

Application Number

P/2016/0078

Site AddressLand Off Newton Road And Riviera Way
Torquay
TQ2 7AH**Case Officer**

Mr Scott Jones

Ward

Shiphay With The Willows

Description

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, car park facility for 28 car parking spaces (as amended)(including three reduced mobility parking spaces)(amended), motorcycle parking and 12 cycle spaces, extended footpath along Riviera Way, lighting and CCTV, and platform furniture to include shelter and signage.

Executive Summary/Key Outcomes

The proposal is for a rail halt and car park on land between Riviera Way and Newton Road, at Edginswell, Torquay, consisting of two platforms with access ramps and steps to each and a connecting footbridge over, together with ancillary elements such as fencing, platform shelters, lighting, CCTV etc. The car park will provide 28 spaces and motorcycle parking.

The delivery of a new railway station in Edginswell is included in the Torbay Local Plan (Policy SS6.4). Edginswell is part of the area defined as Torquay Gateway in the Local Plan (Policy SDT3). There will be significant economic and residential growth in that area over the next 15 years. The rail halt will support the delivery of growth, as set out in the Economic Strategy, the new Local Plan and adopted Torquay Gateway Masterplan. It will also support key employment/services in the locality, principally the Torbay Hospital, Edginswell Business Park, and the Willows District Centre. The business case for the station shows that it could deliver over £12 of economic benefit for every £1 spent on construction of the station.

The provision of a rail halt has a strategic fit within the wider Devon Metro scheme that seeks the enhancement and integration of rail services through the south west peninsula encompassing plans for new stations in and around Exeter and Torbay, which will support growth of housing and employment. The station will be served by a new half hourly train service between Paignton and Exeter.

The proposal complies with, and helps deliver, the requirements of the Devon and Torbay Local Transport Plan 2011 - 2026. It supports the provision of sustainable transport options and compliments the delivery of road and junction

improvements, and cycle and pedestrian links, in the area, including the South Devon Highway.

Consequently, for all the above reasons, the new rail halt has a good strategic fit with the Heart of the South West Local Enterprise Partnership's Strategic Economic Plan. It has secured funding support, through Growth Deal 2, of £4M towards the overall projects costs (as forecast) of over £9M. Planning permission is required to support bids for further funding.

The principle of the rail halt is considered acceptable as the site is identified within the current Torbay Local Plan for a proposed railway station. The associated car park is to a scale that is proportionate for ancillary parking for users of the station.

The provision of the rail halt will help, alongside other measures, to reduce the pressure on roads in and around Torbay and the adjacent arterial routes by providing enhanced access to rail travel. The provision of a station may also reduce local parking pressures by providing improved rail access to inbound users who presently drive to the adjacent business park, hospital or district centre.

The site is in an Urban Landscape Protection Area. As such, the station should seek to minimise any impact upon the character of the area through design and mitigation. The landscape detail outlines a concept of retained screening supported by supplementary tree and woodland planting. The car park will be enclosed by a native species hedge, which will reduce its visual impact. A recessive colour palette that seeks to respond to the landscape context is necessary. Subject to certain additional detail in regard to the landscaping and a condition to achieve a recessive colour palette, the impact upon the Urban Landscape Protection Area is acceptable.

The arboricultural implications from the proposed removal of three Grade A lime trees off Newton Road is considered acceptable subject to their replacement within key roadside locations, along with further supplementary statement species, off Newton Road and wider improvements to the tree coverage within the site. In regard to wider arboricultural matters the potential impact upon young redwood trees off Riviera Way requires confirming and mitigation would be necessary if there is a need to remove any of these specimens to achieve the northern access .

The ecological implications of the proposal are considered acceptable subject to satisfactory conclusions of the HRA in regard to the potential impacts upon the Greater Horseshoe Bat associated with the South Hams Special Area of Conservation.

The drainage strategy that is proposed to deal with the surface water runoff is

considered acceptable subject to confirmation of the detailed design of attenuation responding to the 1 in 100 year storm event plus climate change and the tanks maintenance plan. The site is adjacent to Edginswell stream which is classified as a 'mained' river by the Environment Agency.

The proposal is considered acceptable in regard to the impact upon local amenity, as the proposed screening will limit overlooking towards the adjacent property/s and the Public Address System will be designed to ensure that the announcements do not result in a noise nuisance to adjacent occupiers. More broadly the generally level of noise from trains is likely to be lower as they are travelling at lower speeds. In addition amendments to enclose the car park with a native hedge to a height of 1.5m will limit light spill from headlights across Newton Road.

Recommendation

Approval; Subject to:

1. The completion of the Habitats Regulations Assessment that concludes no likely significant effect;
2. The submission of surface water attenuation design details, including maintenance, to the satisfaction of the Council's Drainage Department in consultation with Network Rail, and the Environment Agency's response in relation to the 'mained' river and adjacent culvert, and;
3. Conditions, to include those outlined at the end of this report and any subsequent conditions that are identified through the Habitat Regulations Assessment.

Statutory Determination Period

28.04.2016.

Site Details

The site is land between Riviera Way and Newton Road that encompasses 235m of rail land, areas of adjacent embankments, and a section of informal green space that sits adjacent to the Newton Road, which is largely laid with formal managed grass with a number of mature trees present. At its widest point the site is 60m from north-to-south.

The embankments to both the north and south of the east-west rail line are principally scrub/woodland habitat .

The land adjacent to Newton Road, that is largely laid to grass, features three significant tree specimens, which sits as part of a wider green avenue that stretches west a further 175m before it runs out to a point near to the Scott's Bridge road crossing.

The site sits within the wider boundaries of the Riviera Way Urban Landscape Protection Area and is an "Other" site of local wildlife interest, as designated within the Torbay Local Plan.

The southern extent of the site adjacent to Newton Road is 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.

Detailed Proposals

The proposal is to provide a rail halt and an adjacent car park with 28 spaces (as revised).

The rail halt will encompass two platforms and access ramps and steps, linked with a footbridge over.

The platforms will be accessed from both the north from Riviera Way and the south from Newton Road. Both access points will encompass ramps and steps in order to bridge the level changes from the access points to the platforms and the footbridge.

Each platform is approximately 120m long and the proposed footbridge is set relatively centrally. The steps down to the platform will be set to the west of the footbridge and will bridge a height of approximately 6m over a distance of 14m. The ramps will be set to the east of the footbridge and will spread 50m to a 180degree turn point before dropping down to terminate at platform level central within the station near to the footbridge.

There is accompanying ancillary development to the platforms, bridge and access points, which principally include security fencing around the outer edges of each platform, platforms shelters, and supportive lighting, tannoy and CCTV systems.

The proposed car park is set to the south of the railway land on what is presently managed greenspace/highway verge, which is laid to short grass and with occasional mature tree cover. The main body of the car park will be contained within a length of 39m by 16m, with additional space to the east to provide an entry point and to the west to provide a turning head.

The car park will provide 28 spaces (as amended), three of which will be disabled parking spaces, and motorcycle parking.

A group of three mature lime trees will be removed in order to provide the car park.

Summary Of Consultation Responses

Network Rail No objection in principle however details of the management of the drainage attenuation tanks and how additional surface water flows will be managed should be attained. Additional comments on general parameters for safe operation of the railway also provided.

Sustainable Transport Officer/

Incorporating Highway Authority comments There is strong planning policy support for the provision of a rail halt as the Torbay Local Plan proposes a new station at Edginswell (Policy SS6.4). It will also support the delivery of a Future Growth Area (Policy SS2 and SDT3 and the adopted Masterplan) and support the hospital and local business.

The rail halt is unlikely to increase car trips and will reduce car trips to other local stations. The rail halt is well connected in terms of roads, cycle paths and footpaths. Measures to encourage sustainable modes of transport to and from the rail halt should be encouraged and a condition attached to achieve on-site information of pedestrian links and bus routes/times.

There is no parking standard for rail halts within the Local Plan and Network Rail guidance does not include parking standards. There may be an argument for no parking however it is noted that there are historic issues around pressure for street parking in the general area. On balance a small car park is appropriate to serve the development without unduly encouraging people to drive but balancing issues of parking pressures in the area. The provision of the cycle parking should be secured by condition.

Ramped access provides disabled access to both platforms, which provides an acceptable strategy to cater for persons with impaired mobility. The ability to supplement or replace the ramps with a lift has been considered however safety and maintenance issues at what will be an unmanned rail halt have been raised by the network operator. .

The safety barriers adjacent to the ramped access point from Riviera Way must be sufficiently robust in order to ensure that pedestrian safety is maintained, which can be secured by condition.

The visibility and access arrangement to the car park are considered acceptable for the highway to which it connects, as it has been designed to Council standards.

To conclude the rail halt is an important element in improving sustainable travel in the area and is supported subject to certain conditions as highlighted.

Green Infrastructure Officer The ecological information submitted is considered to be a fair assessment of the context and the ecological implications

of the scheme.

Protected species and important habitat has been identified within the supporting ecological assessments and various measures are proposed to mitigate the impact of the development.

It is acceptable that the ecological implications in regard to the locally designated wildlife site can be mitigated through the restoration and enhancement of retained habitats.

The site is close to a strategic flyway for the Greater Horseshoe Bat and the potential likely significant effect on the SAC (Special Area of Conservation) should be considered through a Habitat Regulations Assessment.

In regard to the ecological matters (in addition to any recommended through the HRA process) it is recommended that a number of conditions are attached in order to achieve appropriate development which should include construction and landscape management plans (CEMP and LEMP), an integrated landscape and lighting strategy, a monitoring strategy for the Greater Horseshoe Bat, and a detailed landscaping scheme.

Council's Ecological Consultant The development is subject to a Habitat Regulations Assessment due to its proximity to a strategic flyway for the Greater Horseshoe Bats associated with the South Hams SAC.

The Council's Ecology Consultant is undertaking the HRA and will assess any likely significant effect.

Members will be advised of the conclusions of the HRA and any resultant implications upon the recommendation during the Development Management Committee.

Natural England No objection.

Arboricultural Officer Agreement is found with the contents of the tree report with the exception of the three limes trees off Newton Road (T61, T62 and T63) which are all regarded as Grade A trees (not 2xBs and 1xA).

A number of category C and B trees will need to be felled, along with the aforementioned three category A Lime Trees that sit adjacent to Newton Road. A considered and thorough landscape scheme has been submitted to address the visual and ecological impacts of this.

General agreement is found with the landscape proposals and agreement reached in principal for satisfactory mitigation for the loss of the limes through the provision of three replacement lime trees and at least two further statement

trees adjacent to the Newton Road.

The young redwood trees off Riviera Way have not been plotted and may be affected by the ramped access. Further detail should be submitted to establish whether there is any impact and respond in terms of amended plans or mitigation if there is.

A tree in private ownership (215 Newton Road) has not been plotted and further detail is required to establish its location and any impact.

Thought should be given to aspects of the screen planting in order to achieve a planting solution that matures appropriately and can be easily maintained.

The linear car park would benefit from being enclosed by a hedge to provide a visual and noise suppressing buffer.

The proposal is considered acceptable subject the evolution of certain detail aligned with the comments above.

Landscape Officer The submitted Landscape and Visual Impact Assessment has concluded that the development can be delivered in its present form without harm to the Urban Landscape Protection Area within which it sits.

The Torbay Landscape Character Assessment (2010) ascribed the area (Kerswell Gardens / Scott's Meadow) as "Less Sensitive" to development because it is an area compromised substantially by development and roads.

When viewed from surrounding receptor sites the development site is considered to fall within the characterisation of the urban landscape. There is no significant concern regarding the compatibility of urban development in this location.

The provision of a prominent car park within a wider band of informal recreational space that has value within the urban landscape will be somewhat alien. It is recommended that the visual impact should be addressed through the provision of screening, such as a native hedge.

Drainage Manager The submitted flood risk assessment identifies that the surface water drainage from the new railway station will be discharged to the adjacent watercourse at a controlled rate, and that the new car park will be constructed in porous paving.

The flood risk assessment correctly states that the rate of discharge into the watercourse will be limited to the Greenfield runoff rate. There is no detail on whether the attenuation is designed to cater for the 1 in 100 year storm event plus an allowance for climate change and this should be addressed prior to the grant of permission.

Environment Agency Consultation response awaited.

Community Protection Officer Extensive consultation and consideration of acoustic modelling has provided insight in to the effect of the station on the acoustic environment.

The report demonstrates that the provision of a station will result in slower movement of trains which will result in less noise from the train line as a whole.

Noise from the car park should not demonstrably affect the residential amenity of adjacent occupiers in the context of its location aside a relatively busy highway.

Noise from the public address system has the potential to cause disturbance if the system is not properly designed and managed. The recommended solution to this is to agree levels of the public address system following commissioning of the station as a robust solution, which could be conditioned, which should be then reviewed as necessary.

Police Liaison Officer Thought should be given to lighting, access and CCTV monitoring of the station platforms and car park to design out crime and the fear of crime.

Archaeological Officer There are no archaeological implications within the development area.

Summary Of Representations

The Edginswell Residents Association object to the proposals in its current form for reasons which include the visual impact of the station, the impact of providing an unjustified car park in terms of its effect on travel modes, and the loss of an important green space and screening. Recognition of the potential benefits of a station is accepted.

The Shiphay and The Willows Community Partnership object to the proposals in its current form. The provision of a car park is again considered unnecessary and there is reference that Torre Station operates without parking. The loss of greenspace and its importance is raised when considering that other green areas are, or are going to be, built on in the area. It is also expressed that the station may present greater inward commutes which may lessen the current issues with street parking in the area, but the loss of trees is a concern, the design is bleak and the replanting appears insufficient.

A number of further individual public representations have been received largely objecting to the proposals, although some do cite general support for a station. The most notable concerns are focused on the car park element of the scheme in terms of its lack of need, with the assertion that a "halt" station should serve as a

destination for incoming travel and be easily accessible on foot, bicycle or bus for outgoing travel, and hence shouldn't require one. Other matters raised include the impact upon amenity of the raised footbridge in terms of overlooking, noise and disturbance, and again visual impact, notably of the car park element but also the station.

These representations have been sent electronically for Members consideration.

Relevant Planning History

None.

Key Issues/Material Considerations

The key issues and considerations are:

1. Principle and planning policy
2. Landscape and visual impact
3. Trees
4. Ecology
5. Impact upon local amenity
6. Drainage and flood risk
7. Travel, parking and movement.

1. Principle and Planning Policy -

There is clear planning and economic policy support for the provision of a rail halt in this area as the Torbay Local Plan proposes a new station at Edginswell (Policy SS6.4).

It will also support the delivery of a Future Growth Area (Policy SS2 and SDT3 and the recently adopted Masterplan), and also support key employment / services in the locality, principally the Torbay Hospital, Edginswell Business Park, and the Willows District Centre. 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.

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 south west 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.

The vision for Torbay, as set out in the Devon and Torbay Local Transport Plan (2011 - 2026), is that, by 2026 Torbay "will have excellent connections to Devon and the rest of the UK. Residents and visitors will find it easy to move around, explore and experience Torbay's beautiful urban and marine environment. People will enjoy better health and quality of life using improved cycling, walking and public transport links for work, leisure and education. A low-carbon,

sustainable transport system will contribute towards the public realm, distinct character and function of the three towns of Torquay, Brixham and Paignton". This proposal helps deliver that vision.

The proposed rail halt has a good strategic fit with the Heart of the South West Local Enterprise Partnership's Strategic Economic Plan. It has secured funding support, through Growth Deal 2, of £4M towards the overall projects costs (as forecast) of over £9M. Planning permission is now required to support bids for further funding.

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).

2. Landscape and visual impact -

The site sits in a designated Urban Landscape Protection Area (ULPA) as identified within the Torbay Local Plan. 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) ascribes 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.

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 native woodland planting to both the north and south embankments. Greater detail is provided below.

From the north (Riviera Way) the combination of woodland mitigation planting within the site boundary, together with the extent of adjacent embankment planting that is unaffected, will provide adequate screening and limit views to the development and any resultant visual impact. The topography where the land falls from Riviera Way to the rail line will help limit any impact by diminishing the perceived height and scale of the station from adjacent land.

From the south (Newton Road) the rail line sits closer to the level of the adjacent highway and hence the height and scale of the rail halt (including its raised elements) will be more apparent from adjacent land. To limit the impact of the

rail halt the existing woodland and trees that form a linear run along Aller Brook, close to the highway, will be retained and reinforced through additional strategic planting. This will further screen and soften views to the rail halt from adjacent land. Further planting will be provided behind this linear line of vegetation on land across the Aller Brook closer to the southern platform and ramp in order to further lessen its prominence.

The proposal also includes the provision of a car park, which will be provided on part of the linear swathe of maintained tree-lined grass verge that sits aside the Newton Road. The car park will (as revised) provide 28 spaces, three of which will be disabled spaces, and motorcycle parking. The car park will be accessed at a single point and there will be a turning head at the end. Including the access and turning head the car park will result in the loss of approximately 54m (by 16m) of the wider grassed corridor that is presently around 250m long. It is important to note that the provision of the car park will result in the removal of three Category A lime trees.

An open car park would sit as an alien feature within the wider green corridor and these concerns have been addressed by the re-alignment of the spaces in order to enclose the space with a hedge. A hedge, managed to a height no less than 1.5m (approximate average height of a car), would largely screen the car park from passing views from across the highway or from within passing vehicles. With the provision of a screen hedge the visual impact of the car park is diminished and it would sit more comfortably in the context of its surroundings with limited visual impact. The scale is such that the wider character of the area would be largely maintained due to the extent of verge retained towards the west. Three Category A trees will be lost to provide the parking however this loss is proposed to be mitigated by the planting of three replacement lime trees within prominent locations to frame the proposed entrance, together with supplementary planting of additional statement trees near to the turning head. Taken along with the wider mitigation planting, the loss of the 3 lime trees is, in terms of terms of visual impact, considered acceptable.

The proposal is supported by a Landscape and Visual Impact Assessment and the Council's Landscape Officer is in agreement with its conclusions, in that the rail halt can be delivered in its present form without harm to the Urban Landscape Protection Area, as when viewed from surrounding receptor sites the development site is considered to fall within the characterisation of the urban landscape.

In light of the proposed mitigation planting, subject to further discussion on detail, the proposal is considered acceptable on 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 her context and sit comfortably with the

aims and objectives of Policy C5 (Urban Landscape Protection Areas) and Policy D1 (Design) of the Torbay Local Plan for these reasons.

3. Trees -

The arboricultural implications of the scheme have also been considered and the key issues are outlined below.

The submission detail fails to plot the location of a number of strategically planted redwood trees that run along the top of the embankment adjacent to Riviera Way and hence any impact upon these to provide the access point is presently unknown. The absence of this detail should be established in order to understand whether there would be any impact and also establish the level of any necessary mitigation. It is considered that any impact could be addressed without having to fundamentally alter the provision of the access.

A further and possibly the most significant arboricultural consideration is the loss of the three Category A lime trees and their loss will need to be mitigated. It is proposed that their loss will be directly compensated through the replanting of three replacement lime trees in significant locations adjacent to Newton Road. There is scope to frame the entrance to the car park, which will set the location for two of these, with the third provided in close proximity to the east. These will be supplemented by further statement trees, at least two, close to the turning head of the car park. The additional number of specimen trees proposed in replacement is considered to balance the immediate loss of the mature trees with replacements, which in time will provide enhanced arboricultural provision. Amended landscape detail that achieves the level of mitigation above has been requested.

It is noted that the submitted landscape plan is largely commended on arboricultural merit however further discussions on the detail are necessary to establish certainly on the mitigation for the lost limes, any potential impact upon the redwoods to the north or the privately owned horse chestnut to the southeast, and in order to achieve the best possible mix of species of trees and the extent of planting within the sites constraints to ensure maximum benefit.

In addition to the above the supporting tree protection methodology will require updating once a final layout has been achieved and tree protection plans will require detailing.

With appropriate replanting to address the loss of the significant lime trees off Newton Road, together with understanding and necessary mitigation achieved should any of the redwood trees off Riviera Way be affected, to supplement the retention of trees and the proposed addition woodland planting, the proposal is, on balance, considered acceptable on arboricultural merit, thus providing development that accords with the aims and objectives of Policy C4 (Trees, hedgerows and natural landscape features) and Policy DE1 (Design) of the

Torbay Local Plan.

4. Ecology -

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). In addition that site sits close to a strategic flyway for the Greater Horseshoe Bat associated with the South Hams SAC (Special Area of Conservation).

The application is supported by a preliminary ecological appraisal and subsequent Phase 2 surveys bat roosts, bat activity, dormouse, badgers and reptiles.

The surveys concluded that no trees to be affected had the potential for roosting bats, however multiple species of bats use the area. The development should respond accordingly to the presence of bats for commuting or foraging and be designed to limit the levels of light within a "dark corridor", with a landscape and lighting scheme subject to a grant of permission.

A main badger sett is present on the site but was found to be inactive during the survey period. In light of a sett being present it is considered that any grant of approval should be subject to a condition for a further pre-commencement badger survey and if considered necessary a badger mitigation strategy if required. In addition if a badger mitigation strategy is required a copy of this should be submitted to the LPA.

Slow worms were found to be present and hence any grant of permission should be subject to a condition outlining the mitigation strategy for reptiles and detail of the methodology and timing of translocation and details of the receptor site.

Dormice were not found.

It is evident that the site contains habitat suitable for nesting birds and the timing in relation to any clearance of scrub or trees should be considered by the LPA, which can be achieved by condition.

In regard to the general ecological sensitivities of the site the development is considered suitable for planning approval subject to the sensitive management of the construction process, securing an appropriate level and detail of landscaping and replanting, and achieving a sensitive design and detail of development in terms of lighting and compensatory measures such a bird and bat boxes. All these matters can be dealt with via planning conditions.

A separate ecological consideration to those outlined above is the proximity of the development to a strategic flyway for Greater Horseshoe Bats associated with the South Hams SAC. Due to this proximity the Council has commenced a Habitat Regulations Assessment. The conclusions of this are currently pending

and Members will be updated at Development Management Committee. The key test is the likelihood of significant effect and the HRA process will conclude on this.

Should the HRA conclude that there is no likely significant effect then the development is considered acceptable on ecological grounds subject to a number of detailed conditions to secure appropriate clearance, construction and detailed design of development, including a number of ecological mitigation measures, as outlined at the end of this report, together with any necessary conditions concluded within the HRA..

The proposed development is, for the reasons above, subject to the conclusions of the HRA, considered compliant with Policy NC1 (Biodiversity and geodiversity) of the Torbay Local Plan

5. Impact upon local amenity -

The impact upon local amenity has been considered and the key issues are outlined below.

Potential impact upon privacy through overlooking has been considered and any likely impact is limited to the occupiers of number 215 Newton Road, and to a lesser extent the adjacent property, Number 213. Likely impact has been considered in regard to the provision and proximity of the eastern extent of both platforms and the raised access ramps. Use of the northern platform is unlikely to present undue harm due to the distance involved. Use of the southern platform will not present undue impact as it is proposed that the eastern extent of this is enclosed by a screen fence to prevent overlooking. The northern ramp access is unlikely to impact amenity, again due to the distances involved. The southern ramped access is closer to the adjacent residential properties and is therefore more sensitive. The proposal includes provision of a screen at the switchback turn in the ramp, to prevent open views east towards the nearby residential buildings and gardens. With appropriate screening the development will be acceptable in relation to impact from overlooking and loss of privacy.

The form and height of development will not present an overbearing or overly dominant structure and will not give rise to a loss of light or outlook, due to the distance between it and adjacent residential properties and plots. The southern platform is low level development and would sit 16m from the nearest property with natural screening between it. The southern ramp will be 32m from the nearest property, and again screening will sit between it and the nearest property and its plot. The scale and height of the structures, when considering the distances to adjacent properties, will retain suitable outlooks and light for residents.

In regard to noise nuisance the proposal is likely to reduce the level of noise that is produced by the trains as slower trains will produce less noise, which will be a

positive impact of the development. The Public Address System could potentially result in a noise nuisance if it is poorly designed. However, address systems can be designed to emit differing output levels across the length of a platform, which presents the capability for the announcements to be made at a lower level for areas closer to immediate residential properties. In addition announcement levels can be varied for differing times of the day to respond to background noise levels. Consequently there is scope to achieve an acceptable scheme that responds appropriately to the context of the area and protects amenity, through the use of planning conditions. The Council's Community Protection Officer has suggested that the levels are set by agreement, with the ability for future re-assessment, following commissioning of development so that they can be accurately determined, achieved by a planning condition.

The station will be lit, so light pollution is a material consideration. However, given lighting will be required to meet ecological requirements (specifically of Greater Horseshoe Bats), there will not be any negative and material impact on the occupiers of nearby residential properties. Any lighting associated with the car park is unlikely to present undue harm when considering its location adjacent to a street-lighted highway. A landscape and lighting strategy is proposed by planning condition in order to achieve a lighting strategy that responds to the context. In regard to further lighting matters the initial submission raised some concern in regard to the potential for the headlights of vehicles within the car park to cause undue harm to the occupiers of properties opposite off Newton Road, as the car park was not contained. Officers have negotiated the realignment of the car park in order to achieve a hedge border which, in addition to its visual benefit, will provide a barrier that should limit any light-spill from headlights.

With appropriate screening to the southern platform and ramp, a sensitive Public Address System, and enclosure of the car park to limit light pollution from headlights, the proposal will ensure acceptable levels of amenity for neighbouring occupiers.

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.

6. Drainage and flood risk -

The development sits adjacent to a linear zone with a high risk of flooding that loosely follows the east-west line of the highway (Newton Road) and adjacent land. This, together with the wider Critical Drainage Area designation of Torbay, presents a sensitive context in terms of drainage and flood risk.

The application is supported by a Flood Risk Assessment (FRA) that identifies that surface water drainage from the railway station will be discharged to the adjacent Aller Brook at a controlled discharge rate, and that the car park will be finished in a porous material.

The FRA correctly identifies that the rate of discharge should be equivalent to the Greenfield Run off rate for the discharge of surface water into the watercourse. There is however an absence of detailed design in terms of the attenuation tanks and hence there is no clarity that they are designed to cater for the critical 1 in 100 year storm event please an allowance for climate change. Without the detailed design it is not possible to establish the impact of the proposed development on flood risks to property or land adjacent. Further detail has been submitted and is presently being considered by the Council's Drainage Department. Members will be updated on this matter at Development Management Committee.

The application site is adjacent to Edginswell Stream which is classified as a 'main' river by the Environment Agency (EA). Their consultation response is awaited. It is noted that there is a large culvert that passes parallel to the railway just north of the railway, which is a strategically important local drainage asset as it helps manage flows from the Scotts attenuation area. The construction of the station must not compromise the structural integrity of the culvert.

Subject to the satisfaction of the Councils' Drainage Department, in consultation with Network Rail in terms of determining any likely future risk, and the consultation response from the Environment Agency the development is considered acceptable on grounds of drainage and flood risk, compliant with Policy ER1 of the Torbay Local Plan.

7. Travel, parking and movement -

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).

The proposal will provide a sustainable transport interchange to support modal shift from cars, which is important in terms of dealing with congestion, air quality and the sustainable growth of the area - as set out in the new Local Plan and the adopted Torquay Gateway masterplan.

The Council's Strategic Transport comments has stated that the provision of a rail halt is unlikely to increase car trips and will reduce car trips to other local stations . The rail halt will be well connected in terms of roads, cycle paths and footpaths and measures to encourage sustainable modes of transport to and from the station can be encouraged through a condition for on-site information of pedestrian links and bus routes/times to be displayed

In regard to the ancillary car park there is no parking standard for rail halts within the Local Plan and Network Rail guidance does not detail parking standards. There may be an argument for no parking at the halt station however it is noted that there are historic issues around pressure for street parking in the general area. On balance a small car park could be considered appropriate to serve the

development without unduly encouraging people to drive, but rather balancing issues of parking pressures in the area. The provision of the detailed cycle parking should be secured by condition.

Ramped access provides disabled access to all parts of the station, which provides an acceptable strategy to cater for persons with impaired mobility. The ability to supplement or replace the ramps with a lift has been considered however safety and maintenance issues have been raised by the network operator for what will be an unmanned station.

The safety barriers adjacent to the ramped access to Riviera Way must be sufficiently robust in order to ensure that pedestrian safety is maintained, which can be secured by condition.

The visibility and access arrangement to the car park are considered acceptable for the highway to which it connects, as it has been designed to Council Standards.

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.

S106/CIL -
N/A.

Conclusions

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 the helps deliver sustainable growth.

The rail halt supports delivery of the Council's Economic Strategy and has a good strategic fit with the Strategic Economic Plan, produced by the Heart of the South West LEP. The proposed station is also supported by, and helps deliver, the Local Transport Plan.

The associated car park is to a scale that is considered proportionate as an ancillary parking feature.

The visual impact of the station upon the Urban Landscape Protection Area is acceptable subject to the combination of retained landscaping and additional planting, alongside achieving a recessive colour palette that responds to the landscape context. The car park is considered acceptable on visual impact

grounds following negotiations to enclose it with a native hedge screen.

Satisfactory arboricultural mitigation can be achieved to accept the loss of the three lime trees off Newton Road and present a wider enhancement of the tree cover in the area.

Subject to satisfactory conclusions of the HRA the ecological implications of the development can be managed through various proposed conditions to ensure that it proceeds in a sensitive manner in order that protected species are duly considered.

The rail halt and car park will not unduly impact the highway network and/or parking pressures in the area as overall the provision of a station is likely to reduce car travel and may also reduce local parking pressures by providing improved rail access point to the adjacent business park, hospital or district centre.

The drainage strategy to deal with surface water runoff is considered acceptable subject to confirmation of the detailed design of attenuation responding to the 1 in 100 year storm event plus climate change and the tanks maintenance plan and addressing the constraint of the 'maimed river and nearby culvert.

The impact upon amenity will be limited as screening, detail on the Public Address System and enclosure of the car park with a native hedge to a height to limit light spill from headlights will be secured by condition.

Condition(s)/Reason(s)

01. Submission and approval of a detailed colour palette for all raised elements of the scheme, principally all means of enclosures, stairs, ramps and the footbridge, designed to respond to the landscape context and limit the visual prominence of the development.
02. Submission and approval of a detailed landscape scheme, which shall include confirmation of the location of the redwood trees on the northern embankment which may be affected by the development and any necessary mitigation, the exact location of the horse chestnut tree at 215 Newton Road, details of the location of the three replacement lime trees adjacent to Newton Road, and planting and maintenance details.
03. Submission and approval of a Construction Ecological Management Plan (CEMP)
04. Submission and approval of a Landscape Ecological Management Plan (LEMP)
05. Submission and approval of an integrated landscape and lighting strategy,

which shall include predicted light levels in the dark corridor and demonstration that levels can be maintained below 0.5 lux.

06. Submission and approval of long term monitoring strategy for the Greater Horseshoe Bats.
07. Submission and approval of operating details for the Public Address System, which shall purposely be designed to limit the impact of noise upon adjacent residential occupiers and protect their amenity.
08. Prior to the commencement agreement on the parameters for advertising pedestrian links, bus routes and timetables, shall be submitted and approved in order to promote sustainable modes of travel.
09. Prior to the use details of the safety barriers adjacent to Riviera Way shall be submitted to and approved by the LPA in order to ensure that the safety of pedestrians is maintained.
10. Prior to the first use detailed design of safe covered cycle parking facilities shall be submitted and approved by the Local Planning Authority. The approved detail shall be implemented within 3 months of the approval of detail and maintained available for the purposes of cycle parking at all times thereafter.

Relevant Policies

TA1 - Transport and accessibility

TA2 - Development access

TA3 - Parking requirements

DE1 - Design

SS6 - Strategic transport improvements

SS11 - Sustainable Communities Strategy

SDT3 - Torquay Gateway

C5 - Urban landscape protection areas

NC1 - Protected sites - internationally import

ER1 - Flood Risk

SS3 - Presumption in favour of sustainable dev

DE3 - Development Amenity