

**Application Number**

P/2019/0265

**Site Address**

Land Off Martinique Grove  
Torquay  
TQ2 7GR

**Case Officer**

Mr Scott Jones

**Ward**

The Willows

**Executive Summary**

The site is a grazed, hedge-lined field that abuts the north-eastern edge of “The Willows” housing estate, north of Martinique Grove and east of Montserrat Rise.

The site is within the urban area and is identified as a Committed and Deliverable Site within the Development Plan (which reflects historic housing permissions over the land). It is not designated countryside or open green space within the Development Plan.

The proposal is to provide 5 detached dwellings set in a loose south-facing arc arrangement, to be accessed off the existing highway spur in Martinique Grove.

The dwellings are all pitched-roof bungalows finished in render with a section of timber boarding, each with an element of under-build that provides garage parking and a small storage area and lift.

The proposal is considered to present an acceptable form of residential development for the suburban / edge of settlement context, which would sit comfortably within the locality, that also presents an acceptable living environment for future occupiers, and would also have no undue impact upon existing occupiers when considering the scale and form of development and the separation distances that are proposed.

In regard to other matters, adequate parking is provided to serve the dwellings and the application is supported by ecological proposals that suitably manage and mitigate to ensure the development would not harm protected species, and seeks to promote biodiversity enhancement.

All matters considered, the proposal is considered to accord with the Development Plan and presents a sustainable form of development that would provide family sized homes and help meet local housing needs. The development will be CIL liable and is expected to trigger an obligation of approximately £38,000.

Notwithstanding the extent of public objection there are no material considerations indicating that planning permission should not be granted, considering the level of accordance with the Development Plan.

### **Recommendation**

Approval subject to conditions, with the final drafting of conditions and addressing any further material considerations that may come to light, to be delegated to the Assistant Director of Planning and Transport.

### **Statutory Determination Period**

8 weeks - 9th May 2019 - Extension of time agreed until 14<sup>th</sup> June 2019.

### **Site Details**

The site is a small field adjacent to the north-eastern edge of “The Willows” residential estate. There is modern suburban housing to the south (Martinique Grove) and to the west (Montserrat Rise), fields lie to the east and south-east, and woodland and a large order residential plot served off the Kingskerswell Road lie to the north.

The field sits as a slight bowl but generally rises from south to north. It is grazed with short grass largely evident and is hedge lined. It is noted that higher land which previously formed part of the field to the west is subject to some recently approved housebuilding development, accessed off Montserrat Rise.

In terms of relevant designations the site sits in the built up area and is not designated as countryside in the Torquay Local Plan. It is actually part of a larger identified site (that spreads east and then south), as a committed and deliverable development site, within the Local Plan and referenced in the Torquay Neighbourhood Plan (CDST3 – Scotts Bridge / Barton Remainder). To the north and north-east the higher land adjacent is designated as an Urban Landscape Protection Area within the Torbay Local Plan.

Date of Officer Site Visit: W/C 18<sup>th</sup> March 2019

### **Detailed Proposals**

The proposal is to provide 5 detached dwellings. The dwellings are all 3-bed bungalows with under-build garaging, which are arranged in a loose south facing arc with a vehicular access from the south off the existing highway network

(highway spur) set between No.5 and No.7 Martinique Grove.

The dwellings are all similar in scale and form with simple gable roofs with inset front-facing gable features. The elevation finish for each dwelling is largely render with the feature gables clad with cedar boarding. Roofs are finished with grey concrete tiles and windows are proposed in grey uPVC. All dwellings have parking for 2 cars split between a garage and private driveways that sit off a shared communal private drive. There is also cycle storage, waste storage and electric charging points at the lower parking level for each dwelling.

The proposal seeks to provide drainage via soakaways subject to infiltration testing, seeks to provide additional rear border planting to create a tree lined hedge boundary, and proposes planting to the south of the development between the proposed dwellings and the existing houses off Martinique Grove. Ecology proposals include hedgehog friendly fencing and bat and bird boxes being fitted to all dwellings, and badger management processes.

### **Policy Context**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations indicate Otherwise. The following development plan policies and material considerations are relevant to this application:

#### **Development Plan**

- The Adopted Torbay Local Plan 2012-2030 (TLP)
- The Torquay Neighbourhood Plan (TNP)

#### **Material Considerations**

- National Planning Policy Framework (NPPF)
- Planning Policy Guidance (PPG)
- Published Standing Advice
- Planning matters relevant to the case under consideration, including the following advice and representations, planning history, and other matters referred to in this report.

### **Summary of Consultation Responses**

#### **Torquay Neighbourhood Plan Forum**

No comments received.

Strategic Planning Team (incorporating Highway Authority comments):

Detailed comments awaited. Outline comments advise that 5 dwellings off a private drive is generally considered acceptable. Parking should be provided in-line with Policy TA3 and Appendix F of the Torbay Local Plan (2 per dwelling) along with appropriate electric charging points and cycle parking facilities.

Drainage Department:

Standing advice applies. As the site is within a Critical Drainage Area the applicant must demonstrate that the surface water drainage design will not result in any increased risk of flooding to properties or land adjacent to the development for the critical 1 in 100 year storm event plus an allowance for climate change. Standing advice directs that this can be achieved by use of a Planning Condition.

**Summary Of Representations**

Publication type: Neighbour notification letters/Site notice/Newspaper advertisement

36 contributors have been received objecting to the scheme, a number of which state that the revised plans do not overcome their concerns. The key planning related issues are;

Issues raised include:

- o Overdevelopment
- o Impact on wildlife
- o Loss of a green field / natural habitat
- o Loss of privacy and overlooking
- o Flooding issues
- o Impact on parking in the area
- o Construction impacts
- o Out of character
- o No benefits for the community
- o Doesn't accord with local plan policies
- o Materials are inappropriate

**Relevant Planning History**

Land west of the site (and east of Montserrat Rise):

P/2018/0992: Formation of dwelling & garages: Approved 16.01.2019.

P/2016/0787: Erection of dwelling house with garage and drive: Approved 07.08.2017

P/2013/0462: Erection of two 2 storey detached dwelling houses with associated access and parking (integral garages) (in outline). Approved 07.03.2014. Subsequent Reserved Matters (P/2016/0181) Approved 15.02.2016.

## **Key Issues/Material Considerations**

### **1. Principle of residential development**

Policy H1 (Applications for new homes) of the Torbay Local Plan cites that proposals for new homes within the built up area will be supported subject to accordance with the other policies contained within the Local Plan. The site sits in the built up area and is not designated as countryside in the Torquay Local Plan. Notably it is identified as a committed and deliverable development site, which principally recognises historic planning consents over the land (CDST3).

Policy TS4 (Support for Brownfield and Greenfield development) of the Torquay Neighbourhood Plan cites that development proposals of greenfield sites can have an adverse impact through the loss of green space, so will be supported where this is an allocated site within the Plan or the loss is required to meet the strategic economic policies within the Local Plan. The site is referenced within the Torquay Neighbourhood Plan as a potential housing site where Policy TH1 (Housing Allocations) references committed and/or deliverable sites identified in the Local Plan. It is also pertinent to note that the site is not identified as a Local Green Space within the Torquay Neighbourhood Plan, which through Policy TE2 (Local Green Spaces) would present a different policy steer towards ruling out development other than in very special circumstances.

Policy THW2 (Change of use of allotments and retention of food production areas) of the Torquay Neighbourhood Plan is relevant in terms of considering the principle. The policy seeks to resist non-agricultural development on high quality agricultural land unless allocated. Although not “allocated” the Neighbourhood Plan identifies the site as a deliverable site for development and has re-emphasising the position of the Local Plan that some form of development is likely to come forward on the site. This supports the notion that the principle of development is acceptable. It is also relevant that the land is not considered “high quality” agricultural land and is rather lower quality and classified as “Poor”.

For the policy reasons above the principle of housing development is considered acceptable subject to accordance with other policies of the Development Plan, which will be discussed below.

### **2. Design and visual impact**

Policy DE1 (Design) of the Torbay Local Plan cites that proposals will be assessed against a range of criteria relating to their function, visual appeal, and quality of public space.

Policy TH8 (Established architecture) of the Torquay Neighbourhood Plan cites that development should be of good quality design, respect the local character in terms of height, scale and bulk; and reflect the identity of its surroundings.

The NPPF guides that decisions (amongst other things) should secure developments that are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (Para 127).

The proposals respect the domestic scale that prevails in the local area and presents individual buildings and a building group that sits comfortably in the context of the suburban / edge of settlement location. The general design and choice of materials is simple and modern, which also suitably reflects the suburban and edge of settlement location. The limited use of timber is considered acceptable in the context notwithstanding the principally rendered finish locally, when reflecting on the different pockets of housing designs that are evident through The Willows. It is welcomed that render remains the predominant material and the timber helps to soften the development and adds interest to the building form.

In terms of the layout the space afforded for gardens and landscaping is greater than that of the established suburban development to the south, and is considered an acceptable layout for development on the fringes of an existing settlement on this sloping greenfield site.

In terms of design for these reasons above the development is considered acceptable as there would be no adverse impact upon the character or visual amenities of the locality. The proposal is considered to be in accordance with Policies DE1 and DE4 and H1 of the Torbay Local Plan, Policy TH8 of the Torquay Neighbourhood Plan, and guidance contained within the NPPF.

### **3. Quality of the proposed residential environment**

Policy DE3 of the Torbay Local Plan states that development proposals should be designed to ensure an acceptable level of amenity. This includes expectations in terms of internal and external spaces, and for habitable spaces to be provided with adequate outlooks and privacy. The Torquay Neighbourhood Plan is largely silent on accommodation requirements but it does cover expectations for outdoor space.

The dwellings are considered to provide a good standard of living accommodation and outdoor amenity space. The internal environment is suitably scaled and

accords with the internal space standards cited within the Torbay Local Plan. The outlooks are considered to be good and there is acceptable natural lighting to key habitable spaces. The revised plans have sought to improve the relationship to the east for Plots 1 and 2 by reducing how direct the building lines relate to the higher properties to be built off Montserrat Rise, whilst also bolstering the proposed tree planting along the rear boundary to further reduce potential downward views into the proposed properties and gardens. In terms of outdoor space the gardens far exceed the 20sqm expected within the Torquay Neighbourhood Plan and also exceed the 55sqm expected within the Torbay Local Plan. The garden sizes also reflect the local area and are not cramped in terms of local character, but rather generous.

The proposal, for the reasons above, is considered to provide a good standard of living accommodation for future occupiers, in accordance with Policy DE3 of the Torbay Local Plan and Policy THW4 of the Torquay Neighbourhood Plan.

#### **4. Impact upon the amenity of neighbouring occupiers**

Policy DE3 of the Torbay Local Plan states that development should not unduly impact upon the amenity of neighbouring and surrounding occupiers. The Torquay Neighbourhood Plan is silent on the matter of amenity.

The construction phase will naturally have some temporary impacts however such impacts are not unusual and can be limited through restricting hours of construction and agreeing processes to limit delivery and construction parking impacts through the use of a planning condition.

In terms of the finished development the residential use aligns with the prevailing character of the area and the additional dwellings would not result in undue noise or general disturbance.

The scale and massing of the dwellings are limited (individual bungalows with partial underbuilds) and each dwelling will sit some distance away from the existing properties set to the south and west. When considering the proposed scale and the separation distances the development will not be overbearing or cause any undue loss of light or outlook for existing occupiers of these dwellings.

In terms of privacy, inter-looking and overlooking although there is no definitive guidance within the Development Plan it is generally accepted that a distance of 20/21m back-to-back between properties is acceptable, but that it may be necessary for greater separation distances for taller buildings or for development on sloping land. Although the relationship is front-to-back it is reasonable to consider it in a similar context to back-to-back relationship in terms of sensitivity. The development proposes a minimum separation distance of 26m for Plot 1 and this distance is an oblique relationship, which is less sensitive to potential inter-looking and loss of privacy. Moving through the development the separation

distances rise to around 31m-36m for Plots 2 to 5, and again there is an oblique nature to some of the relationships to existing properties to the south. When considering the distances involved, and taking into account the topography, the relationships to the south are considered acceptable in terms of the impact of the development upon existing occupiers. It is noted that the proposed landscaping seeks to retain the existing southern border and provides a number of feature trees between the proposed properties and the existing properties to the south. The landscaping will help lessen the perceived impact in terms of overlooking and can be secured through a landscape planning condition. It is noted that the separation distances appear greater than the prevailing space afforded between properties throughout various streets within the existing development to the south, which adds some further evidence that the relationships are acceptable.

In terms of amenity for the reasons above the proposal is considered to comply with Policy DE3 of the Torbay Local Plan as it would not unduly impact the amenities afforded neighbouring occupiers.

## **5. Highway Safety and Parking**

Policy TA3 and Appendix F of the Torbay Local Plan provides key policy guidance and for dwellings there is an expected requirement of 2 spaces per dwelling, although there is appreciation that this standard can be reduced in locations such as towns centres.

Policy TH9 of the Torquay Neighbourhood Plan cites that all housing developments must meet the guideline parking requirements contained in the Local Plan unless it can be shown that there is not likely to be an increase in on-street parking arising from the development or, the development is within the town centre and an easy walk of a public car park which will be available to residents for the foreseeable future.

The development is supported by on-plot parking and meets the expected requirements for vehicular parking. There is also designated cycle parking for each dwelling contained within the under-croft off the garage. There is also electric charging points proposed within each garage. This presents a rounded parking provision that adequately provides for cars but also promotes more sustainable choices of transport in-line with policy objectives.

In terms of the wider highway arrangement the access is proposed to be off the adopted network via a link to the existing spur within Martinique Grove. Beyond this spur the road is proposed to be a private driveway which features a turning area and waste storage area for collection days.

Highway comments are awaited however it is noted that the Torbay Highway Design Guide accepts the notion of private drives where they serve up to 5

dwellings and indicates a drive of this length should have a turning point, which is provided within the design.

Subject to matters that may be raised by the Highway Authority the proposal is considered acceptable in accordance with Policies DE1 and TA3 of the Torbay Local Plan and Policy TH9 of the Torquay Neighbourhood Plan.

## **6. Drainage and flood risk**

Policy ER1 of the Torbay Local Plan states that proposals should maintain or enhance the prevailing water flow regime on-site, including an allowance for climate change, and ensure the risk of flooding is not increased elsewhere.

The site is located within Flood Zone 1 (Low Risk) and is within a wider designated Critical Drainage Area.

The proposal is supported by a Site Specific Flood Risk Assessment which states that surface water will be managed by sustainable infiltration using a soakaway or other sustainable draining system design in accordance with the appropriate standards.

The proposal summarised above is in accordance with the Council's Draining Department's Standing Advice, as for a development of this scale it is accepted that the detailed design solution can be secured and reviewed through the use of a planning condition.

Subject to the proposed conditions re surface water management the proposal is considered to be acceptable in accordance with Policies ER1 and ER2 of the Torbay Local Plan.

## **7. Ecology**

In regard to the Development Plan Policy NC1 (Biodiversity and geodiversity) of the Torbay Local Plan confirms the Local Plan seeks that development in all areas should conserve or enhance Torbay's biodiversity and geodiversity. It further outlines expectations for internationally, nationally and locally important sites and species.

In regard to the Torquay Neighbourhood Plan Policy TE4 (Green Corridors) identifies that greenfield development should where possible support the provision and/or enhancement of green infrastructure and Policy TE5 (Protected species habitats and biodiversity) identifies that development of new homes on an unallocated site that could have an impact on a protected species or habitat must provide, as appropriate, an assessment of impacts upon any existing protected species or habitats and as necessary provide mitigating arrangements in order to protect and enhance those species and habitats.

In terms of ecology the site has no formal wildlife designation but it is a greenfield site that presents a context that could give rise to potential impacts upon wildlife. The application is supported by an ecology report and the key conclusions are summarised below.

The development is unlikely to cause disturbance to bats, affect the distribution or abundance of local populations and will not disturb any roosts. Mitigation is not considered necessary however enhancement is proposed through the provision of bat tubes being included in the designs for the new houses.

The development has the potential to disturb nesting birds through the removal of a section of hedge to create the access road if works are carried out during the nesting season. Mitigation measures are proposed in terms of clearance being restricted to being outside of the nesting season unless done under a watching brief. Enhancement is proposed through the provision of nesting boxes.

The development is unlikely to kill or injure reptiles and / or amphibians as the field is heavily grazed but the borders to provide some habitat that may be used. The supporting information recommends a precautionary approach to scrub removal including graduated clearance.

In terms of badgers it confirms that there is badger activity (sett entrances and runs) recorded in the hedge along the east side of the field and the accompanying Badger Report proposes development management measures to secure development that would not contravene wildlife legislation. The report highlights that, depending on the results of a pre-works survey, it may be necessary to apply for a Badger Licence (via Natural England) to damage / destroy a sett, and / or cause disturbance to badgers, but that the presence of badgers is not in itself a reason for the planning application to be refused. The report confirms that with a licence in place (if the setts are found to be occupied), the proposed development could be carried out without committing any offences.

In terms of further ecology considerations the proposed development will not result in the removal of or disturbance to any potential dormouse habitat; and will not disturb or injure dormice, that there is the possible presence of hedgehogs, and precautionary measures recommended when any scrub is cleared and enhancement measures have been included.

In light of the above and subject to the management and mitigation within the submitted ecology report being secured (by planning condition) the proposal is considered acceptable on ecology and biodiversity grounds, being in accordance with Policy NC1 of the Torbay Local Plan, TE4 and TE5 of the Torquay Neighbourhood Plan, and the NPPF.

## **8. Other Considerations**

## **Housing Supply**

The Council has between around 3.8- 4.5 years' housing supply based on an assessment at December 2018, which is below the 5 year supply sought by government. The proposal will help with the delivery of housing with a form of development that is considered to accord with the Development Plan.

Paragraph 11 of the NPPF outlines that decisions should apply a presumption in favour of sustainable development, which means approving development proposals that accord with an up-to-date development plan without delay.

## **S106/CIL and Affordable Housing -**

### Affordable Housing:

The Development Plan cites an affordable housing provision/contribution is required from this development in accordance with Policy H2 of the Torbay Local Plan 2012-2030. For a scheme of 5 dwellings within a greenfield site the Local Plan Policy H2 indicates a 10% affordable housing target, which would normally be off-site via a commuted sum.

Notwithstanding this Para 63 of the NPPF (2019) cites that the provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). As detailed the site is not designated countryside and hence as a "non-major" the guidance is that affordable housing should not be sought in this instance.

### S106:

Sustainable Development S106 contributions are not required from this development in accordance with Policy SS5/SS6/SS7/SS9/SS11/H2/Planning Contribution and Affordable Housing SPD.

### CIL:

The application is for residential development in Zone 2 where the Community Infrastructure Levy (CIL) is £70 per square metre of additional gross internal floor area created.

The CIL Liability will be established through the due process however as an indication to Members each dwelling, is circa 109sqm of CIL liable floor-space (including the garage) and hence the total CIL liable floor-space for the development is expected to be 545sqm. This equates to an expected CIL payment of £38,150.00

## **EIA/HRA**

### **EIA:**

Due to the scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA development.

### **HRA:**

The application site is not within a strategic flyway/sustenance zone associated with the South Hams SAC. The proposed development is unlikely to have a significant effect on the South Hams SAC.

Due to the distance to the coast the proposal is unlikely to have a significant effect on the Lyme Bay and Torbay SAC.

### **Human Rights and Equalities Issues -**

**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

**Equalities Act:** In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

### **Proactive Working**

In accordance with paragraph 38 of the National Planning Policy Framework the Council works in a positive and pro-active way with Applicants and looks for solutions to enable the grant of planning permission.

The applicant has during the consideration process submitted revised plans that seek to improve the general arrangement with properties to the south and west, which includes additional landscape planting, and has agreed an extension of time to permit the Authority to consider these and progress the application to

Committee.

## **Conclusions**

For the reasons stated within this report the proposal is considered acceptable, having regard to the Development Plan, the NPPF and all other material considerations.

In-line with Paragraph 11 of the NPPF decisions should apply a presumption in favour of sustainable development, which means approving development proposals that accord with an up-to-date Development Plan without delay.

## **Condition(s)/Reason(s)**

01. Prior to the commencement of development all necessary highway agreements shall be entered into to deliver an acceptable access to the development from the public highway for both the construction phase and for the future occupation of the dwellings hereby approved. The development shall proceed in full accordance with the highway agreements.

Reason: To secure an acceptable access to the site from the public highway, in accordance with Policy TA2 of the Torbay Local Plan 2012-2030.

This pre-commencement condition is necessary to ensure an appropriate and safe form of access during the course of construction works and beyond.

02. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) 2015 Order (or any Order revoking or re-enacting that Order with or without modification), Article 3, Schedule 2, Part 1, Classes A to E, no enlargements, improvements or other alterations shall take place to the proposed dwellings, and no outbuildings or other means of enclosure shall be erected within their garden areas (with the exception of one ancillary structure each up to 10 cubic metres in volume), unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason: In interests of visual and local amenity and in accordance with Policies DE1 and DE3 of the Torbay Local Plan 2012-2030 and Policy TH8 of the Torquay Neighbourhood Plan.

03. The development hereby approved shall not be used/occupied until the

garages, car parking, and turning area shown on the approved plans have been provided and made available for use. The car parking facilities shall be kept permanently available for parking and manoeuvring purposes to serve the development at all times thereafter.

Reason: To ensure that adequate off-street parking is provided, in accordance with policy TA3 of the Torbay Local Plan 2012-2030 and TH9 of the Torquay Neighbourhood Plan.

04. The development shall proceed in full accordance with the ecological management recommendations and mitigation proposals detailed within the submitted and approved ecology report (Butler Ecology, 6<sup>th</sup> March 2019) including the appended Badger Report (EPS Ecology February 2019).

All mitigation measures shall be provided within each plot/building prior to its first occupancy and shall be maintained at all times thereafter for the benefit of wildlife.

Reason: To secure biodiversity enhancements in accordance with Policy NC1 of the Torbay Local Plan 2012-2030 and advice contained within the NPPF.

05. The approved soft landscaping works shall be undertaken in the first available planting season following the first use or occupation of the development. The development shall proceed in full accordance with the approved landscape management procedures.

All planting, seeding or turfing comprised within the approved scheme shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next available planting season with others of a similar size and the same species.

The approved hard landscaping details and boundary treatments shall be provided within four weeks of the development being brought into use, and shall be retained for the life of the development.

Reason: In the interests of visual amenity and amenity in accordance with Policy DE1 of the Adopted Torbay Local Plan 2012-2030.

06. In accordance with the submitted flood risk assessment surface water drainage shall be provided by means of soakaways within the site which shall comply with the requirements of BRE Digest 365 for the critical 1 in 100 year storm event plus 30% for climate change unless an alternative means of surface water drainage is submitted to and agreed in writing by

the Local Planning Authority prior to the commencement of development.

Reason: In the interests of adapting to climate change and managing flood risk, and in order to accord with saved Policy ER1 and ER2 of the Torbay Local Plan 2012-2030 and the guidance contained in the NPPF.

07. Prior to the first occupation of the development hereby approved, the “collection day” fenced waste storage area shall be provided in full and made available for the purpose identified. The facility shall then be retained for these purposes at all times thereafter.

Reason: To protect the amenities of the area in accordance with Policy DE1 of the Torbay Local Plan 2012-2030.

08. No development shall take place, including any groundworks, until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The approved CMS shall be adhered to throughout the construction. The CMS shall provide for:

- a) The parking of vehicles of site operatives and visitors.
- b) Loading and unloading of plant and materials.
- c) Storage of plant and materials.
- d) Measures to limit dirt / materials on the highway
- e) Measures to control dust and dirt during construction.
- f) Measures to minimise noise nuisance to neighbours from plant and machinery.
- i) Construction working hours from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.

The approved CMS shall be adhered to throughout the construction phase.

Reason: To ensure that the construction works are carried out in an appropriate manner to minimise the impact on the amenity of neighbouring uses and in the interests of the convenience of highway users. These details are required pre-commencement as specified to ensure that building operations and vegetation removal are carried out in an appropriate manner to avoid nuisance to neighbouring uses and inconvenience to highway users, in accordance with Policy DE3 of the Torbay Local Plan 2012-2030.

A pre-commencement condition is necessary to ensure that the construction phase of the development does not result in unacceptable levels of nuisance.

## **Relevant Development Plan Policies**

SS1 - Growth Strategy for a prosperous Torbay

SS3 - Presumption in favour of sustainable dev

SS8 - Natural Environment

SS11 - Sustainable Communities Strategy

SS12 - Housing

SS13 - Five Year Housing Land Supply

SDT1 - Torquay

TA1 - Transport and accessibility

TA2 - Development access

TA3 - Parking requirements

C4 - Trees, hedgerows and natural landscape

H1LFS - Applications for new homes\_

H2LFS - Affordable Housing\_

DE1 - Design

DE3 - Development Amenity

ER1 - Flood Risk

ER2 - Water Management

W1 - Waste management facilities

TS1 – Sustainable Development

TS4 - Support for Brownfield and Greenfield development

TH1 - Housing Allocations

TH8 - Established architecture

TH9 - Parking facilities

TE2 - Local Green Spaces

TE4 - Green Corridors

TE5 - Protected species habitats and biodiversity

THW2: Change of use of allotments and retention of food production areas

THW4: Outside space provision

THW5: Access to sustainable transport

THW6: Cycle storage and changing facilities

TTR2 - Sustainable Communities