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Date: Monday, 10 January 2022

Governance Support  
Town Hall  
Castle Circus  
Torquay  
TQ1 3DR

Dear Member

## **PLANNING COMMITTEE - MONDAY, 10 JANUARY 2022**

I am now able to enclose, for consideration at the Monday, 10 January 2022 meeting of the Planning Committee, the following reports that were unavailable when the agenda was printed.

<b>Agenda No</b>	<b>Item</b>	<b>Page</b>
7.	<b>Coach Station, Lymington Road, Torquay P/2021/0765</b>	(Pages 131 - 134)

Yours sincerely

Amanda Coote  
Clerk

Mr Jim Blackwell  
Torbay Council  
Planning & Development Services  
Town Hall Castle Circus  
TORQUAY  
TQ1 3DR

**Our ref:** DC/2021/122238/04-L01  
**Your ref:** P/2021/0765  
**Date:** 07 January 2022

Dear Mr Blackwell

**DEMOLITION OF EXISTING COACH STATION BUILDING, CAFÉ AND TOILETS AND CREATION OF 5 NEW COMMERCIAL LIGHT INDUSTRIAL UNITS (USE CLASSES E(G) & E(C). ERECTION OF PUBLIC TOILETS, 3 NEW COACH BAYS AND ASSOCIATED PUBLIC REALM (DESCRIPTION AMENDED 10.09.2021) COACH STATION LYMINGTON ROAD TORQUAY TQ1 4BD**

Thank you for submitting Drawing 3466.ENG.EA 'FLOW PATHS AND ASSOCIATED SECTIONS' Rev P1 dated 4/01/22 which shows exceedance flow routes that flood waters would take in times of flooding. The revised plan we feel better demonstrates the situation at hand than the previous plan and we are able to remove our objection for flood risk reasons.

**Environment Agency Position**

We do not object to this development subject to the inclusion of the following contamination conditions including a condition requiring the submission of a remediation strategy. This should be carried out by a competent person in line with paragraph 183 of the National Planning Policy Framework.

Without *these conditions* we would object to the proposal in line with paragraph 174 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

**Condition**

No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
  - all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the

remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

#### **Condition**

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 a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

#### **Condition**

*Piling* using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

#### **Reason(s)**

- To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 174 of the National Planning Policy Framework.
- To ensure that the proposed , does not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework

Yours sincerely

**Mark Williams**  
**Planning Advisor**

Direct dial 020 84 746199

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# Memorandum

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<b>To:</b> Spatial Planning	<b>From</b> :	Engineering
<b>c.c</b>	<b>Contact</b> :	David Stewart
<b>c.c.</b>	<b>Ext</b> :	7816
<b>c.c</b>	<b>My Ref</b> :	DS/9/1/3
<b>For the attention of:</b>	<b>Your Ref</b> :	P/2021/0765
<b>Jim Blackwell</b>	<b>Date</b> :	7 <sup>th</sup> January 2022

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## **Subject: Lymington Road Coach Station, Torquay**

Further to the email from Claire Cushion dated 6<sup>th</sup> January 2022 regarding the above planning application I would like to make the following comments:

1. As identified within the planning application this development lies within Flood Zone 3. All proposed developments within Flood Zone 3 must be accompanied by a site specific flood risk assessment.
2. A site specific flood risk assessment has been submitted in support of this planning application and following a consultation response from the EA objecting to the development further information has been submitted by the developer regarding flow paths and finished floor level for the disabled toilet.
3. I will leave the EA to comment of the flow paths however with regards to the disabled toilet, the developer has now raised the finished floor level to 31.275m, however, this is still below the predicted flood level for the critical 1 in 100year storm event plus 40% for climate change.
4. As the disabled toilet is still at risk of flooding, the developer has proposed flood mitigation measures for the disabled toilet which includes the raising of all electrical equipment at least 1m above finished floor level and a proposal to lock the disabled toilet following receipt of a flood warning from the EA.
5. It must be noted however, that within this area of Torquay the EA do not have a specific flood warning service for main rivers, watercourses and surface water flooding and therefore they will only ever issue a flood alert warning. They do not currently issue a Flood Warning or Severe Flood Warning in Torbay for main river flooding, watercourse flooding or surface water flooding as occurs in this area of Torquay. As a result, it would not be possible to use the EA flood warning service to close and lock the disabled toilets.
6. The developer must investigate an alternative manner in which to close and lock the toilets before a flooding event occurs. It may be possible for the developer to install a local flood warning service based on a depth gauge being located in the vicinity of the toilet that issues a warning should flood water reach say 500mm below the finished floor level of the toilet, allowing the toilet to then be locked.

7. An alternative method of proposing the closure of the toilet would be to use the Met Office flood warning system which is based on rainfall predictions. The toilet could be locked once a flood warning for Torbay has been issued by the Met Office. There are a number of risks associated with this method as sometimes severe storm events, resulting in flooding, occur without a flood warning being issued by the Met Office. Similarly, there is a risk that the toilets may be closed on a regular basis without any flooding occurring. If the developer is considering using this method they would have to consider which level of flood warning (yellow, amber or red) issued by the Met Office is most appropriate to close the toilets.
8. The proposed method of mitigating the flooding must be included in an emergency plan for the disabled toilets. This plan must include the proposed trigger levels and who is responsible for locking the toilets when the trigger level is reached (note this could be at anytime, so the plan has to be operational 24 hours a day).

Based on the information that has been submitted, I would have no objections to planning permission being granted however a planning condition must be included in order that the proposed flood mitigation measures are agreed and in place before the disabled toilet is operational.

Should you have any questions regarding the above please do not hesitate to contact me.