

## **Planning Matters:**

# **Reports on Intended Decisions to be taken by the Assistant Director of Planning and Transport**

Published: Wednesday, 08 April 2020

**A prosperous and healthy Torbay**

**1. COVID-19**

In light of the Government's guidance on social distancing, between 23 March and 30 April 2020, all of the Council's public decision making meetings have been cancelled. This will be kept under review on a regular basis.

Alternative decision making arrangements have been put in place for any decisions which need to be made during the COVID-19 outbreak. In many cases, this will involve the Leader of the Council making decisions normally made by the Cabinet. Any urgent decisions which would have been made at Council meetings will be taken by the Chief Executive. For other committee meetings such as Planning Committee, decisions will be taken by officers.

All such decisions will be made after consulting the appropriate councillors and decisions and any associated reports will be published on our website at:

<https://www.torbay.gov.uk/DemocraticServices/mgDelegatedDecisions.aspx?bcr=1>

The Assistant Director of Planning and Transport, by way of the publication of this document, hereby gives notice that he intends to consider the reports contained herein. Records of the decisions made by the Assistant Director of Planning and Transport will be published on our website after the anticipated decision date.

**2. Land at The Terrace Car Park, corner of Montpellier Road and The Terrace, Torquay (P/2020/0156)** (Pages 3 - 16)

Variation of Condition relating to application P/2019/0348.

Condition: P1 – Plans. Substitute drawings to permit construction of stairs, lift and ramp internal to car park.

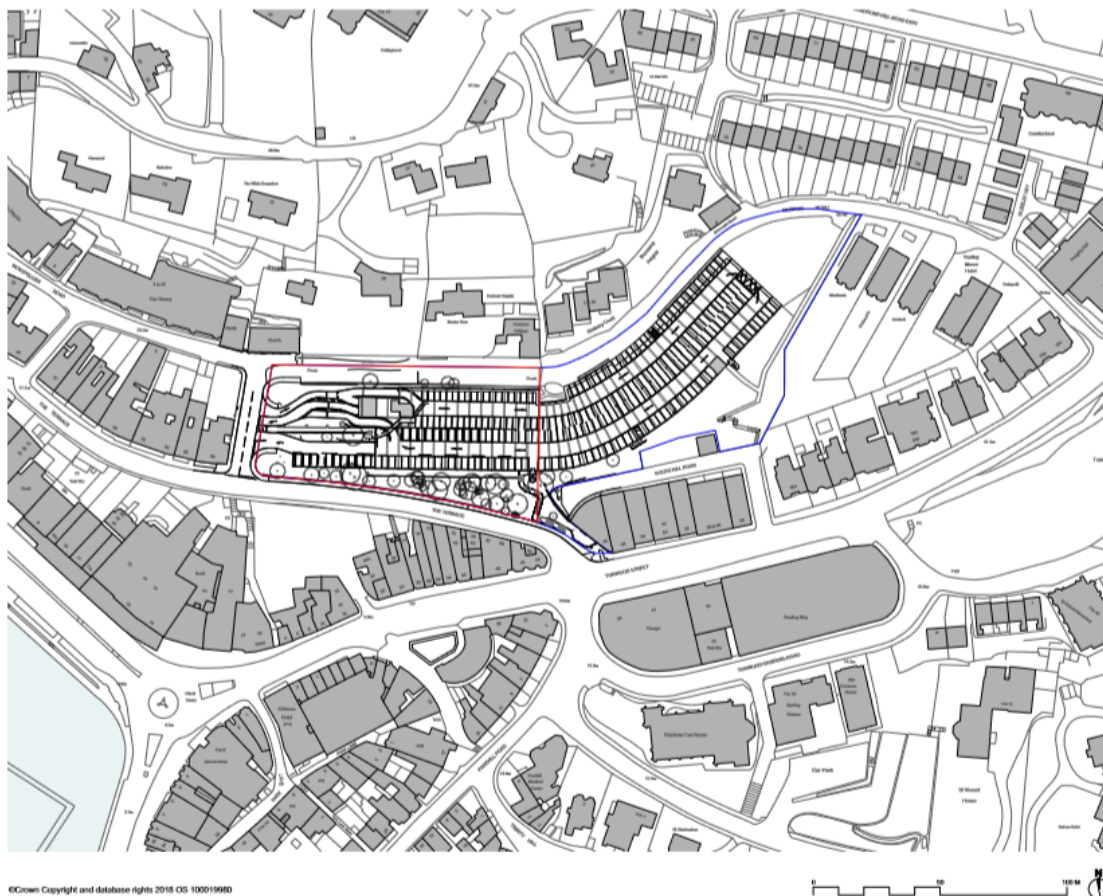
**3. Public Representation**

If you haven't already done so and you wish to make representation on any of the applications shown listed on this report pack, please email your representation to [planning@torbay.gov.uk](mailto:planning@torbay.gov.uk) before 4 pm on 10 April 2020.



Application Site Address	Land at The Terrace car park, corner of Montpellier Road and The Terrace, Torquay
Proposal	Variation of Condition relating to application P/2019/0348. Condition: P1 - Plans. Substitute drawings to permit construction of stairs, lift and ramp internal to car park.
Application Number	P/2020/0156
Applicant	Torbay Council & Premier Inn Hotels Ltd
Agent	Roach Planning And Environment Limited
Date Application Valid	18.02.2020
Decision Due date	19.05.2020
Extension of Time Date	
Recommendation	Conditional approval
Reason for Referral to Committee	Major Section 73 application and the application relates to land owned by the Council
Planning Case Officer	Alexis Moran

## Location Plan



## **Site Details**

The application site relates to an area of land to the west of The Terrace multi storey car park which is on the corner of The Terrace and Montpellier Road. The site includes part of the multi storey car park and land to the west and south of this, which is currently underutilised, it is allocated as being within the Town Centre in the Local Plan policies map.

The southern boundary of the site adjoins the public footpath on The Terrace, to the western boundary the site abuts Montpellier Road. Museum Road is located to the north-east of the site and to the rear of The Terrace multi storey car park.

The site is 110m to the north-west of Torbay Harbour. It is located within the Harbour Conservation Area and in close proximity to two Grade II Listed Buildings: Higher Terrace to the west and Unity Church to the north of the site.

The car park is arranged over three storeys and contains spaces for 578 cars.

A new hotel development, fronting onto Torwood Street, which consists of a building that is adjacent to and five storeys above the road-level of The Terrace at its highest point, is under construction to the south of the site.

The site is located within Flood Zone 1.

## **Description of Development**

This application seeks a minor material amendment to application P/2019/0348 which granted planning approval for;

*“Formation of 120 bedroom hotel and ancillary restaurant and associated works. Partial demolition and reconfiguration of existing car park to provide stairs, lift and ramp”*

The amendment related to Condition: P1 – Plans and intends to substitute the drawings to permit the construction of stairs, lift and ramp internal to car park.

During the course of this detailed design and site establishment work, the project engineers have encountered an issue with the structural integrity of the existing car park which means that the new stairs, lift and vehicle ramp cannot now be constructed external to the car park as per the approved plans.

Therefore, a revised design is now proposed with the new stairs, lift and vehicle ramp constructed internally within the car park’s existing footprint.

The new vehicle ramp will be constructed approximately midway along the length of the car park, enabling vehicles to travel between the middle and lower levels. The lower level parking spaces will be dedicated to THAT Group. Access to and from the lower level will be via traffic light control since the ramp will be wide enough only for one vehicle to travel on it at a time.

The new stair and lift core will continue to be located to the east of the hotel and be accessed on foot from The Terrace at street level, however it will now be set back from The Terrace approximately 6m further than in the previously approved plans. The front edge of the new stair and lift core will be aligned with the existing building line of the car park.

The application does not result in any changes to the approved 120 guestroom hotel, restaurant and associated facilities.

The existing car park has a total of 578 spaces. Planning permission P/2019/0348 permits a reduction of 83 spaces, leaving 495 spaces remaining. The revised design proposes loss of a further 11 spaces, which will leave 484 spaces remaining.

### **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")
- Torquay Neighbourhood Plan

#### Material Considerations

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

### **Relevant Planning History**

P/2019/0348 - Formation of 120 bedroom hotel and ancillary restaurant and associated works. Partial demolition and reconfiguration of existing car park to provide stairs, lift and ramp; APPROVED 20.08.2019.

DE/2018/0071 - Formation of 120 room hotel; the principle of a hotel development was largely supported in this location within a Core Tourism Investment Area

### **Summary of Representations**

None received

### **Summary of Consultation Responses**

South West Water - No objection.

**Torbay Council Drainage Engineer** - no objection subject to the proposal being undertaken in accordance with the submitted surface water drainage details.

**Strategic Transport** - *The revised layout drawing proposes 54 spaces on the lower level (reduced from 56 on the initial drawing). This is to allow for motorcycle parking. It has been clarified that the THAT group (Hilton) do require 60 spaces by agreement. The remaining 6 spaces will be set aside elsewhere in the car park. This is not a concern from a layout or usability perspective, so long as the car park signage is clear.*

*Additional spaces have also been created on the middle tier following the revision to the layout. This is supported given the capacity concerns raised previously.*

*The schedule of spaces in the supporting documentation has not been updated to reflect these changes. The issue with this is that it is not clear when comparing the drawings with the schedule, how many public spaces will be maintained, available for public use. This is clearly important given the capacity concerns.*

*The drawings only show part of the eastern end of the car park. That area is accessed separately from Museum Road.*

*Having counted the spaces provided on the drawings, I believe the schedule is Top, 214; Middle, 181; Lower 54 – this excludes the 6 disabled and the motorcycle spaces. That gives a total of 449. The report submitted with the application indicates there are 457 proposed. Subtracting the 160 reserved spaces (from my assessment) for the Premier Inn and THAT group leaves 289 publically available spaces, rather than the 297 set out in the table. A final summary, updated following the recent revisions and clarifying the exclusion or otherwise of the area to the Eastern end would be welcomed.*

*It has been clarified that the Whitbread group (Premier Inn) will have 100 reserved spaces. This does reduce the flexibility of the spaces within the car park and keeps the publically available spaces as the maximum described – subject to clarification as above. It would have been preferable to have more flexibility but I understand there are spate legal agreements preventing that.*

*Subject to, and perhaps regardless of, the final clarification of spaces, there appears to remain a capacity shortfall in August and perhaps the months either side. Over the course of the year as I have mentioned previously there will be capacity more often than not.*

*It has been clarified that there are understood to be plans to update signage around Torquay but details of this have not been provided. This will be critical in those summer, peak, months.*

*I reiterate that policy TA3 'Parking Requirements' does not set a requirement for parking when sites are located within the Town Centre – as this site is. The policy*

*expects that the existing public parking provision will suffice. This assumption in the Local Plan is confirmed through the analysis of the application but the issue will be how that is managed, particularly to avoid unnecessary journeys.*

*On balance, while it is not desirable to create a capacity problem following the addition of development for most of the year there is additional capacity available and during the peak times, it is understood that other nearby car parks do have available capacity. Therefore it is considered that there would not be a significant or severe impact on the highway network, or a road safety impact, arising from this proposal.*

**Historic England - No comment**

### **Key Issues/Material Considerations**

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 key issues have been identified and will be discussed in relation to the relevant development plan policies and material considerations.

1. Design and Visual Impact
2. Heritage Assets
3. Impact on amenity.
4. Trees and ecology.
5. Flooding and drainage
6. Highways impact

#### **1. Design and Visual Impact**

The National Planning Policy Framework states that one of the core land-use planning principles that should underpin decision taking is to always seek to secure high quality design. In addition it states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'.

Consistent with these paragraphs, Policy SS11 of the Torbay Local Plan states that development must help to create cohesive communities within a high-quality built and natural environment where people want to live and work and that development proposals will be assessed according to whether they achieve certain criteria as far as they are relevant and proportionate to the development. Policy DE1 states that proposals will be assessed against their ability to meet design considerations such as whether they adopt high quality architectural detail with a distinctive and sensitive palette of materials and whether they positively enhance the built environment.

This application relates solely to the car park aspect of the development and does not result in any alterations to the approved hotel on the site. The removal of the previously approved external ramp is considered to be a positive enhancement to

the original scheme insofar as it reduces the bulk of this building and provides a better spatial relationship to the proposed hotel.

The relocation of the stair and lift core will continue to enhance the amenity for car park users and create a more accessible facility and provide a better connection from the car park to the town centre and harbour as well as providing better links to the adjacent THAT Group development to the south.

A pedestrian crossing point across The Terrace is still proposed as per the approved plans, continuing to offer a net improvement over the existing arrangement. Pedestrian access to/from the hotel will continue to be direct to the footway on The Terrace as per the approved plans.

The proposed minor material amendment is considered to be acceptable and the overall development continues to comply with Policies DE1, DE4 and SS11 of the Local Plan, Policies TH8, TS2 & TS4 of the Torquay Neighbourhood Plan, and the guidance contained in the NPPF.

## **2. Heritage Assets**

Section 72 of The Planning (Listed Buildings and Conservation Areas) Act requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Similarly Section 66 of the Act requires that in considering whether to grant planning permission [or development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Policy HE1 refers to Listed Buildings and states that development proposals should have special regard to preserving listed buildings and their setting. Policy SS10, Conservation and the Historic Environment, states that proposals will be assessed, amongst other things, in terms of the impact on listed and historic buildings, and their settings, and in terms of the need to conserve and enhance the distinctive character and appearance of Torbay's conservation areas. Policy TH8 of the Torquay Neighbourhood Plan states that development must be of a good quality design and respect local character.

The removal of the external ramp would have less of a visual impact in terms of the character and appearance of the Conservation Area as the built form of the previously approved development is to be reduced. The proposal therefore remains acceptable, on balance, in terms of its impact on the Listed Buildings in the area and the wider Conservation Area. The amended scheme accords with the requirements of Policies HE1 and SS10 of the Torbay Local Plan and Policy TH8 of the Torquay Neighbourhood Plan.

## **3. The impact on amenity**



Policy DE3 requires that all development should provide a good level of amenity for future residents or occupiers and should not unduly impact upon the amenity of neighbouring or surrounding uses.

To the south-east, the properties are at a lower level due to the difference in topography between them and the application site. The removal of the previously approved ramp access would reduce the impact of the development on the amenities of residential occupiers of these properties and would result in a neutral impact to their amenity overall.

#### **4. Trees, and Ecology**

Policy C4 states that development proposals should seek to retain and protect existing hedgerows, trees and natural landscape features.

Policy NC1 seeks to conserve and enhance Torbay's biodiversity and geodiversity, through the protection and improvement of terrestrial and marine environments and fauna and flora, commensurate to their importance. Policy TE5 of the Torquay Neighbourhood Plan states that, where appropriate, an assessment of impacts upon any existing protected species or habitats should be undertaken and the use of necessary mitigating arrangements, in order to protect and enhance species and habitats, should be provided.

Within the supporting text of the Environment section and in Policy TE1 of the Torquay Neighbourhood Plan, it is stated that the addition of new tourism developments will be particularly supported where they make use of brownfield land for the provision of that development, thus reducing pressure on Torquay's environment.

The Ecological Impact Assessment submitted with application P/2019/0348 recommended the following mitigation and compensation measures required to minimise/ prevent significant impacts to ecological features;

- o Provision of additional roosting opportunities for bat through the provision of bat boxes on retained mature trees and/or integrated within the new hotel, for example by using bat bricks
- o Provision of nesting opportunities for masonry bees and other invertebrates by incorporating bug-and-bee bricks in to the walls of the hotel; and,
- o Include new native species-rich habitats within proposals that supports invertebrates and subsequently enhance foraging opportunities for bats with a landscaping scheme.

These were conditioned as part of P/2019/0348 and these conditions are to be retained.

The current proposal is an amendment of a previously proposed scheme (P/2019/0348) which was subject to a HRA. This HRA concluded that there would be no Likely Significant Effect on the Marine SAC providing that the proposed mitigation

measures (Construction and Environmental Management Plan CEMP) is secured by planning conditions. It is considered that the current application to vary of the previously approved scheme does not result in any changes which would be material to the previous conclusion, no additional material information has emerged or any circumstances have changed so as to make the previous decision out of date and the analysis underpinning the reasoning, conclusion or assessment of the previous HRA is considered to be sufficiently rigorous and robust. The current application includes the same mitigation measures which were deemed acceptable for the previous consent, therefore, it is appropriate to adopt the assessment conclusions of the previous HRA and secure the same mitigation for the current revised scheme.

As the site is over 5ha in area an Environment Impact Assessment screening was undertaken as part of the original scheme, the result of this was that the proposal did not require an EIA. A revised screening was undertaken as part of this application which confirmed that the proposal does not require an EIA.

In light of the foregoing, the proposal's ecological impacts are considered acceptable, having regard to Policy C4 and NC1 of the Torbay Local Plan Policy TE5 of the Torquay Neighbourhood Plan.

## **5. Flooding and Drainage**

Policy ER1 states that development must be safe for its lifetime, taking account of its future use, function and government projections of how the risk of flooding may change in response to climate change. Development proposals will be expected to maintain or enhance the prevailing water flow regime on-site, including an allowance for climate change, and ensure the risk of flooding is not increased elsewhere.

The applicant proposes to deal with surface water run off by discharging to the existing South West Water combined sewer within The Terrace, which receives a majority of surface water runoff from the site in the existing situation. A surface water drainage scheme has been developed, which incorporates attenuation storage, which would be operated in conjunction with Hydrobrake flow control devices designed to limit surface water flows discharged from the site to a maximum rate of discharge of 1.5 l/s. The surface water drainage scheme would provide sufficient capacity for excess runoff to be stored and attenuated on site up to and including the 1 in 100-year storm return period with 40% allowance for increase in peak rainfall intensity over the lifetime of the development.

The Council's Drainage Engineer and South West Water have raised no objections to this method of drainage, subject to the use of conditions requiring adherence to the submitted drainage and flood risk details.

Subject to the use of the aforementioned condition the proposal is considered to be acceptable, having regard to Policy ER1 of the Torbay Local Plan, the NPPF, and the PPG.

## **6. Highway Impact**

Policies TA2 states that all development proposals should make appropriate provision for works and/or contributions to ensure an adequate level of accessibility and safety, and to satisfy the transport needs of the development. Policy TA3 states that the Council will require appropriate provision of car, commercial vehicle and cycle parking spaces in all new development. Appendix F provides figures on car parking requirements, for hotels this states that 1 space per bedroom plus appropriate provision for coaches is required.

Planning permission P/2019/0348 permits a reduction of 38 spaces, the revised proposal would result in a loss of a further 11 spaces (numbers revised by the applicant during the planning application process), leaving 484 spaces remaining. Of that 100 of the spaces are to be leased to the hotel operator as part of the development and 60 spaces are also to be leased to the operator of the Torwood Street hotel. In the busiest period of the day on an average day, 115 of the 324 general parking spaces would be full with the revised design, so there is still considerable capacity. For a peak day in August, 309 of the 324 spaces would be full.

The site is within the town centre allocation and policy TA3 does not set a parking requirement for town centre sites as it expects that the existing public parking provision will suffice.

The Strategic Transport Officer has advised that for most of the year there is additional capacity available and during the peak times, it is understood that other nearby car parks do have available capacity. Therefore it is considered that there would not be a significant or severe impact on the highway network, or a road safety impact, arising from this proposal.

The proposal is considered to remain sufficient to comply with Appendix F and Policy TA3 of the Local Plan which state that there is no minimum parking threshold for town centre developments.

To ensure travel by accessible modes for both staff and guests a condition in relation to the submission and approval of a travel plan prior to the recruitment of staff was deemed necessary as part of approved application P/2019/0348, this condition is to be retained.

The conditions requires as part of the original application (P/2019/0348) are to be retained and it is deemed that the proposal continues to comply with Policies TA2 & TA3 of the Local Plan and Policies THW1, THW5 and THW6 of the Torquay Neighbourhood Plan.

### **Community Infrastructure Levy**

The proposal is not CIL liable.

### **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**

The proposed minor material amendment is considered to be acceptable for conditional approval, having regard to the Development Plan, and all other material considerations.

### **Officer Recommendation**

Approval with the conditions set out in this report.

### **Conditions**

01. The development shall be undertaken in full accordance with the approved Construction and Environmental Management Plan received 29.03.2019.

Reason: To safeguard the Local Planning Authority's rights of control over these details to ensure that the construction works are carried out in an appropriate manner to minimise the impact on the amenity of neighbouring uses and in the interests of the convenience of highway users, having regard to Policies NC1 and TA1 of the Torbay Local Plan.

02. The development shall be carried out in full accordance with the approved scheme of surface water drainage. The surface water drainage system as detailed on these plans shall then be continually maintained thereafter.

Reason: In the interests of sustainable drainage and in accordance with Policy ER1 of the Torbay Local Plan.

03. No development above damp proof course level shall take place until details of the proposed cladding materials (walls and roof) and openings have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details, and shall be retained as such for the life of the development. All sections of new stone wall shall be constructed of natural stone laid on its bed and lime mortar.

Reason: To ensure a satisfactory form of development and to comply with Policy DE1 of the Torbay Local Plan, and Policy TH8 of the Torquay Neighbourhood Plan.

04. Prior to the first use of the development hereby approved, details of a lighting strategy relating to the illumination of the building, public realm and associated areas shall be submitted to and approved in writing by the Local Planning Authority. The submitted lighting strategy shall give particular consideration to preventing light intrusion at neighbouring properties, and in relation to bat habitats and flyways. The development shall thereafter be undertaken in accordance with the approved details and shall be retained as such indefinitely.

Reason: To ensure that the architectural quality of the building and its setting is highlighted through an appropriate scheme of lighting and to prevent harm to neighbouring occupiers and bats, and to comply with Policies DE1, DE3, and NC1 of the Adopted Local Plan, and Policy TE5 of the Torquay Neighbourhood Plan.

05. Prior to the first use of the development hereby approved, 5 bat bricks and 5 bug and bee bricks shall be incorporated in to the walls of the hotel (in accordance with manufacturer's instructions for correct siting and installation) and retained at all times thereafter.

Reason: To ensure that the development duly considers protected species and biodiversity, in accordance with Policy NC1 of the Torbay Local Plan 2012-2030, and Policy TE5 of the Torquay Neighbourhood Plan.

06. The soft landscaping works for the development shall be undertaken in strict accordance with the approved landscaping plan referenced "849-SW-01-B". All planting, seeding and turfing comprised within the approved scheme shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next available planting season with others of a similar size and the same species.

Reason: In the interests of visual amenity and in accordance with Policies DE1 and C4 of the Torbay Local Plan 2012-2030.

07. Hard landscaping details shall be submitted for the written approval of the Local Planning Authority prior to the first use of the development. The

approved scheme shall be provided prior to the development being brought into use, and shall be retained for the life of the development.

Reason: In the interests of visual amenity and in accordance with Policies DE1 and C4 of the Torbay Local Plan 2012-2030.

08. Prior to the first recruitment of staff, a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall outline measures to encourage the use of non-car, sustainable forms of transportation, including a scheme of implementation. The approved measures shall be undertaken in accordance with the approved scheme of implementation.

Reason: In the interests of road safety and sustainability to encourage walking, cycling and public transport use by staff and visitors in accordance with policies TA1 and TA2 of the Torbay Local Plan 2012-2030, and Policy THW1 of the Torquay Neighbourhood Plan.

09. Prior to the hotel being brought into use, the associated parking facilities shown on the approved plans shall be provided in full, including provision for electric charging points. The parking facilities shall be permanently retained thereafter for the parking of vehicles associated with the development hereby approved.

Reason: To ensure adequate parking facilities are provided to serve the development in accordance with policy TA2 and TA3 (and associated appendix F) of the Torbay Local Plan 2012-2030.

10. The development hereby approved shall not be brought into use until all relevant highways agreements have been entered into and the agreed works within the highway have been completed to the satisfaction of the Local Highway Authority. The works shall include 'no loading' restrictions along with the works shown on the approved plans.

Reason: To provide safe and sustainable access to, and around, the site for all users in accordance with Policies TA1, TA2 and DE1 of the Torbay Local Plan

11. Prior to the first use of the development hereby approved, the refuse and recycling facilities shown on the approved plans shall be provided. Once provided, the agreed storage arrangements shall be retained for the life of the development.

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

12. Prior to the first use of the restaurant, odour control equipment as detailed in the approved documents referenced P20190348-5, P20190348-6, P20190348-7 & P20190348-8 shall be fully installed and thereafter retained for the life of the development.

Reason: In interests of residential amenity and in accordance with Policy DE3 of the Torbay Local Plan 2012-2030.

13. Prior to the first use of the development hereby approved, bicycle storage shall be provided in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. The bicycle storage shall be retained for the life of the development.

Reason: In the interests of sustainable transport and in accordance with Policies TA1, TA2, and TA3 of the Torbay Local Plan, and Policy THW6 of the Torquay Neighbourhood Plan.

14. Prior to the first use of the development hereby permitted, a scheme of boundary treatment shall be fully installed in accordance with details which shall previously have been submitted to and agreed in writing by the Local Planning Authority. Once provided, the agreed boundary treatment shall be retained for the life of the development.

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

15. The development shall be undertaken in full accordance with the recommendations in the Arboricultural Method Statement (reference AIA-TER-19) and the Site Monitoring Visit Schedule. This shall include the erection of the construction exclusion zone fencing (as shown on drawing TPP-TER-19) prior to plant and machinery being brought onto, or any construction activity taking place on, the site.

Reason: In interests of visual and residential amenity and in accordance with Policy DE3 of the Adopted Torbay Local Plan 2012-2030.

16. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive in any given year, unless prior to the commencement of works a detailed biodiversity survey by a competent ecologist has been submitted to and approved in writing by the Local Planning Authority. The survey shall include the details of the check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting birds on the site. The development shall then be carried out in accordance with the details submitted.

Reason: In the interests of protected species and in accordance with Policy NC1 of the Torbay Local Plan 2012-2030

17. No equipment, signage or plant shall be located on the roof, walls or in the grounds of the development hereby permitted (other than those indicated on the approved plans) unless otherwise approved in writing by the Local Planning Authority, including air conditioning units, extraction equipment, aerials, tanks, satellite dishes and external lighting.

Reason: In the interests of the visual amenities of the area, in accordance with policies DE1, DE3 and SS10 of the Torbay Local Plan.

18. Prior to the first use of the development hereby approved, a scheme of measures for designing-out crime shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be fully installed prior to the first use of the development and shall be permanently retained thereafter.

Reason: In the interests of amenity and preventing opportunities for criminal activity, in accordance with Policies DE1 of the Torbay Local Plan