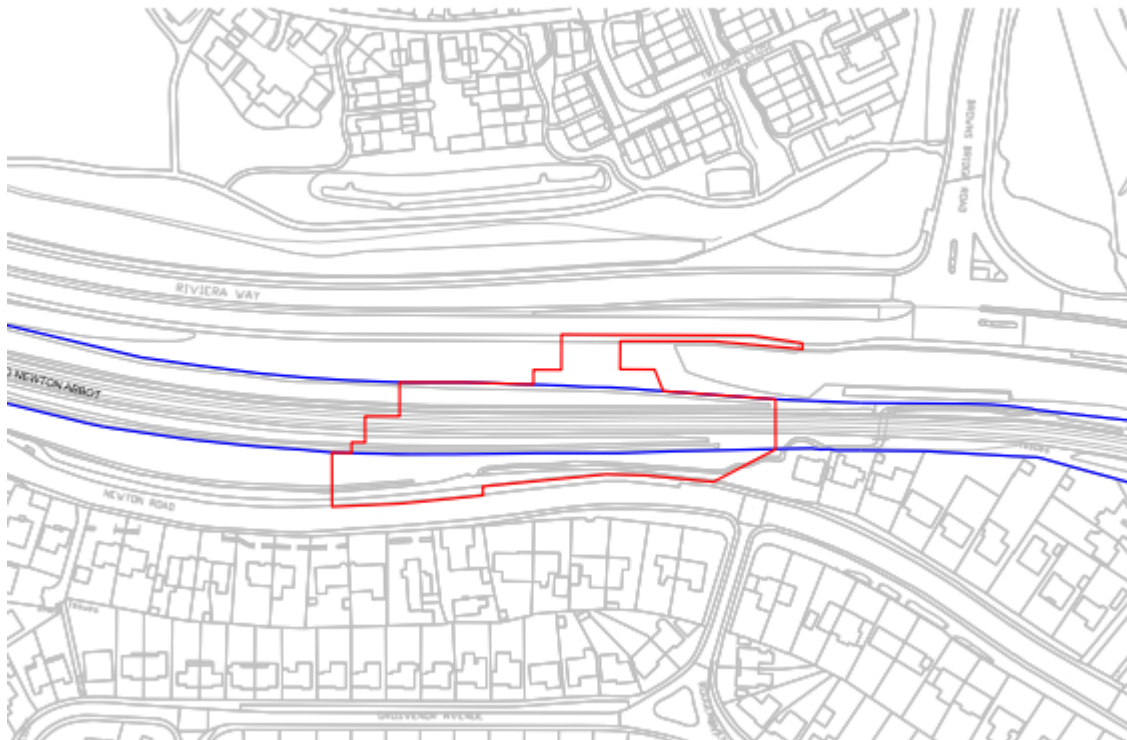


Application Site Address	Railway Corridor (Edginswell Railway Station) Off Newton Road Torquay TQ2 7AH
Proposal	Construction of new railway station with pedestrian access from existing highway both to north (Riviera Way) and south (Newton Road). Works to provide new railway station include two platforms, fully accessible lift footbridge with elevated walkway to north with associated infrastructure to include waiting shelter, lighting, CCTV, cycle parking with shelter and signage.
Application Number	P/2023/0708
Applicant	Mr Colin Field
Agent	Network Rail Infrastructure Limited
Date Application Valid	17.10.2022
Decision Due date	16.01.2023
Extension of Time Date	31.10.2023
Recommendation	<p>Approval: Subject to;</p> <p>The receipt of satisfactory comments from the Environment Agency regarding the developments flood resilience, delegated to the Divisional Director - Planning, Housing & Climate Emergency.</p> <p>The conditions outlined, with final wording delegated to the Divisional Director - Planning, Housing & Climate Emergency.</p> <p>The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Divisional Director - Planning, Housing & Climate Emergency, including the addition of any necessary further planning conditions or obligations.</p>
Reason for Referral to Planning Committee	Development partly on Council land with objections received.
Planning Case Officer	Scott Jones

Location Plan

7



Site Details

The site is land between Riviera Way and Newton Road that encompasses approximately 175m of rail land, areas of adjacent embankments, and a section of Council-owned green space that sits adjacent to the Newton Road, which is largely laid with formal managed grass with intermittent mature trees present. The site also includes a linear strip of highway verge adjacent to Riviera Way to the north of the rail line. At its widest point the site is approximately 55m from north-to-south.

The embankments to both the north and south of the rail line are principally scrub/woodland habitat, which sit as part of a linear ecological corridor identified as a Local Wildlife Site within the Torbay Local Plan. The site also sits within the wider boundaries of the Riviera Way Urban Landscape Protection Area, as identified under Policy C5 of the Torbay Local Plan.

The land adjacent to Newton Road that is largely laid to grass with trees is a designated Local Green Space, as identified within the Torquay Neighbourhood Plan (TLGSS1 - Cadewell Park Green). The application site encompasses a small section of this wider linear greenspace and a section of the adjacent footway.

The Aller Brook watercourse runs east-west within the area of the greenspace adjacent to Newton Road and the area is identified as having a higher risk of flooding, being Flood Zone 2 and 3 (High Risk) and is prone to surface water flooding.

The site is also identified within the Torbay Local Plan as the location for a proposed

railway station and the Torquay Neighbourhood Plan also references the community aspiration for a rail halt in this area (the vicinity of Edginswell Business Park).

Description of Development

Full planning permission is sought for the provision of a rail halt (unstaffed rail station) and associated infrastructure.

The proposal includes two platforms with a footbridge link over. Each platform has stairs and an access lift. The platforms are approximately 128m long. The platforms are approximately 1m above the established rail line, the upper sides of the footbridge are approximately 7m above the proposed platform level, and the lift columns rise slightly higher, finishing 9.3m above the platform level.

In terms of materials the lift towers are clad in a copper finish, the footbridge and stairs are to be painted a dark green, platform fencing will be galvanised with a black coating, and outer boundary, anti-climb fencing, will green coated.

To the north side towards Riviera Way the proposal includes a raised footway bridging the drop in levels from the adjacent highway to the footbridge and platforms. The proposals also include the extension of the existing footpath from the east to link the development to the public footpath network, where it presently terminates at a nearby bus stop near to the entrance to 'The Willows'.

To the southern side adjacent to the Newton Road the platform includes a low-level ramp that bridges a drop in levels towards a created area of hardstand that defines the entrance to the facility connection to the existing footway and the Newton Road. Within this area three cycle shelters providing 11 stands (capacity for 22 cycles) is also proposed.

Lighting and CCTV, together with platform shelters, seating and fencing are also included.

Pre-Application Enquiry

Informal pre-application advice given in terms of update documents and validation requirements following the recent consent over the land for a rail under planning reference P/2016/0078.

Relevant Planning 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 ("The Local Plan")

- The Torquay Neighbourhood Plan

Material Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice 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.

Relevant Planning History

Applications

P/2016/0078: Construction of a new railway station to include the following: Two single sided station platforms, provision of a footbridge between platforms, elevated walkway and access ramps, cycle spaces, extended footpath along Riviera Way, lighting and CCTV, and platform furniture to include shelter and signage. Approved 17.11.2016.

Summary of Representations

5 representations have been submitted, 1 in support, 4 citing objections.

Supporting comment in terms of providing a facility and improvement in design without the ramps previously proposed, but a noted concern if crossing improvements aren't secured.

Concerns/objections covered the following issues:

- traffic and access (in the context of the function of the station being to serve the Torbay Hospital.
- Drainage is a concern as it removes vegetation in a sensitive area.
- Privacy/light pollution/ noise nuisance from use.
- Impact on wildlife.
- Ramps are a better access option for this station compared to relying on lifts.

Summary of Consultation Responses

Torquay Neighbourhood Forum:

The Torquay Neighbourhood Plan includes an overall Community Aspiration: "The community supports the proposed new rail station at Edginswell but without general parking as this is deemed unnecessary in this location due to close proximity to the Hospital, retail areas and Future Growth Area." Similarly, a railway station at Edginswell is promoted in the Torbay Local Plan. On the other hand, the Shiphay and the Willows Community Partnership Aspiration in the Neighbourhood Plan states: "A new rail halt is proposed in the vicinity of the Edginswell business park. Appropriate, limited accessible car parking should be provided."

The original 2015 Transport Statement proposed a small car park with 29 bays. The current Transport Statement and Plans have dropped the provision of parking facilities. While this is laudable in terms of promoting sustainable transport (walking and cycling), in reality it is likely that a number of passengers will continue to use cars, especially during inclement weather. There is already parking congestion on Newton Road, and the expansion of Edginswell Business Park is expected to increase the demand for parking.

The Forum supports the Planning Application in principle. It will promote sustainable transport for the Edginswell Future Growth Area. The station will provide an arrival facility for those working at the employment sites, and a commuter facility for the residents of Edginswell, Shiphay, and the Willows.

However, the Forum requests that the provision of parking for 29 cars is restored. We also question whether provision of space for 22 cycles will be sufficient.

Torbay Council Strategic Planning and Transport

This application is supported. The station is a long-term objective of the Council, as set out within the Local Transport Plan and Local Plan, as well as references in the Torquay Neighbourhood Plan. The station forms a part of the Devon Metro proposal providing improved rail services and infrastructure across Devon, in particular linking to Exeter.

The scheme has developed over the years and with various funding opportunities to what is presented today. This provides a station that is accessible to all for the community around Shiphay and the Willows in particular, and also for those needing to access employment, education and healthcare facilities in the vicinity, not least Torbay Hospital.

The station is part of a bigger local transport improvement programme for the area, including improvements to junctions, road capacity, bus infrastructure, walking routes and cycling facilities (delivered and proposed) around the station site.

Torbay Council Highway Authority:

The Highway Authority supports the principle of development proposed however the following information is required for clarification before a formal recommendation can be made:

- Clarify whether 12 or 22 cycle parking spaces are to be provided;
- Demonstrate through an On-street Parking occupancy survey that the loss of existing on-road car parking spaces will not exacerbate car parking pressures on the nearby highway network; and
- Clarify if a drop-off point for passengers is to be provided.

(Officer comment: In response to the above the applicant has advised that x11 cycle stands permitting 22 bicycles to be provided. That no additional car parking spaces are proposed as there is a need to encourage a modal shift away from cars and the strategic case for the Railway Station itself mitigates some of the demand for parking in the area. And that modifications to the public highway for drop-off and blue badge spaces will be delivered via Torbay Council. The applicant also stated that they

support a future travel plan being controlled/ required by a pre-occupation planning condition. An update response from the Highway Authority is pending).

Drainage Engineer (Torbay Development Agency):

Following the receipt of the revised/updated Flood Risk Assessment the proposal is deemed acceptable.

The applicant has submitted a revised flood risk assessment that again identifies the surface water drainage from the new railway station will be discharged to the adjacent Aller Brook watercourse at a controlled discharge rate.

The flood risk assessment and the proposed surface water drainage has been designed in order that no properties on the development are at risk of flooding, and there is no increased risk of flooding to property and land adjacent to the site for the critical 1 in 100 year storm event plus 50% for climate change.

Based on the revised detail there is no objection on drainage grounds to planning permission being granted for this development.

Environment Agency

Recommend that this application is not determined until further information is submitted relating to flood risk and biodiversity impacts. At this juncture, the information submitted cannot be used to inform a determination as important details and assessments are missing from the application as submitted.

Before you determine the application, your Authority will also need to be content that the flood risk Sequential Test has been satisfied in accordance with the National Planning Policy Framework (NPPF) if you have not done so already. As you will be aware, failure of the Sequential Test is sufficient justification to refuse a planning application.

Advice on pollution prevention: The proposal would include works in close proximity to the river during the construction phase. It is therefore essential that the applicant is committed to putting measures in place to prevent pollution reaching the watercourse(s) in the vicinity. The submitted Construction Environment Management Plan (CEMP) considers various potential risks to the water environment but does not specify exactly how pollution may be prevented. We would recommend that your authority does not determine the application until you have confidence that the measures proposed are robust and enforceable.

(Officer Comment: A revised Flood Risk Assessment has been submitted and is currently being considered by the Environment Agency and their further response is pending. Impact on biodiversity is considered by Devon County Council).

South West Water

Asset Protection

Please note that no development will be permitted within 3.5 metres of the water main, and ground cover should not be substantially altered. Should the development encroach on the 3.5 metre easement, the trunk main will need to be diverted at the expense of the applicant.

Surface Water

The applicant should demonstrate that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable. Ground (infiltration) is South West Water's preferred method and meets with the Run-off Destination Hierarchy.

Police Designing Out Crime Officer

Planning applications for railways and train stations this falls within the jurisdiction of British Transport Police and their Designing Out Crime Officers who provide advice and recommendations. I can confirm we have been in discussion with throughout the planning stages and providing them with local information as requested.

British Transport Police

BTP have been consulted with regards the project and took part in a Crime Threat and Vulnerability Risk Assessment (CTVRA) exercise with stakeholders from the railway industry which produced the CTVRA, which has the crime threats and mitigations for the station recorded. There has since been a review of the proposed CCTV system in mid-2023.

Liaison has been undertaken with Devon and Cornwall Police's Designing Out Crime Officer, with regards the design of the footbridge and mitigations thereon to deter potential suicidal behaviour thereon, and this is specifically captured in the CTVRA.

Content that Network Rail has followed the requirements as laid down in the development framework around the development of new stations in that liaison has taken place with the BTP Designing Out Crime Unit

Devon County Council Ecologist

The ecological Information provided is sufficient and conditions / s106 are needed.

Protected Species

Bats: The application is supported by adequate assessment of impacts. Subject to conditions for the development to accord with the submitted Bat Mitigation Report and Lighting Assessment, and conditions for the submission of details on construction management (CEMP) and operational management (LEMP), the development will not unduly impact bats.

Dormice: Presence has been confirmed and habitat mitigation is proposed and is considered satisfactory. These works would be required to be delivered under licence from Natural England and consideration of whether a licence is likely to be issued by Natural England is necessary within the decision-making process. Therefore, the Authority must consider whether the proposal meets the three derogation tests of the Conservation of Habitats and Species Regulations 2017 (as amended), and thus permit the proposal to lawfully proceed. The first two tests are essentially planning tests for the Authority to conclude. The third test I have concluded it to be met, that there will be no significant detrimental population impact (dormice) subject to the mitigation measures.

Reptiles: Slow worms present. It is proposed that reptile translocation pre commencement, protection fencing duration of the construction works, and the creation of log piles and hibernacula will be undertaken. The location of the reptile translocation receptor site does not appear to have been identified. This detail should be submitted to the LPA's approval.

Badgers: Active badger sett present and thus a badger licence is required. A proposed location for the artificial sett is indicated. We would advise that the new sett location should avoid the potential for badgers to undermine the railway line or roads. Natural England will need to consider whether an artificial sett is appropriate adjacent to a mainline railway as part of the licensing process. Measure to prevent animals, including badgers, being trapped in excavations should be included in a CEMP secured by condition.

Hedgehogs: Habitat clearance may impact injure, disturb or potentially kill. Measures to protect should be engrained within a CEMP and new habitat managed via a LEMP.

Cirl Buntings: Not preferred habitat. Note measures to avoid impact on nesting birds by avoiding vegetation clearance in the nesting season.

Aquatic habitats: Pollution prevention measures should be included in the CEMP.

Broadleaved woodland: Present both to the north and south of the Network Rail boundary. Enhanced as part of the Biodiversity Net Gain proposals. However, no details of this are in the submitted LEMP. A revised LEMP should be required by condition.

Local Wildlife Site: The proposal is within the Mainline Railway (Other Site of Wildlife Interest) which runs along the railway line. There would be approx. 0.26ha permanent and 0.32ha temporary loss of OSWI habitats. We advise that confirmation must be provided on the final mitigation plan that should be conditioned.

Biodiversity nett gain: There will be 1.84 habitat units delivered on site, including 0.09ha of other neutral grassland and mixed scrub. In addition, the Aller Brook within the site will be enhanced with planting of marginal vegetation to achieve a 39.35% increase in linear (watercourse) units. However, a net gain on-site for habitat units has not been achievable. The dormouse habitat creation has not been included in these figures as this is required under protected species legislation. Condition recommended to secure a Compensatory Habitat Scheme to address the issue.

Tree Officer (Swisco)

On the basis of the information unable to offer any support for the proposed development.

If on balance planning permission is granted for the development a series of recommendations are made which should be taken forward and secured by planning conditions.

Recommend that Torbay Council should undertake a CAVAT evaluation of the trees T38, T39 & T40 to establish their monetary worth and seek financial compensation for

their loss. Any funding secured through this process should be targeted for new tree planting in the ward to ensure there is no net loss in tree provision or amenity value to the local area.

A planning condition should be applied to secure a soft landscaping scheme incorporating specimen trees and amenity planting (mitigation). Further officer engagement with the applicant will be required.

A five-year maintenance and establishment specification will be required for all soft landscape works including tree and woodland scrub planting.

A planning condition to secure the pre-commencement installation, maintenance and monitoring of tree protective fencing (TPF) should be applied. Tree protection is shown on Plan Title: Fig 5 Arboricultural method Statement Drawing No: 21037-ARB-03. TPF must comply with Fig 2 of BS5837:2012 Trees in relation to design, demolition and construction – Recommendations. A record of site supervision and monitoring must be completed and submitted to the LPA by the project arboriculturist for submission at quarterly intervals for the duration of the development.

Torbay Council Community Protection Officer

Having reviewed the noise assessment report undertaken by ARUP Hochtief Ltd (Reference: 176768-HCT-WST-TOR-REP-TLP-010004 P02 | 28 July 2023 | I agree with their findings. There should be no significant impact on the nearest noise sensitive receptors in relation to this development, and as such I have no objections to this application being approved. The previous condition regarding contamination not previously identified should again be included.

Key Issues/Material Considerations

Planning Officer Assessment

1. Principle and Planning Policy
2. Design and Visual Impact
3. Drainage and Flood Risk
4. Ecology and Biodiversity
5. Amenity
6. Highway Safety and Movement
7. Trees
8. Low Carbon Development
9. Secure Design

1. Principle and Planning Policy

There is clear planning and economic policy support for the provision of a rail halt in this area.

In terms of Neighbourhood Planning the Torquay Neighbourhood Plan supports the principle of a rail station in this location where it is stated within “Highway and transport considerations for gateway area at Edginswell” (TNP page 44) that “the community

supports the proposed new rail station at Edginswell but without general parking as this is deemed unnecessary in this location due to close proximity to the Hospital, retail areas and Future Growth Area.”

Similarly, a railway station at Edginswell is promoted in the Torbay Local Plan and is cited as one of the “big-ticket” items promoted in the plan (Paragraph 2.3.1), in terms of a better connected and accessible Torbay. This is formalised in Policy SS6 (Strategic transport improvements) of the Local Plan which states that the Council will support improvements, which includes a new station at Edginswell (Policy SS6.4).

In terms of further considerations, it will also support the delivery and future vitality of a Future Growth Area (Policy SS2 and SDT3 and the adopted Masterplan), and also support key employment / services in the locality, principally the Torbay Hospital, Edginswell Business Park, the Willows District Centre, the redeveloping Devon Garden Machinery site, and the various commercial activities along the Newton Road, all in close proximity. The proposed rail halt will also complement the on-going delivery of road and junction improvements, and cycle and pedestrian links, in the area, including the South Devon Highway.

More widely the provision of a rail halt also strategically fits within the wider Devon Metro scheme that seeks the enhancement and integration of rail services through the southwest peninsula encompassing plans for new stations in and around Exeter and Torbay, which are targeted to deliver enhanced rail access for emerging growth areas of housing and employment.

Access to the station from the south will entail some development on the existing linear green space between the highway and rail land and this green space is designated as a Local Green Space under Policy TE2 of the Torquay Neighbourhood Plan. The policy rules out development other than in very special circumstances however the policy cites that a new railway station at Edginswell may be included as a very special circumstance. Considering this specific reference and as the extent of development within the green space is limited, it is deemed that there is no policy conflict with the Local Green Space designation.

It is also a material consideration that the Council granted consent in 2016 under the same Local Plan for a principally similar station within the same location, under planning reference P/2016/0078. Since this decision additional support for a station in this location has been added by the Neighbourhood Plan.

For the reasons stated above the proposal is considered acceptable in principle, as it is aligned with the aims and objectives of a number of strategic policy aims within the Torbay Local Plan, principally SS6.4 (Strategic transport improvements), SS2 (Future Growth Areas) and SDT3 (Torquay Gateway), and is supported within the Torquay Neighbourhood Plan.

2. Design and Visual Impact

The NPPF seeks to achieve well-designed spaces and cites that good design is a key aspect of sustainable development, creating better places in which to live and work and helps make development acceptable to communities (Section 12 of the NPPF).

The site sits in a designated Urban Landscape Protection Area (ULPA) as identified within the Torbay Local Plan (Riviera Way Corridor). The relevant policy (C5) requires that development should not undermine the value of the UPLA as an open or landscaped area and make a positive contribution to the urban environment and enhance the landscape character of the area. The UPLA policy makes direct reference to the expected provision of a rail halt within this area and states that the Council shall seek to minimise any impact, whilst recognising operational and safety requirements.

Also relevant is that the Torbay Landscape Character Assessment (2010) outlines the area (Kerswell Gardens / Scott's Meadow) as "Less Sensitive" in terms of its landscape character, principally because it is an area compromised substantially by development and roads, which provides context. There has been extensive development in the area since the character assessment was undertaken which has urbanised this area.

The station, footbridge and access ramps are to be provided within the scrub and wooded embankments which contain the rail line. A number of trees will be removed in order to provide the rail halt however mitigation is proposed in terms of replacement woodland planting to both the north and south embankments. There are also mitigation proposals for tree planting to soften the station entrance, and tree planting to soften and screen the development to 215 Newton Road. The impact on trees is considered similar to the 2016 consent which was considered acceptable, which is a material consideration.

The significant change of the current proposal to the 2016 consent is the removal of extensive ramped access to the footbridge from each platform and the introduction of lifts in place of the ramps. The amended access arrangements are considered to present a less impacting form of development within the UPLA, and the move concluded to be a positive one in terms of the developments overall visual impact.

In terms of materials there is a detailed palette of materials prepared as part of the application that is stated as being informed by the context and considering brand identity. The lifts towers are to be finished in copper red cladding, the footbridge and stairs to be painted a dark green, and platform fencing will be black and boundary fencing green. The palette of materials is considered adequately recessive in order to limit the developments visual impact on the area.

The proposal is supported by a Landscape and Visual Impact Assessment which concludes that the greatest impact will be short term through the construction phase and medium-term as proposed mitigation planting matures, but that in the long term, after 10 years once the landscape mitigation has established, the effects should reduce to non-significant levels and the proposed scheme be integrated within the character of the local landscape.

Considering the form of the development, including the positive influence of the removal of extensive high-level ramps that were included within the previously consented scheme, the soft tones of the materials palette, and the proposed landscaping mitigation, the proposal is considered acceptable on design, landscape

and visual impact grounds as it will sit comfortably in the context without fundamentally altering the landscape character and value of the wider Urban Landscape Protection Area.

The proposal is considered to respond to its context and sit comfortably with the aims and objectives of Policy C5 and Policy D1 of the Torbay Local Plan, Policy TH8 of the Torquay Neighbourhood Plan, and is aligned with guidance contained within the NPPF in terms of well-designed spaces.

3. Drainage and Flood Risk

Most of the site and the primary elements of the development, the platforms, footbridge, and lifts, sit in an area with a low risk of flooding. However, the rail line sits adjacent to a watercourse and a linear zone with a high risk of flooding that follows the east-west line of the Newton Road and includes areas of the adjacent green space adjacent to the highway. This, together with the wider Critical Drainage Area designation of Torbay, presents a sensitive context in terms of drainage and flood risk.

National guidance contained within the NPPF cites that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, and that where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere (Paragraph 159). It also guides that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere (Paragraph 167). It also guides that Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate (Paragraph 169).

The application is supported by a Flood Risk Assessment and detailed drainage design for the management of the developments surface water run-off. This detail has been revised through the course of the application in response to comments from the Council's drainage engineer and the Environment Agency.

Firstly, in terms of directing development away from areas with the highest risk of flooding the submitted Flood Risk Assessment considers the sequential test. The assessment offers that the primary parts of the proposal, i.e. the platforms, footbridge and interconnecting stairs, are all in an area with lower flood risk, in accordance with the ambitions of the test. The assessment furthers that the proposals are also classified as 'essential infrastructure', and thus development should be considered acceptable within Flood Zone 3b, as long as the exceptions test is passed. In terms of the exceptions test this is applied to ensure that for developments for which there are no (lower risk) alternative sites available that; the sustainability benefits of the development to the community outweigh the flood risk; and that the development and its users will be safe for the lifetime of the development. The Flood Risk Assessment offers that, based on the small extent of development within Flood Zone 3, and the significant benefits the new station will provide as part of the wider improvements to the public transport network, it is considered that the scheme passes the test in terms of sustainability and community benefits. In terms of the tests requirement for development to be safe for its lifetime the Flood Risk Assessment details how the developments (and users) would be safe from flood events. This includes

consideration of the height of the functioning elements of the development, i.e. the platforms, footbridge and stairs, and also for the connected access to higher ground on Riveria Way at all times. The conclusions of the Flood Risk Assessment are considered sound and the sequential test is satisfied, and the exception test is satisfied subject to satisfactory comments from the Environment Agency regarding the development being safe for its lifetime. The recommendation to Members responds to this outstanding point.

In terms of the policy expectation that flood risk should not be increased to land or buildings adjacent as a result of the development the accompanying Flood Risk Assessment and drainage design identifies that surface water drainage from the railway station will be discharged to the adjacent Aller Brook at a controlled discharge rate equivalent to the Greenfield Run off rate. The Council's drainage engineer has assessed the information, including revised detail in response to initial points of concern, and raises no objections to the grant of consent on grounds of flood risk from the development.

In terms of further considerations, the proposal will require works in close proximity to a watercourse during the construction phase. The submitted Construction Environment Management Plan (CEMP) considers various potential risks to the water environment, but it has been highlighted by the Environment Agency and the County Ecologist that the CEMP does not specify exactly how pollution may be prevented. In accordance with comments from the County Ecologist it is recommended that a pre-commencement condition be used to secure acceptable protection/management measures in this instance.

Subject to satisfactory comments from the Environment Agency in regard to the safety of the development from the risks of flooding, the proposal is considered acceptable on flood risk and drainage grounds, in accordance with Policies ER1 and ER2 of the Torbay Local Plan and guidance contained within the NPPF.

4. Ecology and Biodiversity

Policy NC1 of the Torbay Local Plan and guidance within the NPPF seeks for development to duly consider biodiversity and take opportunities for enhancement, proportionate to the context and development.

In terms of the ecology context the majority of the site sits within a wider linear wildlife site, as the rail line is under a local designation as an Other Site of Wildlife Interest (OSWI).

The application is supported by an Ecological Impact Assessment, a Biodiversity Assessment, a Bat Mitigation Report, a Lighting Assessment, and mitigations plans. The detail has been reviewed by a Devon County Council ecologist acting as advisor for the Authority on ecology matters.

In terms of a change in context from the previous approved scheme in 2016 the detail and comments from the county ecologist acknowledge that the site is no longer within

the identified landscape connectivity zone associated with the South Hams SAC (Greater Horseshoe Bats) and hence impacts can be screened out.

In terms of bats the proposals present the creation of dark corridors behind the platforms in conjunction with lighting restrictions. There is understanding that the construction phase will have some impacts. The County Ecologist considers matters can be addressed through conditions, with the submission of a CEMP to include construction phase protections, a LEMP for ongoing management, and accordance with the submitted Bat Mitigation Report.

The ecological surveys confirm the presence of dormice and the development impacts dormice habitat, and has the potential for direct mortality, injury or disturbance. As a result works would need to be completed under a dormouse licence and prior to granting consent the Authority should consider whether the proposal meets the three derogation tests of the Conservation of Habitats and Species Regulations 2017 (as amended), and accordingly whether Natural England are likely to grant an EPS license which would permit the proposal to lawfully proceed. The first two tests are considered met, as the station will present overriding public interest and there is no satisfactory alternative considering the constraints of the site and area. In terms of the 3rd test the County Ecologist considers the mitigation would satisfy the test of the Habitats Regulations and will provide continuity of suitable dormouse habitat around the site.

In terms of reptiles slow worms are present and it is proposed that reptile translocation surveys to be completed pre-construction and there is a proposal for habitat creation as well with the creation of log piles and hibernacula. Subject to the location of the reptile translocation receptor site being identified and approved impact on reptiles would be mitigated.

A badger sett is present and hence a badger licence is required for the development to proceed. A proposed location for the artificial sett is indicated but Natural England will need to consider whether an artificial sett is appropriate adjacent to a mainline railway as part of the licensing process. The derogation tests are met in accordance with the previous conclusions above.

In terms of other potential impacts, on hedgehogs and birds, impacts can be mitigated through planning conditions.

In terms of biodiversity there is a net loss on site notwithstanding proposed enhancements. In the context it is considered reasonable to condition further detail to ensure no net loss or a net gain in biodiversity, through a planning condition. Due to constraints within the site, it is proposed to attach a Compensatory Habitat Scheme condition to resolve a scheme of enhancements on Council land in the vicinity of the site to ensure no net loss of biodiversity.

In terms of potential impact upon aquatic habits the submitted ecology detail does not include pollution prevention measures for the construction phase, which is raised by

the Environment Agency and Devon County Council. The county ecologist advice is that the submitted CEMP is not approved, and detail is secured by condition through a revised document. This will address the concerns raised.

In-line with the conclusions above the proposal is considered acceptable on ecological and biodiversity grounds for the reasons stated above, in-line with the aspirations of Policies NC1 and C4 of the Local Plan, Policies TE4 and TE5 of the Torquay Neighbourhood Plan, and advice contained within the NPPF.

5. Amenity

The NPPF guides that planning decisions should ensure developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience (Paragraph 130).

Firstly the impact upon local amenity has been considered and the key sensitivity is the potential impact upon the privacy of the occupiers of number 215 Newton Road, and more broadly for this property and those adjacent, potential noise impacts and lighting impacts.

In terms of overlooking towards number 215 Newton Road screening panels are proposed along the closest section of the southern platform to prevent undue overlooking. Retained and enhanced planting will also help soften views to the development from this property. The proposal is likely to have less impact on number 215 than the previous consented scheme due to the removal of the elevated ramps that were part of the previous design.

In terms of noise impacts the proposal is supported by a noise assessment and the development is to utilise a “dynamic ambient noise sensor system”, to adjust public announcements to a set appropriate minimum level above the ambient noise level. This is principally to reduce levels during quieter more sensitive hours. In addition, the public announcements system will be zoned to limit evening and nighttime announcements to the central area of the platforms only. The proposals have been assessed by the Council’s Community Protection Officer and are considered satisfactory, with no undue impact on adjacent occupiers through noise.

The station will be lit, so light pollution is a material consideration. However, given lighting will be limited to respond to ecological sensitivities requirements, it is not expected that light pollution will impact neighbours within an already urban and lit environment. The lighting detail will present dark corridors behind the platforms, the development will utilise low level lighting where possible, and lights will dim during out of hours.

For the reasons stated above the proposal is considered to sit comfortably with the aims and objectives of Policy DE3 (Development amenity) of the Torbay Local Plan, and guidance contained within the NPPF.

6. Highway Safety and Movement

The NPPF guides that development should ensure that *a)* appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; *b)* safe and suitable access to the site can be achieved for all users; *c)* the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and *d)* any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree (Paragraph 110). It also furthers (Paragraph 111) that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

As detailed within Section 1 of the Officer Assessment there is strong planning policy support for the provision of a railway station as the Torbay Local Plan proposes a new station at Edginswell (Policy SS6.4), and the Torquay Neighbourhood Plan cites a new station at Edginswell as a community aspiration, but without general parking which is deemed unnecessary in such a location (TNP Page 44). In terms of highway and movement considerations the key issues are the impact on the highway network, access considerations, and the suitability of the detailed design in terms of parking etc.

In terms of trip generation and the impact upon the wider highway network the Highway Authority considers that the introduction of the new station will provide an attractive alternative to single occupancy car trips and will likely result in a transfer of a proportion of existing car trips to rail. In turn this will potentially reduce congestion along the busy strategic corridors, thus potentially have a positive impact on the road system generally. The Highway Authority conclude that the rail halt will not result in a severe impact on the operation of the local highway network, a key consideration for development to meet.

In terms of access level pedestrian access is proposed from both the north, off Riviera Way, and the south off Newton Road. From the north it is proposed that an extension to the existing footpath network to the east is provided linking to an elevated footway that manages a severe drop in levels from Riviera Way, which in turn connects to the footbridge and lift and stair access facilities providing access to both platforms. From the South level pedestrian access over the green highway verge / public greenspace is proposed that connects to low level ramps up to the level of the southern platform. At this point there is stair and lift access to the interconnecting footbridge providing access to the northern platform or Riveira Way. The access proposals are considered acceptable and there are no concerns raised by the Highway Authority in terms of accessibility.

In terms of parking facilities the concept of the station is one which serves the local communities and local commercial and employments areas, and thus it does not include additional on-site car parking. The proposals do however include alterations to the highway to establish a drop off point and to establish disabled parking immediately adjacent to the facility along Newton Road. The concept of a 'car-free'

facility aligns with the 2016 consented scheme, which was initially proposed with parking but was amended to become 'car-free' following overriding public concern on the lack of need for parking and the loss of green space to provide it. The provision of drop-off facilities and disabled parking adjacent is supported and should be secured by planning condition.

In terms of the absence of on-street parking and the inclusion of drop off and disabled spaces the Highway Authority has requested that it is demonstrated that the removal of the existing pay and display spaces can be accommodated elsewhere within the local highway network, thereby not resulting in overspill car parking. Furthering that this should be evidenced through an On-Street Parking occupancy survey. Considering the context, that the adjacent residential parking needs are met on-plot within spacious plots, and thus current parking demand is inward to local employment or commercial uses, the minor loss of pay-and-display spaces to deliver disabled and drop-off facilities, is unlikely to present any demonstrable harm and hence further survey work is not necessary. Indeed, any minor impact is likely to be mitigated by the development, which provides a sustainable transport mode in place of car trips for daily inward migration to the area to employment uses or health or commercial services. In the round it is deemed reasonable to conclude that the proposal is likely to reduce parking demand locally.

It is noted that the Torquay Neighbourhood Forum support the proposal but seek the reintroduction of parking for 29 cars, notwithstanding acknowledgment that the Neighbourhood Plans community aspiration for the station is to exclude general parking as it was deemed unnecessary. The Plan does reference the desire for 'appropriate limited accessible parking' and the provision of disabled parking, a drop-off point, and the retention of the wider swathe of parking spaces unaltered in the vicinity, does deliver public parking options in support of the station. The proposal is hence deemed in full accordance with the Made Neighbourhood Plan despite objection from the Forum. It also reflects the form of development recently granted consent 2016, where parking on greenspace (pre Local Green Space designation) was strongly opposed within public representations.

Cycle parking facilities for 22 cycles is proposed from the south off the Newton Road within covered shelters. The level of cycle parking is considered adequate, and the position of the shelters is legible and benefits from natural surveillance from the adjacent highway and properties opposite, which will reduce the fear of crime and crime.

To conclude the station is considered to be an important element in improving sustainable travel in the area and is supported subject to certain conditions as highlighted. The development, in terms of highways and movement is considered consistent with the aims and objectives of Policies SDT3 (Torquay Gateway), SS3 (Presumption in favour of sustainable development), SS6 (Strategic transport improvements), TA1 (Transport and accessibility), TA2 (Development access) and TA3 (Parking standards) of the Torbay Local Plan.

Considering the points above, and having regard to guidance contained within the NPPF which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the

residual cumulative impacts on the road network would be severe, the proposal is supported on highway grounds.

7. Impact on Trees

The NPPF guides that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change and furthers that existing trees should be retained where possible, and that newly planted trees should be duly maintained (Paragraph 131).

Policy C4 of the Torbay Local Plan states that development will not be permitted when it would seriously harm, either directly or indirectly, protected or veteran trees, hedgerows, ancient woodlands or other natural features of significant landscape, historic or nature conservation value. But furthers that where the loss of, or impact on trees, hedgerows or landscape features is considered acceptable as part of development, replacement and other mitigation measures will be required through planning condition or legal agreement. These measures should at least off-set any such harm, and preferably achieve landscape and biodiversity improvements, and make provision for on-going management. The policy also aligns with the NPPF in terms of seeking development proposals to retain and protect existing hedgerows, trees and natural landscape features wherever possible.

The embankments to the rail line are lined with trees and shrubs, as is the local greenspace within which the access cuts across, and the provision of a rail halt will inherently present some degree of arboricultural impact.

The application is supported by a tree report which documents the arboricultural context, including that none of the trees are protected under a tree preservation order or under Conservation Area designation. The report, in summary, identifies the tree removals that are outlined as necessary to facilitate the development, and outlines protection for those retained through the construction phase and ambitions for mitigation planting to address the tree removal.

The proposals have been considered by the Council's (Swisco) Tree Officer and it is concluded that the proposed development is not supported on arboricultural grounds, but a series of recommendations are offered if planning permission is granted.

Identified concerns include the loss of three lime trees within the Local Green Space, which are on council-owned land, the increased visibility generally following tree loss, the impact on root protection areas not adequately reflecting site constraints. Proposed mitigation measures should planning permission be granted include an evaluation of the three lime trees to establish their monetary worth and seek financial compensation for their loss and any funding secured through this process should be targeted for new tree planting in the ward to ensure there is no net loss in tree provision or amenity value to the local area. A planning condition to secure a soft landscaping scheme incorporating specimen trees and amenity planting. A five year maintenance and establishment specification will be required for all soft landscape works including tree and woodland scrub planting. A planning condition to secure the pre-commencement installation, maintenance and monitoring of tree protective fencing (TPF) should be applied. And a record of site supervision and monitoring should be

completed and submitted to the LPA by the project arboriculturist for submission at quarterly intervals for the duration of the development.

In terms of context the previous consent for a rail halt granted in 2016 had similar impacts on trees and was supported in terms of impact on trees subject to planning condition to secure an appropriate landscape scheme (to address tree losses) together with protection measures and maintenance. It is a material consideration that the conclusions, recommendations and the decision of the Authority was made under a similar policy context to which stands today, in terms of being considered under the same Local Plan, where the now made Torquay Neighbourhood Plan is principally silent on matters of trees and development.

Considering the planning history of the site the proposal is considered acceptable in terms of its impact on trees subject to suitable conditions to secure adequate mitigation planting through a detailed landscape scheme, suitable protection measures for retained trees, and suitable maintenance for new trees. As the three lime trees to be removed are on Council owned land and for part of a wider Council owned greenspace it is considered suitable to secure replacement through a Grampian condition rather than the suggested financial obligation.

In-line with the conclusions above the proposal is considered acceptable when considering the aims and objectives of Policy C4 of the Torbay Local Plan and advice contained within the NPPF.

8. Low Carbon Development

Policy SS14 of the Local Plan relates to 'Low carbon development and adaptation to climate change' and seeks major development to minimise carbon emissions and the use of natural resources.

A Low Carbon Energy Statement has been submitted in support of the development seeking to demonstrate compliance with the low carbon energy requirements of the NPPF and the Local Plan.

The submitted report cites that the proposed development aspires to achieve high levels of sustainability. It notes that there is no heating provided as part of the project and operational energy of the proposed station is reduced by presence detection and dimmed lighting, reduced camera requirements, and energy efficient lifts. These elements can be and should be secured by planning condition.

In terms of travel and sustainability the proposed station is near housing and employment draws and will provide opportunities for sustainable public travel. There are regular bus services in the area and cycle parking is proposed. The development will integrate with other sustainable modes of local travel and enhance the level of accessibility for non-car modes of travel. This presents development that aligns with the importance and benefits of promoting sustainable transport for all new development.

The development is considered to accord with Policies SS14 and ES1 of the Torbay Local Plan the NPPF.

9. Secure Design

Policy TH2 of the Torquay Neighbourhood Plan states that new development should provide for a safe environment and consider opportunities to prevent crime or the fear of crime from undermining quality of life or community cohesion. Similarly, Policies SS11 and DE1 of the Torbay Local Plan includes reference that schemes should help prevent and/or design out opportunities for crime and disorder.

The proposal includes CCTV and lighting to discourage antisocial behaviour and platforms have been provided with measures to deter trespassing.

A detailed design document outlining the process of consideration and measures implemented in the design to reduce crime or the fear of crime has recently been submitted in support of the application. Previous consultation with the Police has drawn out that they have independently been in discussion with the British Transport Police to provide them with local information, which suggests consideration and consultation has been undertaken. British Transport Police has confirmed that they are context that Network Rail has followed the requirements as laid down in discussions on the development framework with the BTP Designing Out Crime Unit.

It is recommended that the design document regarding safety is secured by a planning condition. The development is considered suitable for approval in terms of security of design, in accordance with Policies SS11 and DE1 of the Torbay Local Plan.

Sustainability

The NPPF is clear that the purpose of the planning system is to contribute to the achievement of sustainable development (Paragraph 7) and that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives)(Paragraph 8). The three overarching objectives are:

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Each objective is discussed in turn below.

The Economic Role

The provision of a rail halt in the location proposed seems strategically sound in terms of supporting the economy and economic growth. The station will improve access and travel opportunities to major employment and services in the area and will provide improved access for occupants within the nearby residential areas to employment and services within other parts of Torbay via the rail network. As an element that would strengthen the public transport system the development may contribute to reducing congestion within an entrance point to Torquay and Torbay, which may itself offer some positive influence on economic strength in terms of the efficiency impact of congestion. All matters considered there are no adverse economic impacts that would arise from this development and as such in terms of the economic element of sustainable development, the balance is in favour of the development.

The Social Role

The principle social benefit of the proposed development is the improvement of sustainable travel modes for the local community and for those migrating inward for local employment, local services or for social reasons. The social impacts of the development weigh in favour of the development presenting more choice for travel, reducing car dependency and improving public transport for non-car owners.

The Environmental role

With respect to the environmental role of sustainable development the development will enhance the public rail network and improve inward and outward access by rail. A major investment within the local rail network, within what appears a strategic mixed use outer suburb that has both inward and outward travel demands, has the potential to reduce car dependency through enhanced access to the rail network. In this regard the development will contribute to the ambition of moving to a low carbon economy. Ecological impacts are to be limited through proposed mitigation, with enhancements to habitats, protection of identified species and ensuring no net loss of biodiversity. Impact on protected species and their habitats will be countered by enhancement of their habitats within the site. It is concluded that the environmental impacts of the development weigh positively within the planning balance when considering the ecological mitigation and the potential positive impact on reduced car use.

Sustainability Conclusion

Having regard to the above assessment the proposed development is considered to represent sustainable development.

Local Finance Considerations

S106:

N/A.

CIL:

The CIL liability for this development is Nil.

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 no longer within a strategic corridor associated with the South Hams SAC and is not within the landscape connectivity zone associated with the South Hams SAC. A Habitat Regulations Assessment / Appropriate Assessment is not required.

Statement on 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 the requirements of Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order, 2015, in determining this application, Torbay Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved. The Council has concluded that this application is acceptable for planning approval.

Conclusions and Reasons for Decision

The principle of providing a rail halt in this location is considered acceptable, as the site is identified within the current Torbay Local Plan and Torquay Neighbourhood Plan, helping to deliver sustainable growth.

The development will enhance sustainable transport options into and out of a mixed-use outer suburb of Torquay, reducing reliance on car-based trips and enhancing travel options for non-car households. Highway and movement outcomes are considered positive.

The visual impact of the station upon the Urban Landscape Protection Area is acceptable subject a robust detailed landscape plan secured by planning condition.

Satisfactory arboricultural mitigation can be achieved by planning condition to mitigate for the loss of the three lime trees off Newton Road and wider tree loss through a planning condition.

The proposal is acceptable on flood risk and drainage grounds subject to satisfactory conclusions that the proposal is safe from flooding and subject to securing the proposed drainage scheme for managing surface water from the development.

The impact upon amenity will be limited with planning conditions to secure screening towards an adjacent property and to secure the advanced Public Address System detailed.

All matters considered the addition of a rail facility in this location is deemed sustainable development that will offer positive economic, social and environmental outcomes.

Officer Recommendation

Approval: Subject to;

The receipt of satisfactory comments from the Environment Agency regarding the developments flood resilience, delegated to the Divisional Director - Planning, Housing & Climate Emergency.

The conditions outlined, with final wording delegated to the Divisional Director - Planning, Housing & Climate Emergency.

The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Divisional Director - Planning, Housing & Climate Emergency, including the addition of any necessary further planning conditions or obligations.

Conditions

01. Highway Agreement

All works to the highway shall not commence until any necessary highway agreements have been secured with the Local Highway Authority to deliver the access works and ancillary works to the highway detailed on the plans hereby approved. The agreed works, including any necessary protection barriers along the southern side of Riviera Way, and drop off and disabled parking on Newton Road, shall be delivered in accordance with the plans hereby approved and any necessary highway agreement, and shall be completed prior to the first use of the development.

Reason: To ensure adequate access to the development from Riviera Way and Newton Road, in accordance with Policies TA1, TA2 and DE1 of the Torbay Local Plan 2012-2030 and the NPPF. This need to be a pre-commencement condition as it relates to works on highway land.

02. Construction Management Plan

Development shall not commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Plan 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 used in constructing the development.
- d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- e) Wheel washing facilities.
- f) Measures to control the emission of dust and dirt during construction.
- h) Measures to minimise noise nuisance to neighbours from plant and machinery.
- i) Construction practices, including working hours, to minimise noise nuisance to neighbours.

Reason: In the interests of highway safety and local neighbour amenity, in accordance with Policy TA2 and DE3 of the Torbay Local Plan 2012-2030. This needs to be a pre-commencement condition to ensure impacts of development are mitigated from the very start of development.

03. Revised CEMP

Notwithstanding submitted detail prior to the commencement of development a Construction Environmental Management Plan (CEMP: Biodiversity), which shall have been prepared in accordance with specifications in BS42020; clause 10.2, shall have been submitted and approved in writing by the Local Planning Authority, and shall include the following.

- a) Risk assessment of potentially damaging construction activities, to include potential risks to the water environment and how pollution may be prevented.
- b) Identification of 'biodiversity protection zones'.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), to include potential risks to the water environment and how pollution may be prevented.
- d) The location and timing of sensitive works to avoid harm to biodiversity features. This includes the use of protective fences, exclusion barriers and warning signs.
- e) The times during construction when specialist ecologists need to be present on site to monitor works to ensure compliance with the CEMP: Biodiversity, and the actions that will be undertaken.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the area and biodiversity in accordance with Policies DE1 and NC1 of the Adopted Torbay Local Plan 2012-2030, Policy TE5

of the Torquay Neighbourhood Plan and NPPF. These details are required pre-commencement as specified to ensure that biodiversity is not harmed by building operations or vegetation removal.

04. Revised LEMP

Notwithstanding submitted detail prior to the commencement of development (including demolition and ground works) or vegetation clearance works a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall be prepared in accordance with the specifications in clause 11.1 of BS 42020:2013 (or any superseding British Standard) and shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) On-going monitoring and remedial measures for biodiversity features included in the LEMP.

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.

All post-construction site management shall be undertaken in accordance with the LEMP.

Reason: In the interests of the amenities of the area and biodiversity in accordance with Policies DE1 and NC1 of the Adopted Torbay Local Plan 2012-2030, Policy TE5 of the Torquay Neighbourhood Plan and NPPF. These details are required pre-commencement as specified to ensure that biodiversity is not harmed by building operations or vegetation removal.

05. Landscape Scheme

Development shall not commence until a detailed landscaping scheme, which shall include details of mitigation planting for the loss of lime trees T38, T39 and T40 within the adjacent public greenspace adjacent to the site between the Newton Road and the rail land, has been submitted to and approved in writing by the Local Planning Authority, which shall include details of planting and maintenance.

Reason: To protect the visual amenities of the area and the verdant characteristics of the Urban Landscape Protection Area and Local Green Space, in accordance with Policies C4 and C5 of the Torbay Local Plan and Policy TE2 of the Torquay Neighbourhood Plan. These details are required pre-commencement as specified to ensure that the Urban Landscape Protection Area is not harmed by building operations or vegetation removal.

06. Landscape Provision and Maintenance

All planting, seeding or turfing comprised in the approved details pursuant to Condition 05 shall be carried out in the first planting and seeding season following the first use of the development, and the development shall not be brought into use until off-site landscaping within the adjacent public greenspace has been provided.

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To secure an appropriate form of development in accordance with Policies C4, C5 and DE1 of the Torbay Local Plan and guidance contained in the NPPF.

07. Tree Protection

Prior to the commencement of development all tree protection measures, as shown on Plan Title: Figure 5 Arboricultural method Statement Drawing No: 21037-ARB-03, which shall accord with Figure 2 of BS5837:2012 'Trees in relation to design, demolition and construction', shall be implemented in full and shall remain in place throughout the construction phase.

Reason: To secure an appropriate form of development in accordance with Policies C4, C5 and DE1 of the Torbay Local Plan and guidance contained in the NPPF.

08. Arboricultural Method Statement

Prior to the commencement of the development hereby approved an Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority all, which shall include the following:

- a) Details of the Project Arboriculturist;
- b) Arboricultural watching / monitoring brief;
- c) Tree protection site check frequency, record keeping and reporting frequency to the LPA;
- d) Escalation process (breach of planning control / damage to retained trees) with LPA;
- e) Completion checks and final reporting.

The development shall proceed in full accordance with the approved detail.

Reason: To secure an appropriate form of development in accordance with Policies C4, C5 and DE1 of the Torbay Local Plan and guidance contained in the NPPF.

09. Surface Water Management

Prior to the first use of the development the submitted and approved surface water management system shall be implemented in full and be fully operational to serve the development. The approved surface water management system shall be maintained and operational at all times during the lifetime of the development.

Reason: In order to ensure an effective managed surface water drainage system that will not increase the risk of flooding to land or buildings adjacent, to accord with the

requirement of Policies ER1 and ER2 of the Torbay Local Plan in respect of sustainable drainage and standing Critical Drainage Area advice (Environment Agency: May 2015).

10. Unknown Contamination

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect controlled waters from any land contamination not identified during the site investigations, in accordance with Policy ER3 of the Torbay Local Plan.

11. Public Address System

The public address system shall at all times accord with the submitted and approved Arup Noise Assessment Report (Document ref 176768-HCT-WST-TOR-REP-TLP-010004: Dated 28.07.23).

Reason: To protect the local amenity by appropriately managing noise pollution, in accordance with Policy DE3 of the Torbay Local Plan.

12. Lighting

External Lighting shall at all times accord with the submitted and approved Arup Lighting Assessment (Reference: 176768-HCT-WST-TOR-REP-TLP-010001: Dated 07.08.2023).

Reason: To protect the local amenity and ecology by appropriately managing light pollution, in accordance with Policy DE3, C5 and NC1 of the Torbay Local Plan.

13. Sustainable Travel

Prior to the first public use of the station agreement on the parameters for advertising pedestrian links, bus routes and timetables, shall be submitted and approved in writing by the Local Planning Authority.

The approved detail to advertise green travel choices shall be implemented in conjunction with the opening of the station for public use.

Reason: To promote sustainable modes of travel in accordance with Policies TA1, TA2 and TA3 of the Torbay Local Plan 2012-2030.

14. Cycle Parking

Prior to the first public use of the development the approved cycle parking facilities shall be implemented in full and made available for public use. The covered cycle parking facilities shall be maintained in full at all times thereafter for the purposes of cycle parking.

Reason: To promote sustainable modes of travel in accordance with Policies TA1, TA2 and TA3 of the Torbay Local Plan.

15. Privacy Screening

Prior to the first public use of the development the privacy screen on the southern platform, as indicated on the approved plans, shall be implemented in full and shall be maintained as such at all times thereafter.

Reason: To protect the amenity of neighbouring occupiers of 215 Newton Road, in accordance with the Policy DE3 of the Torbay Local Plan 2012-2030.

16. Bat Mitigation

Development shall be carried out in accordance with the actions set out in the submitted Bat Mitigation Report and the Lighting Assessment Ecus August 2023.

Reason: In the interests of ecology in accordance with Policy NC1 of the Torbay Local Plan, Policy TE5 of the Torquay Neighbourhood Plan and the NPPF.

17. Nesting Season

No vegetation clearance shall take place during the bird nesting season (01 March to 31 August, inclusive) unless the developer has been advised by a suitably qualified ecologist that the clearance will not disturb nesting birds and a record of this kept.

Reason: In the interests of ecology in accordance with Policy NC1 of the Torbay Local Plan, Policy TE5 of the Torquay Neighbourhood Plan and the NPPF.

18. Energy / Low Carbon Development

The development shall accord with the submitted and approved Low Carbon Energy Statement (Arup: Reference 176768-HCT-WST-TOR-REP-TLP-010006 P01: Dated 6 June 2023).

Reason: In the interests of sustainable development and in accordance with Policies SS14 and ES1 of the Torbay Local Plan and the NPPF.

19. Materials

The development shall accord with the submitted and approved materials as detailed within Arup Palette of Materials (Reference: 176768-HCT-WST-TOR-REP-TLP-010009: Dated 09.08.23). The materials shall remain as approved through the life of the development without variation.

Reason: In the interests of visual amenity in accordance with Policies SS11, DE1 and C5 of the Torbay Local Plan, TH8 of the Torquay Neighbourhood Plan and the NPPF.

20. Secure Design

The development shall accord with the submitted and approved 'Edginswell Station Crime Reduction Threat, Vulnerability & Risk Assessment (TVRA)' (Reference: 176768-HCT-WST-TOR-REP-EMF-010001- A01: Dated December 2022).

Reason: In the interests of crime prevention in accordance with Policies SS11 and DE1 of the Torbay Local Plan and Policy TH2 of the Torquay Neighbourhood Plan.

21. Compensatory Habitat Scheme

Within 12 months of the commencement of development, which shall include operations consisting of site clearance (including clearance of vegetation), a Compensatory Habitat Scheme appropriate to compensate for a Biodiversity Impact Assessment score of 5.42 Biodiversity Units and 0.09 watercourse units shall have been submitted to and approved in writing by the Local Planning Authority. The compensatory habitat secured by the scheme shall be functional within 12 months of the approval of the scheme and be managed for a minimum of 30 years.

In the event of the failure to deliver an approved compensatory habitat scheme the application site shall be managed positively to achieve a habitat value no less than its current value, with a proposed scheme and delivery proposals submitted to and approved in writing by the Local Planning Authority within 12 months of the commencement of development. The approved scheme shall then be delivered within the first available planting season following the developments first use and shall be managed for a minimum of 30 years.

Reason: To secure an acceptable form of development in accordance with Policies SS8, SS9 and NC1 of the Torbay Local Plan 2012-2030, Policy TE5 of the Torquay Neighbourhood Plan and advice contained within the NPPF.

Development Plan Relevant Policies

SS1 - Growth Strategy for a prosperous Torbay
SS3 - Presumption in favour of sustainable dev
SS6 - Strategic transport improvements
SS8 - Natural Environment
SS9 – Green infrastructure
SS11 - Sustainable Communities Strategy
SDT3 – Torquay Gateway
TA1 - Transport and accessibility
TA2 - Development access
TA3 - Parking requirements
C4 - Trees, hedgerows and natural landscape
C5 - Urban landscape protection areas
DE1 - Design
DE3 - Development Amenity
DE4 – Noise
ER1 - Flood Risk
ER2 - Water Management
ER3 - Contamination
W1 - Waste management facilities

TS1 – Sustainable Development
TS3 – Community led planning
TS4 – Support for Brownfield and Greenfield development
TH2 – Designing out crime
TH3 – Future Growth Area priorities
TH6 - Gateway sustainable community planning
TE2 - Local Green Spaces
TE4 - Green Corridors

TE5 - Protected species habitats and biodiversity