the 'Change of use of the land to a private Gypsy and Traveller caravan site consisting of 2no mobile homes, car parking and associated development'. The application was considered by the Local Planning Authority (LPA) and was considered unacceptable and was therefore refused for the following reasons:

10. REFUSAL: IMPACT ON STRATEGIC GREENSPACE

The Local Planning Authority considers the provision of two pitches for gypsy and travellers through increased comings and goings and occupation of the site for residential purposes will result in a form of development that conflicts with the objectives of the Strategic Green Space. The proposal is considered contrary to Policy CS18 of the adopted Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and Policy PLY54 and DEV29 of the emerging Plymouth and South West Devon Joint Local Plan, as well as paragraph 170 of the National Planning Policy Framework 2018.

11. REFUSAL: INSUFFICIENT INFORMATION

The Local Planning Authority considers that insufficient information has been provided to demonstrate that the site is capable of accommodating residential development in the form of two gypsy and traveller pitches without any risk of harm to potential future occupiers or protected species. No Phase I Contaminated Land Assessment has been supplied to indicate that the site will not be harmful to human health. Furthermore an Ecological Mitigation and Enhancement Strategy informed by a Preliminary Ecological Appraisal and any necessary Protected Species Surveys has also not been supplied to demonstrate a net biodiversity gain can be secured. The proposal is therefore contrary to Policies CS19, CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, Policies DEV2 and DEV28 of the emerging Plymouth and South West Devon Joint Local Plan, as well as paragraph 170 of the National Planning Policy Framework 2018.

12. The decision was appealed by the applicant and was therefore considered by the Planning Inspectorate. At the appeal stage, a contaminated land assessment was submitted to address one of the refusal reasons. The LPA were satisfied with the information submitted and the Inspector agreed.

13. The Inspector agreed with the LPA that the proposal would conflict with the policies for the Saltram Countryside Park Strategic Green Space, in particular Policies DEV27 and PLY54 of the JLP. However, the Inspector attached moderate weight to the proposals compliance with Policy DEV13, concerning Gypsy and Traveller accommodation, and substantial weight to the unmet need for Gypsy and Traveller pitches. The lack of availability of suitable, affordable and acceptable alternative sites was also afforded substantial weight, along with the personal circumstances of the proposed occupiers of the site. The combined weight in support of the scheme was therefore deemed substantial by the Inspector. The harm to, and policy conflict with, the Strategic Green Space and the functions and characteristics of the Saltram Countryside Park attributed moderate weight.

14. When considering the information submitted relating to protected species, the Inspector considered that insufficient information had been submitted demonstrating that the proposal would not have an unacceptable effect on the biodiversity of the site, with specific reference to bats. The Inspector considered the potential disruption and harm to the habitat of bats a matter of great significance that weighed against the proposal.

15. When considering the planning balance and the development as a whole the Inspector considered the importance of ensuring that protected species were not unduly harmed tipped the balance of all the considerations such that the combined harm would not be outweighed by the cumulative benefits of the proposal. The Inspector therefore dismissed the appeal.

16. The current application has been submitted with a bat survey that was undertaken in summer 2022. The submitted information states that the results from the bat survey fed into an amended scheme for this current application and that any impact on bats can be fully mitigated.

Principle of the Development

17. Before an assessment of the principle of development is made it can be confirmed that, on the basis of the information provided, the applicant is local ethnic Romany Gypsy who does not have an alternative Traveller site on which to station their caravans and live and travel for the purposes of work. Officers are therefore satisfied that they meet the definition of a Gypsy and Traveller as set out in Annex 1 of the Planning Policy for Traveller Sites 2012 (the PPTS). [NB. The use of the 2012 definition relates to the successful high court challenge of Mrs Smith against the definition in the 2015 PPTS]. It is also noted that the Inspector for the previous appeal accepted the applicant to be a Traveller in terms of Annex 1 Planning Policy for Traveller Sites.

18. National Policy:

The Planning Policy for Traveller Sites, August 2015 (PPTS), is the Government's planning policy for gypsy and travellers sites. Policy H of this document identifies the following issues, amongst other relevant matters, when determining planning applications for traveller sites:

- a) The existing level of provision and the need for sites;
- b) The availability (or lack) of alternative accommodation for the applicants;
- c) Other personal circumstances of the applicant;
- d) That the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites;
- e) That they should determine applications for sites from any travellers and not just those with local connections.

19. In addition the government identifies that weight should be attached to the following matters;

- a) Effective use of previously developed, untidy or derelict land;
- b) Sites being well planned or soft landscaped in such a way to positively enhance the environment and increase its openness;
- c) Promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children;
- d) Not enclosing a site with so much hard landscaping, high walls or fencing that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.

20. At the strategic level the LPA has a duty to provide sufficient sites to meet the needs of this particular community both to meet a 5 year and a longer term need. The JLP does not allocate new sites given the findings of the South West Devon Gypsy and Traveller Needs Assessment (2016), which identifies a low level of evidence based need in the Plan Area. The plan concluded that this level of need could be met through small sites which come through the planning application process hence the criteria based approach of DEV13.

21. It is however noted that the South West Devon Gypsy and Traveller Needs Assessment (2016) was based upon the PPTS 2015 definition of gypsy and travellers. Recent case law however found that PPTS definition change in 2015 was unlawfully discriminatory against elderly and disabled Gypsies and Travellers (*Lisa Smith v SSLUHC & Ors* [2022] EWCA). The needs assessment should therefore not be considered up to date as it used the definition of Gypsies in the 2015 PPTS, which cannot be taken as an accurate reflection of need without discrimination.

22. It is also noted that within the appeal decision the Inspector states that "there is, therefore, in my view an apparent disconnect between the earlier plan requirements for Gypsy and Traveller pitches and the Accommodation Assessment numbers". The Inspector also noted that the Accommodation Assessment is now more than five years old and the Council do not have a more up-to-date assessment of need. They considered that there appeared to be a general unmet need for further pitches in the Plymouth area and that the unmet need for Gypsy and Traveller pitches should afford significant weight.

23. The Inspector states in the decision that there "is no clear evidence of any available and existing pitch, there is a waiting list at The Ride and the family pitches at Ridge Road are limited in size and the number of mobile homes that they are allowed to accommodate. There appears therefore no suitable, affordable and acceptable alternative sites available for the intended occupants of the appeal site within the Plymouth Council area. While Policy DEV13 of the JLP would allow sites to come forward for planning permission, none have done so recently within the Plymouth Council area, with the exception of the appeal site. The Council, it appears because of the conclusions of the

Accommodation Assessment, is not actively seeking to deliver or identify land for pitches. There is, therefore, limited options for Gypsies and Travellers in need of housing on pitches and who wish to have a base for travel from within their local Plymouth community. In these circumstances, the lack of alternative pitches to meet the needs of local Gypsies and Travellers should afford substantial weight in favour of the scheme".

24. The Inspector makes reference in their decision to appeal decisions for Gypsy and Traveller sites at Ridge Road in Plymouth that were refused and allowed at appeal in 2010. The Inspector states that the "2010 appeal sites were both within the Saltram Countryside Park Strategic Green Space. Those two sites were for two families and two of the offspring of those families are now seeking to live on the appeal site. Accordingly, the proposed occupiers are from Plymouth families living in the local area. The two couples are both seeking, after some years, to acquire culturally appropriate housing in the form of a mobile home on a pitch. At the present time, the proposed occupiers are in overcrowded accommodation and the lack of appropriate accommodation is restricting the ability of both couples to occupy housing on suitable pitches. This is hindering the ability of both couples to engage in a family life, although there are no children who would be presently directly affected by this appeal decision. The personal circumstances of the proposed occupants of the site, who are local Romany Gypsies and meet with the definition in the PPTS, accrues substantial weight in support of the scheme".

25. Under policy H of the PPTS LPA's are required to consider; a) the existing level of local provision and need for sites b) the availability (or lack) of alternative accommodation for the applicants c) other personal circumstances of the applicant d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites e) that they should determine applications for sites from any travellers and not just those with local connections.

26. Based on the information submitted, some of which is personal to the circumstances of the applicants, and the Inspectors previous comments, officers are satisfied that there is a local need for two new pitches, with no available sites allocated within the development plan. Therefore parts a, b and c of policy H of the PPTS have been considered. Therefore part d identifies that the application will need to be considered in accordance with locally specific criteria, which in this case is DEV13 and is considered in the next section of this report.

27. Plymouth City Council's Planning Policy:

DEV13 sets the considerations for new sites for travellers and travelling show people. The policy states:

1) New sites for Travellers and Travelling Show people will be permitted where they are part of, or can demonstrate that they will contribute to the creation of a sustainable linked neighbourhood or sustainable rural community. Development proposals will be considered in relation to the following provisions:

2) New sites should be located near to existing settlements, with a scale of development that does not dominate the nearest settled community and avoids placing an undue pressure on the local infrastructure.

3) Safe and convenient vehicular, pedestrian, and cycling access must be provided to the site, and proposals should minimise impacts on the local highways network.

4) The site must be large enough to provide for adequate on-site facilities for parking, storage, play, sewage and waste management, and residential amenity.

5) Full consideration will be given to the effect of the proposed site on local environmental quality (such as noise and air quality), on the health and well-being of any Travellers that may locate

there, or on others as a result of new development. Particular care will be needed in relation to the provision of mixed-use yards and space for storage of equipment.

6) New sites in areas at high risk of flooding, especially functional floodplains, will not be permitted given the particular vulnerability of caravans.

7) Full consideration will be given to the landscape impacts of any proposals, and measures to mitigate impacts will be sought.

28. The pitches will be located within the Plymstock Dunstone Ward of the City and will be approximately 320m from the residential properties on Colesdown Hill. Two pitches will not dominate the wider area of Plymstock or the City as a whole; and therefore meets with criteria 1 of DEV13.

29. Whilst highways and access will be considered in more detail in a subsequent section of this report, the site is located within 1km of Billacombe Road, a public transport corridor. Although this is over the 400m standard identified within the criteria of figure 3.2 of the JLP, which considers sustainability metrics, it is considered reasonable for this form of development. The proposal therefore has a safe and convenient access and meets with criteria 2 of DEV13.

30. In terms of the proposed layout the redline site boundary identifies that the layout proposed provides sufficient space, with landscaping buffering, to accommodate the use and on-site facilities. The proposal will therefore meet with criteria 3 of DEV13.

31. Consideration has been given to the effect of the proposed development on environmental quality. The site is not located next to any significant sources of background noise e.g. large roads or rail lines or within any identified sources of significant pollution, e.g. Air Quality Management Areas. This is not a mixed use yard. Therefore the proposal is considered to meet with criteria 4 of Policy DEV13.

32. The site is not within a Flood Risk Zone, therefore the proposal is considered to meet with criteria 5 of Policy DEV13.

33. The site is not located within a prominent position within the landscape and suitable mitigation could be sought to mitigate any impact on the landscape. Therefore the proposal is considered to meet with criteria 6 of Policy DEV13.

34. As a result it is considered that the development will comply with Policy DEV13 of the JLP, but this will need to be considered alongside the other policies of the development plan.

Principle of Development Conclusions:

35. It has been established that whilst there is no strategic need and therefore no need for a 5 year supply of pitches there is an unmet local need that has been established. The proposal has been assessed against the Local Plan Policy and considered to accord with this policy. It can therefore be concluded that the principle of the development can be supported, but this will need to be considered against the plan as a whole and other material planning considerations.

Natural Infrastructure

Ecology

36. An Ecological Impacts Assessment (EclA) and Biodiversity Net Gain (BNG) Metric have been submitted.

37. The submitted EclA states that the majority of the site consists of poor semi-improved grassland with areas of tall ruderal vegetation. The development will result in the loss of areas of

grassland and tall ruderal vegetation which will be compensated for by the creation of wildflower meadow.

38. The EclA states that bat surveys were conducted and identified seven species of bats. The bat assemblage on site was considered of local importance. An ash tree to the north of the site was assessed as having a moderate potential for roosting bats, however no bats were recorded emerging from the tree during the surveys, therefore it does not support a bat roost. The EclA states that the scheme includes a ten-metre buffer with all hedgerows to maintain commuting and foraging corridors for the local bat populations. These buffers will be planted with a wildflower mix to increase the foraging opportunities through this area.

39. The development will result in the loss of a small section of hedgerow to widen the access to the site. This will be compensated for by the creation of a species rich hedgerow along the southern edge of the driveway. There will be a ten-metre buffer between all retained Devon hedgerows and any built structures.

40. The EclA states that the development will achieve BNG on site with the provision of understorey scrub planting areas, the retention of areas of neutral grassland and the inclusion of native tree species. The creation of the species rich native hedgerow along the south edge of the driveway will also ensure biodiversity net gain for hedgerows. Additional ecological enhancements will be provided with the inclusion of bat and bird boxes on the proposed native trees and on the two new buildings on site. The EclA states that with the mitigation in place there will be no significant impact on ecological features within the site and the development will result in a positive impact by providing BNG.

41. The Natural Infrastructure Team have considered the submitted details and have not raised any objection to the proposal. The NI Team have acknowledged the previous refusal reasons and the comments by the Inspector in respect to the impact on protected species. The NI Team however state that up-to-date bat surveys have been provided in the EclA detailing the presence of many bat species, with subsequent appropriate mitigation outlined in Section 5.0 of the assessment. The NI Team therefore do not have any objections to the proposal on ecological grounds, subject to added conditions securing a Lighting Design Plan and a Landscape and Ecological Management Plan.

42. Policy DEV26 requires development to enhance BNG on site. The submitted BNG Metric indicates that there will be a 8.87% increase in habitat units and a 28.08% increase in hedgerow units. The NI Team therefore consider that the proposal complies with policy DEV26 and provides BNG on site.

Green Space

43. The application site is set within the Saltram Countryside Park. The Saltram Countryside Park covers over 600 hectares on the eastern edge of Plymouth, lying between the Plym Estuary and the urban areas of Plympton and Plymstock. The Saltram Countryside Park Masterplan Report (May 2011) sets out the long term vision for this area. It is however noted while the site is within the Masterplan report, the proposal would not conflict with the aspirations of the report.

44. The application site is designated as Strategic Green Space (SGS) within the Plymouth and South West Devon Joint Local Plan, which is the highest classification of protected greenspace in the city.

45. Policy DEV27 - Green and play spaces, states that development that would result in an unacceptable conflict with the functions or characteristic of Strategic Green Spaces will be resisted. In these areas development will normally only be permitted where it enhances the value of the green space. When assessing whether development delivers a value enhancement to the SGS, the LPAs will

review the application against the specific SGS allocation within the JLP, in this case policy PLY54 sets out clear objectives for the green space.

46. Policy PLY54 seeks to provide a regionally significant recreational resource on the eastern edge of Plymouth in a manner that is sensitive to, and enhances, the area's exceptional biodiversity, landscape, historic assets and productive farmland. The policy states that development will need to be sensitive to the unique historic value of the Saltram Estate, protecting this resource, conserve, and promote the wider setting.

47. Policy PLY54 will achieve its aims for the Countryside Park by:

1. Enhancing and protecting the historic character and national importance of Saltram House, Gardens and Parkland and other sensitive features within the Estate through the development of new infrastructure to manage increased visitor numbers. This will include:

a. The creation of a second visitor entrance to the National Trust Saltram property within the South East area of the estate, near Stag Lodge.

b. Addressing inadequate visitor car parking by developing a new, purpose-designed visitor car park and developing high quality sustainable transport links to the park.

c. Providing new visitor arrival facilities and enhanced interpretation of the designed landscape to encourage exploration of the historic parkland and wider landscape.

2. Enhanced connectivity to and through the Countryside Park. This will be delivered through a series of sensitively designed footpaths, cycleways and bridleway routes and circuits throughout the Park area providing better connections to the existing and new communities. Improved access to the park through sustainable means will also be encouraged.

3. Significant enhancement to the wildlife value of the site and its key role as a green corridor linking with the network of greenspace that run through Plymouth and out into the wider countryside.

4. The safeguarding of land to meet the current and future burial needs of Plymouth. New burial, memorial and associated facilities will be designed to fit sensitively into the Countryside Park's landscape.

5. Fully integrating the restored Chelson Meadow into the Countryside Park, allowing landscape and biodiversity enhancements that will complement the park and the adjacent Registered Park and Garden, and in the longer term integrate public access routes.

6. Identifying opportunities to support the Countryside Park with complementary commercial recreation activities where appropriate to the character of the area, such as cycle hire, horse riding or similar facilities. These will provide both recreational and economic benefits, where the individual impact is compatible with the countryside park activities.

48. This proposal is considered to be a 'departure' from the Development Plan as the proposed development would introduce a residential use within the Strategic Green Space which is not an aim or objective of policy PLY54.

49. It is noted that the Inspector acknowledges this conflict with the previously refused application, with the Inspector stating "the appeal site is a green field that is similar to others in the locality and there are not such particular circumstances that would merit anything other than an application of the normal policy approach for an alternative land use within a Strategic Green Space. In these circumstances, the introduction of the residential use on land which is typical of the field pattern within the landscape would result in the loss of a section of grass land and not enhance its value as a green space. In this way the scheme would conflict with the function and characteristic of this part of the Strategic Green Space. In the circumstances I consider that this conflict because of the typical nature of the appeal site, would be unacceptable. Policy DEV27 of the JLP indicates that in these circumstances the proposal should be resisted".

50. Within the appeal decision the Inspector acknowledges that the designation of the SGS covers an extensive area and states that "having particular regard to the large size of the Strategic Green Space and the limited size of the proposal on this private land which has no public access, together that the proposal would have no material impact on the recreational function of the area and an acceptable visual effect, I consider that the harm to the policy requirements for the Strategic Green Space would be modest in its effect".

51. The NI Team have considered the submitted details and the Inspectors comments. The NI Team have stated that following the appeal decision it has been determined that there would be no material harm on recreation within the SGS and the impact of the site would have a modest effect on the SGS. The NI Team acknowledge that the proposal is not policy compliant, however given the Inspectors comments, and in addressing the ecological issues they do not object to the scheme based on its impact on the SGS.

52. The proposal will conflict with Policy PLY54 of the JLP, however it is acknowledged this conflict will be modest. The development will deliver a biodiversity net gain in accordance with point 3 of the policy and will not prejudice the long term aims and objectives across the wider greenspace. However, the provision of residential accommodation remains at odds with the proposals for Saltram Countryside Park.

53. There are no trees proposed to be removed as part of the proposal, therefore a condition will be added to ensure that the trees on site are retained. It is therefore considered that with the added condition the proposal would not conflict with policy DEV28.

Landscape

54. The site is situated within the Landscape Character Area 15 (LCA) 'South Plympton Farmed Fringes'. The aim for this landscape character area is to "Conserve and enhance valued semi-natural grassland and woodland habitats... pursue opportunities to extend and link habitats, including as part of the Green Infrastructure network".

55. The NI Team have considered the submitted plans and landscaping details and have determined that the site will contribute to key features mentioned within the Landscape Character Area, specifically through delivering the BNG through habitat and hedgerow features. The NI Team have therefore not raised an objection to the proposal but have recommended a condition requiring further landscaping details to be submitted. It is therefore considered with the added recommended condition the proposal would comply with policy DEV23.

Historic Environment

56. To the west of the application site is Wixenford Farmhouse which is a grade II listed building. To the north is also the Saltram House Grade II* Registered Park and Garden. The Historic Environment Officer has considered the submitted details and advised that they have no objections to the proposal. They have considered the historic mapping system and nothing appears and they consider the development to be relatively unobtrusive with minimal below ground disturbance. It is therefore considered that the proposal would not conflict with policy DEV21.

Design

57. In terms of design the site is well screened and the submitted landscaping plan details planting and softening of the boundary. This is considered to provide a well screened site. Furthermore the scale of the proposed development is regulated through the Caravans Act 1968 and sets height, width and length parameters. This scale combined with the landscaping would result in a design that is not incompatible with the existing character of the site, although the operational use of the land will result in a loss of character. It is considered that the proposal, with added conditions, would not

have a detrimental impact on the character or appearance of the area and therefore would comply with policy DEV20 of the JLP.

Access and Highway Safety

58. The Local Highway Authority (LHA) have considered the submitted details and planning history and have not raised an objection to the proposal but have recommended two conditions. The LHA have stated that the site access will be upgraded to provide a gated driveway, with the gates set-back into the site and opening inwards, to provide enough distance for a vehicle to wait clear of the highway whilst opening the gate. The driveway is to be hard-surfaced and drained to prevent private surface water and loose material from over-spilling onto the highway. The site itself offers sufficient room for parking of two cars per mobile home with sufficient room for turning. The wider pedestrian connectivity and access to public transport is poor. However, it is not considered appropriate to recommend against the proposal on these grounds due to the transient nature of occupants, and the fact that the resultant traffic impacts would be minimal, and certainly not severe when referring to the NPPF.

59. The Local Highway Authority has raised no objections to the proposed development subject to their recommended conditions relating to the surfacing of the driveway and securing inwards opening gates. It is also noted that the Inspector made reference to objections being raised regarding highway safety issues from members of the public in his decision. The Inspector acknowledged that the objections had not been supported by the LHA and the Inspector found no reason to disagree with their conclusions.

60. Having considered the comments by the LHA it is considered that the proposal, with the recommended conditions, would have no adverse impact on highway safety in accordance with Policy DEV29 of the Joint Local Plan and relevant guidance within the NPPF.

Amenity

61. The site is located in a location away from direct vehicular access to significant numbers of residential dwellings. This is owing to the fact that there is a barrier restricting access to Billacombe Road. This would prevent vehicles accessing the site and passing residential properties along Colesdown Hill. This would prevent significant noise and disturbance from comings and goings to the application site.

62. This separation combined with the limited scale, with two pitches, does not give rise to any significant loss of amenity to neighbouring properties and uses.

63. A number of letters of representation have been received with this application. Many of the comments raise concerns about security and safety. The Police Architectural Liaison Officer has raised no objection to this proposal, and the problems associated with unauthorised encampments are not the same issues that a private site, such as this experience.

64. As a result there is no evidence that this use would cause any significant loss of amenity to existing residents or businesses.

65. A number of letters have also raised the issue of increasing the level of occupation of the site. Should the application be approved then a condition can be used to control the number of pitches on the site.

66. In terms of fly tipping and refuse, there is no evidence that this will increase as a result of gypsy and travellers occupying a site, compared to any other form of residential development. Therefore this objection cannot be substantiated as a planning consideration.

67. Overall, it is considered that the proposed development would not give rise to a detrimental impact on the amenity of existing residents or uses within the area and the proposal is in accordance with JLP Policies DEV1 and DEV2 and the NPPF.

Contamination

68. A Preliminary Contamination Risk Assessment report has been submitted in relation to the application site. The assessment concludes that there are no significant potential pollutant linkages and the assessment has shown that the site is uncontaminated for the proposed end use. The assessment therefore states that no further work is required in relation to possible contaminants on site.

69. The Public Protection Service have considered the submitted details and have not raised any objection to the proposal. It is therefore considered that the proposal would accord with Policy DEV2 of the Joint Local Plan.

Planning Balance and Conclusion

70. It is noted that the Inspector previously stated " I attach moderate weight to the compliance with Policy DEV13 of the JLP and the PPTS. I attach substantial weight to the unmet need for Gypsy and Traveller pitches which would assist in meeting the needs of the proposed occupiers. Furthermore, the lack of availability of suitable, affordable and acceptable alternative sites should be afforded substantial weight and also the personal circumstances of the proposed occupiers of the site should accrue substantial weight. The combined weight in support of the scheme is therefore substantial".

71. The Inspector continues by stating that the "harm to, and policy conflict with, the Strategic Green Space and the functions and characteristics of the Saltram Countryside Park would be fairly modest for the reasons I have explained. This is a matter that I attribute moderate weight. However, the potential disruption and harm to the habitat of bats is a matter of great significance. This weighs to a very large extent against the proposal... The scheme is not without merit, however, the importance of ensuring that a protected species is not unduly harmed tips the balance of all the considerations such that the combined harm would not be outweighed by the cumulative benefits of the proposal".

72. It is however noted that the applicant has since overcome the concerns regarding the impact on protected species by submitting an acceptable EclA that includes up to date bat surveys. The NI Team have reviewed these details and consider the details to be acceptable subject to conditions.

73. While the development will cause limited harm to the Strategic Green Space, balanced against this are the factors in favour of the proposal. There is a clear and significant need for sites, the scheme would go some way towards addressing this need. Further, in the absence of any notable harm to highway safety, amenity, ecological or drainage, there would also be social benefits to future occupiers of the site in having a settled base. These factors attract significant weight, which in this case are thought sufficient to outweigh the moderate harm identified to the Saltram Countryside Park and the application is therefore recommended for conditional approval.

Habitats Regulation Assessment

74. Having considered the nature, scale, and location of the project, it was concluded that it is very unlikely that the scheme would directly, indirectly, alone or in-combination adversely affect a European Site.

Other Considerations

75. The application site is not set within a Flood Zone or Critical Drainage Area.

9. Human Rights

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

10. Local Finance Considerations

Through granting planning permission the site would be liable to pay Council Tax. Through permitting more authorised sites there could be less of a demand for unauthorised sites, thereby reducing revenue demands on dealing with unauthorised encampments.

11. Planning Obligations

The purpose of planning obligations is to mitigate or compensate for adverse impacts of a development, or to prescribe or secure something that is needed to make the development acceptable in planning terms. Planning obligations can only lawfully constitute a reason for granting planning permission where the three statutory tests of Regulation 122 of the CIL Regulations 2010 are met.

Planning obligations are not sought due to the nature and size of proposal.

12. Equalities and Diversities

The Equalities Act 2010 ensures that people are not discriminated on 9 characteristics, these are; age, disability, gender reassignment, marriage or civil partnerships, pregnancy or maternity, race, religion or belief, sex, or sexual orientation. The Equality Duty is a duty on public bodies and it ensures that public bodies consider the needs of all individuals in their day to day work.

In this instance it is recognised that finding suitable sites for the Gypsy and Traveller community is essential to provide equality for everyone. Everyone is entitled to a decent home; decent homes are a key element of any thriving, sustainable community. This is true for the settled community and the Gypsy and Traveller Community alike.

Gypsies and Travellers can be broadly broken down into the following groups:

Romani/Roma Gypsies: English, Welsh, Scottish and European. Traditionally Romani Gypsies speak Roma (a combination of the Indian Sanskrit language and English).

Irish Travellers: The first Irish Travellers were recorded in the C15th. Originally forced to lead a travelling lifestyle through poverty and evictions and famine eventually leading to metalworking become one of the first trades.

New Travellers: The youngest group, with roots in the C20th. Many adults have grown up in a mainstream society and are aware of their entitlements in terms of education, health and other services.

Romani and Irish Travellers are both recognised under the Equalities Act 2010 as a race of people. The applicant has indicated they are from the Romani community. It is therefore important that the Council considers the needs of the individual in its day to day work. In this regard the Council has considered the material planning considerations, including the unmet need for additional sites, and, on balance concluded that this need overrides the conflict with the development plan.

As a result the LPA has considered and discharged its duty under the Equalities Act, including, and not exclusively, the public sector equalities duty.

13. Conclusions and Reasons for Decision

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the proposal accords with policy and national guidance. The application will provide two gypsy and traveller pitches helping to address an unmet need, which has been given significant weight, and is considered to outweigh the conflict with Policy PLY54. The application is therefore recommended for conditional approval.

14. Recommendation

In respect of the application dated 16.02.2023 it is recommended to Grant Conditionally.

15. Conditions / Reasons

The development hereby permitted shall be carried out in accordance with the following approved plans:

1 **CONDITION: APPROVED PLANS**

Proposed Site Layout and Detailed Landscape Scheme TDA.2364.03 Rev A received 25/11/22
Site Location Plan TDA.2364.01 received 03/01/23

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with the Plymouth & South West Devon Joint Local Plan 2014–2034 (2019).

2 **CONDITION: COMMENCE WITHIN 3 YEARS**

The development hereby permitted shall be begun before the expiration of three years beginning from the date of this permission.

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004.

3 **CONDITION: LIGHTING DESIGN STRATEGY**

PRE-COMMENCEMENT

No development shall commence until a sensitive lighting scheme has been submitted and approved in writing by the Local Planning Authority to address light sensitive species mitigation. The scheme shall include the following;

- i. A drawing showing sensitive areas and/or dark corridor safe guarding areas.
- ii. Identify areas and features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around breeding or resting sites and foraging routes. Please note that the introduction of artificial light can mean species are disturbed and/or discouraged from sing their breeding, foraging and resting places. This disturbance can constitute as an offence under wildlife legislation.
- iii. Show how and where external lighting will be installed (including the provision of appropriate lighting contour plan and technical specifications, such as inclusion of hoods, cowls, shields and louvers and lighting levels below 0.5 lux), taking into account hard landscaping. Boundary features

should remain dark and unlit at night. This should clearly demonstrate the areas to be lit will not negatively impact on the above species' ecology and behaviour.

- iv. Methods to control lighting (e.g. timer operation, passive infrared sensor (PIR), limited operational hours)
- v. All external lighting shall be installed in accordance with the specifications and locations outlined in the aforementioned strategy and should be maintained thereafter in adherence with the strategy. Under no circumstances should additional external lighting be installed without prior consent from the Local Planning Authority.

Reason: In the interests of the retention, protection and enhancement of wildlife and biological features in accordance with Joint Local Plan Policies DEV2 and Government advice contained in the NPPF (2021) paragraphs 153, 175, 185c.

Justification: To ensure that lighting arrangements can be adequately accommodated within the development and that protected species are not harmed.

Note: Many species (bats, badgers, otters) are sensitive to light pollution. Disturbance of breeding, resting, foraging and flyways can constitute as an offense under wildlife legislation.

4 **CONDITION: SURFACING OF DRIVEWAY (AMENDED)**

PRE-OCCUPATION

Before the development hereby permitted is occupied, the driveway shall either be (a) constructed using a permeable construction or (b) hard paved for a distance of not less than 10m from the edge of the public highway and drained to a private soakaway; and shall thereafter be maintained to ensure satisfactory access to the adjoining highway, in accordance with the approved plans.

Reason: To ensure that no private surface water or loose material is deposited onto the adjoining highway in the interests of highway safety in accordance with Policy DEV29 of the adopted Plymouth & Southwest Devon Joint Local Plan 2014 - 2034

5 **CONDITION: LANDSCAPE AND ECOLOGY MANAGEMENT PLAN**

PRE-OCCUPATION

A Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority prior to occupation of the development. The content of the LEMP shall include the following:

- i. Description and evaluation of features to be managed.
- ii. Ecological trends and constraints on site that might influence management.
- iii. Aims and objectives of management for both the landscape elements and the biodiversity features.
- iv. Set out maintenance operations for the first year following implementation of the scheme and for a further 4 years following establishment for achieving aims and objectives.
- v. Preparation of a work schedule.
- vi. Body or organisation responsible for implementation of the plan.
- vii. Monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer with the management body(s) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial

action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of the retention, protection and enhancement of wildlife and features of biological interest and to ensure that satisfactory landscaping works are carried out, in accordance with Joint Local Plan Policies SPT12, DEV20, DEV23 & DEV26 and Government advice contained in the NPPF paragraphs 170, 174 & 175.

6 CONDITION: SITE DEVELOPMENT

PRE-OCCUPATION

Notwithstanding the details shown on TDA drawing no. TDA.2364.03, a 'site development scheme' for the internal layout of the site including the siting of the caravans/ mobile homes, hardstanding, parking, amenity areas, means of foul and surface water drainage and boundary treatment shall be submitted for the written approval of the Local Planning Authority prior to occupation of the site. The said scheme shall include a timetable for its implementation, with works completed in 6-months and shall accord with the requirements of the submitted Ecological Impact Assessment and Landscape Scheme.

Reason: To ensure that satisfactory site layout and landscaping works are carried out in accordance with DEV13, DEV 23 and policy DEV28 of the Plymouth & South West Devon Joint Local Plan 2014-2034 (2019).

7 CONDITION: REFUSE STORAGE

PRE-OCCUPATION

Before the development hereby permitted is occupied, details of a bin store and its location on site shall be submitted to and approved by the Local Planning Authority. The refuse and recycling bins shall be kept within this allocated area at all times except for collection day.

Reason: To prevent street clutter and polluting effects from refuse storage in accordance with Policies DEV1, DEV2, DEV29 and DEV31 of the Plymouth and South West Devon Joint Local Plan 2019 and the National Planning Policy Framework 2021.

8 CONDITION: GATES

The gates hereby permitted shall be of a type that open inwards only.

Reason: In order that the gate can be opened and closed even when a car is parked in front of it, to prevent obstruction onto the highway, in accordance with Policy DEV29 of the adopted Plymouth & Southwest Devon Joint Local Plan 2014 - 2034

9 CONDITION: TREES

In this condition "retained tree or hedgerow" means an existing tree or hedgerow which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the commencement of development.

A: No retained tree, hedgerow or shrub shall be cut down, uprooted or destroyed, nor shall any tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with BS 3998: 2010 Tree Work Recommendations.

B: If any retained tree or hedgerow is removed, uprooted or destroyed or dies, or pruned in breach of (a) above in a manner which, in the opinion of the Local Planning Authority, leaves it in such a poor condition that it is unlikely to recover and/or attain its previous amenity value, another tree or hedgerow shall be planted at the same place and that tree or hedgerow shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

C: The erection of barriers and ground protection for any retained tree or hedgerow shall be undertaken in accordance with Section 6.2 of BS 5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason: To ensure that the trees on site are protected during construction work in accordance with policy DEV28 of the Plymouth and South West Devon Joint Local Plan and paragraphs 130, 174 and 180 of the National Planning Policy Framework 2021.

10 CONDITION: REPLACEMENT PLANTING

If within a period of five years from the date of implementing the landscaping details approved in accordance with plan no TDA.2364.03, any trees or shrubs are removed, uprooted, destroyed, fail to thrive or die, another tree or shrub of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

Reason: To ensure that satisfactory landscaping works are carried out in accordance with DEV 23 and policy DEV28 of the Plymouth & South West Devon Joint Local Plan 2014-2034 (2019)

11 CONDITION: PITCHES AND NUMBER OF CARAVANS

There shall be no more than two pitches on the site and the approved pitches shall accommodate no more than 4 caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (as amended), of which no more than 2 shall be static caravans or mobile homes.

Reason: For the avoidance of doubt and in the interests of good planning, and to avoid conflict with DEV13 of the Plymouth & South West Devon Joint Local Plan 2014-2034 (2019).

12 CONDITION: NO COMMERCIAL ACTIVITY

No commercial, industrial or business activities, including the storage of materials and goods, shall take place on any part of the site

Reason: In the interests of the character and appearance of the area having regards to Policies For the avoidance of doubt and in the interests of good planning, and to avoid conflict with Policies DEV13, DEV27 and PLY54 of the Plymouth & South West Devon Joint Local Plan 2014-2034 (2019).

13 CONDITION: PERMITTED DEVELOPMENT RIGHTS

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification), no buildings, structures or means of enclosure other than those approved in accordance with Condition 6 above shall be erected on the site without prior approval from the Local Planning Authority.

Reason: For the avoidance of doubt and to avoid conflict with DEV 23 of the Plymouth & South West Devon Joint Local Plan 2014-2034 (2019).

14 CONDITION: LARGE VEHICLES

No more than one commercial vehicle, which shall be for use by the occupiers of the caravans and shall not exceed 3.5 tonnes in weight, shall be stationed, kept or parked on each of the two pitches hereby permitted. This condition does not prevent the necessary presence on the land of vehicles making deliveries or collections to and from the site in connection with the residential use allowed by this permission.

Reason: For the avoidance of doubt and in the interests of good planning, and to avoid conflict with Policies DEV13, DEV27 and PLY54 of the Plymouth & South West Devon Joint Local Plan 2014-2034 (2019).

15 CONDITION: GYPSY AND TRAVELLER USE

The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex I: Glossary of Planning Policy for Traveller Sites (or its equivalent in replacement national policy), but including those gypsies and travellers who have ceased to travel permanently.

Reason: To ensure that the residential status of the site for gypsy and traveller families is not prejudiced by other uses and to avoid conflict with Policies DEV10, DEV27 and PLY54 of the Plymouth & South West Devon Joint Local Plan 2014-2034 (2019).

16 CONDITION: ECOLOGICAL MITIGATION

Unless otherwise previously agreed in writing with the Local Planning Authority, the development shall be carried out in accordance with the Ecological Impact Assessment, Version 03, dated August 2022.

Reason:

In the interests of the retention, protection and enhancement of wildlife and features of biological interest, in accordance with Joint Local Plan Policies SPT12 & DEV26 and Government advice contained in the NPPF paragraphs 153, 174, 175, 179 and 180.

INFORMATIVES

1 INFORMATIVE: (NOT CIL LIABLE) DEVELOPMENT IS NOT LIABLE FOR A COMMUNITY INFRASTRUCTURE LEVY CONTRIBUTION

The Local Planning Authority has assessed that this development, due to its size or nature, is exempt from any liability under the Community Infrastructure Levy Regulations 2010 (as amended).

2 INFORMATIVE: CONDITIONAL APPROVAL (NO NEGOTIATION)

In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and the National Planning Policy Framework, the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.

3 INFORMATIVE: NESTING SEASON

It is an offence under the Wildlife and Countryside Act 1981 to damage to destroy the nest of any wild bird while it is in use or being built and it is also an offence to disturb many species of wild bird while nesting. The months to avoid are between March and August.