

# TORBAY COUNCIL

Application Site Address	Splashdown Quay West Water Park, Tanners Road, Paignton
Proposal	Formation of leisure facilities including waterslides, and indoor play and climbing centre. Relocation of reception area. Formation of car park and access to staff car parking spaces and railway. Alterations to arcade/cafe/kiosk building and refuse area. Re-landscaping. Altered boundary treatments and entrance arrangements.
Application Number	P/2021/1093
Applicant	Lemur Attractions Ltd
Agent	Pure Town Planning
Date Application Valid	30.03.2022
Decision Due date	29.06.2022
Extension of Time Date	16.09.2022
Recommendation	<p>Approval: Subject to;</p> <ol style="list-style-type: none"> <li>1. The conditions outlined below, with the final drafting of conditions delegated to the Assistant Director of Planning Housing and Climate Emergency;</li> <li>2. The completion of a S106 Legal Agreement to secure the heads of terms above, in accordance with the adopted Planning Contributions and Affordable Housing Supplementary Planning Document, on terms acceptable to Officers.</li> </ol> <p>The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Assistant Director of Planning and Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.</p>
Reason for Referral to Planning Committee	Major Planning Application
Planning Case Officer	Mr. Alexis Moran



### **Site Details**

The site is Splashdown Quay West water park which is located on Tanners Road in Paignton. To the east there are there is a bar/restaurant and hotel, Goodginton Beach is approximately 40m to the east and south. Youngs Park is to the north.

To the immediate west is a railway line which makes up part of the Dartmouth Steam Railway. Further to the west is a large car park and beyond this is the A379 Dartmouth Road and Torbay Leisure Centre. To the south is a promenade, including the South West Coast path, the beach and an area containing beach huts.

The southern part of the application site includes an area of land which currently includes a public basketball court, some exercise equipment and an area of other recreational use.

The site lies within the Core Tourism Investment Area and Coastal Change Management Area.

## **Description of Development**

The planning application seeks permission for the redevelopment of the existing facilities provided which includes:

- New aqua play area with relocated “Reach Outdoors” reception to the south of the site;
- Addition of new waterslides to the east and to the west;
- New building for children’s indoor play and climbing centre. The new indoor play and climbing centre building is to be to the north of the site in the location of the existing Go-Kart track. The building is to be 47.5m long by 26m wide with a maximum height of approximately 10.26m;
- New car park and formation of new access to railway and staff car parking spaces at the north of the site;
- New customer amenities;
- Refurbishment of existing arcade/café/kiosk building with cladding;
- The proposal includes the removal of 15 trees and the planting of 15 new trees as part of a landscaping and boundary treatment scheme;
- Revised refuse area to the south of the site.

## **Pre-Application Enquiry**

DE/2019/0037 - Installation of new play/leisure facilities, including: addition of new waterslides, aqua play area, new building for children's indoor play centre, high ropes course, new customer amenities, refurbishment of existing arcade/cafe building, full program of re-landscaping and altered boundary treatments, altered access arrangements and revised refuse area. The pre-application summary advised that the principle of tourism related development and redevelopment in this location is considered acceptable, but that the proposals would require substantial revision and additional supporting information in order to secure officer support for any formal application for planning permission.

## **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 Paignton 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**

No recent relevant planning history to this proposal.

#### **Summary of Representations**

Three letters of support have been received which relate to the improvements to the tourism offer and the provision of jobs.

#### **Summary of Consultation Responses**

Torbay Development Agency - This exciting development will provide improvements to the popular family attraction, including with new indoor and outdoor facilities for families and also wet weather provision. The new indoor play and climbing centre brings new facilities which are currently missing from Torbay's tourism offer and crucially will be provided all year round.

The application makes reference to creating new full time and part time jobs, seasonal and all year-round employment, a welcome investment in supporting the local economy and developing skills. We strongly encourage the company to strengthen links with South Devon College to offer accessible apprenticeships and skills programmes to employ local talent and engage with TDA where possible.

English Riviera BID Company - The English Riviera BID Company is in full support of the planned improvements at Splashdown Waterpark.

Torbay Council Drainage Engineer - Providing the flood mitigation works identified within the site-specific flood risk assessment are incorporated into the development, and the recently agreed standing advice is used for the surface water drainage, I have no objections on drainage grounds to planning permission being granted for this development.

Waste Client Officer – No objection

Green Infrastructure Officer - *I am satisfied with the landscape scheme. The two main areas of concern are car parking to the far north east corner to facilitate the staff car parking and the loss of the Sycamore (T19).*

*We would require an AMS to show how the car parking was to be installed that would mitigate any damage to retained trees and a tree protection plan accompanying the AMS.*

*If the Sycamore is to be removed, then this would be a loss to the area however the landscaping proposals are sufficient to offset this in the long term.*

*My initial concerns over the categorisations of the trees remains but the retention of the trees as discussed at a site meeting with the client have been reflected in the drawings.*

Highways – The applicant has successfully addressed all concerns raised by the Local Highways Authority and thus the negative recommendation previously issued in respect to this planning application has been removed. The application is therefore recommended for approval subject to the conditions details above.

Environment Agency – No comments received

Natural England – No objection

South West Water – No objection

Council's Ecology Consultant – No objection

## **Key Issues/Material Considerations**

### **Planning Officer Assessment**

#### **Principle of development**

The matters for consideration are:

1. Principle of Development
2. Economic Benefits
3. Design and Visual Impact
4. Impact on Amenity
5. Ecology
6. Trees and Landscaping
7. Flooding and Drainage
8. Highways Impact
9. S106
10. Other Considerations

#### **1. Principle of Development**

Policy TO1 of the Local Plan promotes the improvement, modernisation and the addition of new tourism facilities in order to attract new visitors and to support the local economy. This will be achieved by supporting the principle of improvements to existing tourism facilities which focus, amongst other things, on biodiversity.

Paignton Neighbourhood Plan Policy PNP25 which relates to the Clennon Valley area aims to improve the provision of facilities for tourists that widen the tourism offer.

The proposed development would provide a larger and improved tourist facility in an area on brownfield land. Policy SC2 states that Major new leisure facilities should be developed on accessible and well-located sites, such as this one. This policy also advises that there will be a presumption against loss of existing recreational and leisure facilities, unless: i) an assessment has been undertaken which has clearly

shown the open space, buildings or land to be surplus to requirements; or ii) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or iii) the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss. The proposed development results in the loss of a public open space and recreation/play park area to the south of the site and therefore mitigation for this loss is required.

In line with the Council's Planning Obligations and Affordable Housing SPD, a planning contribution of £44,990 is required to mitigate the loss of the current area of open space and recreation in order to provide a public benefit to those who have been disadvantaged by its loss. This contribution can be used to provide improvements to existing play facilities in the area (to the north on Youngs Park) or in another way that would provide a public benefit, and which is related to the proposed development. In this instance the proposed mitigation is through a discounted/free ticket service to local residents of the area up to the £44,990 (index linked) value required for mitigation. Officers consider that this proposal is an acceptable alternative.

Bearing the forgoing in mind, the proposals are considered to be acceptable in principle. This broad position is however subject to wider policy considerations that are relevant to the development proposal, which will be discussed in the forthcoming sections of this assessment.

## **2. Economic benefits**

Policy SS1 (Growth strategy for a prosperous Torbay) of the Local Plan states that development should reinforce Torbay's role as a main urban centre and premier resort. Policy SS4 (The economy and employment) supports the regeneration of Torbay and improvement in its economic performance, with the aim of achieving a step-change in economic prosperity as set out in Torbay's Economic Strategy. The Local Plan supports existing businesses; it encourages new businesses and investment into the area in order to create new jobs; and it promotes the expansion and diversification of the economy of the Bay. The Local Plan seeks to promote growth in sectors that are particularly important in Torbay, namely tourism and catering.

Policy SS11 (Sustainable communities) explains that proposals that regenerate or lead to the improvement of social, economic or environmental conditions in Torbay will be supported in principle.

The applicant advises that the development would create 26 new full time jobs and 126 new part time jobs.

The Torbay Development Agency supports the application, noting that:

*“This exciting development will provide improvements to the popular family attraction, including with new indoor and outdoor facilities for families and also wet weather provision. The new indoor play and climbing centre brings new facilities which are currently missing from Torbay’s tourism offer and crucially will be provided all year round.”*

Given that the proposal would modernise and enhance the tourism facilities available at the site, provide an all year round tourism facility, create new jobs and is expected to generate significant additional spend within the local economy, it is considered that it corresponds with the aspirations of Policies SS1, SS4 and SS11 of the Local Plan, and would bring economic benefits to the Bay compared to the existing situation.

### **3. 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'. New development should be sympathetic to local character and history, including surrounding built environment and landscape setting.

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. Criterion 3 refers to



development that helps to develop a sense of place and local identity and criterion 10 refers to delivering development of an appropriate type, scale, quality, mix and density in relation to its location.

Following on from this, 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.

Policy PNP1(c) of the Paignton Neighbourhood Plan states that development must be of good quality design, respect the local character in terms of height, scale, and bulk; and reflect the identity of its surroundings.

The additional waterslides accord with the character of the existing water park in terms of design and scale. The refurbishments to the existing buildings are deemed to be acceptable. Following amendments to the proposed external materials the new building for the indoor play and climbing centre on the existing Go-Kart track is considered to be of a suitable scale and design with the finish materials appropriate for the location.

Given the proposal's siting, layout, scale, and overall design, it is considered that the development would not result in any unacceptable harm to the character of the area. It is considered that the proposal accords with Policies DE1, and SS11 of the Local Plan, Policy PNP1 of the Paignton Neighbourhood Plan, and the guidance contained in the NPPF.

#### **4. Impact on Amenity**

Policy DE3 of the Local Plan states that development proposals should be designed to ensure an acceptable level of amenity.

The proposed developments would be a minimum of approximately 103m from the nearest residential property. The distance between the developments and the nearest residential properties is considered to be sufficient enough to result in minimal impacts in terms of noise and disturbance and there would be no overbearing impacts or

intervisibility issues.

The proposal is deemed to comply with Policy DE3 of the Local Plan.

## **5. Ecology**

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 C3 of the Torbay Local Plan notes that development should not adversely affect the natural environment of an area, including the marine ecology

Policy SS8 advises that all development should have regard to its environmental setting and should positively contribute to the conservation and enhancement of the natural assets and setting of the bat.

Policy SDP1 states the role of Goodrington as a leisure and employment hub will be promoted and enhanced, whilst protecting the area's environmental assets.

The site is within the Cirl Bunting Consultation Zone. The habitats onsite are not deemed suitable in supporting nesting or foraging Cirl Bunting.

No badger setts were identified on site during the extended Phase 1 Habitat survey, however the Council's ecology consultant has advised that a repeat survey is carried out on site prior to commencement of development in order to ensure there remains no badger presence on site.

The proposed development would result in a small loss of habitat onsite with limited space within the site to provide mitigation. In line with the Council's Planning Contributions and Affordable Housing SPD, the applicant has agreed to provide a contribution of £25 per square metre for 387m<sup>2</sup> of habitat (£9,675). The Council's ecology consultant has confirmed that this is acceptable and the proposed development is considered to be acceptable in terms of its impact on ecology.

## **HRA**

Policy TO1 of the Torbay Local Plan, states that any proposal that may lead to likely significant effects on a site protected under European legislation will only be permitted where no adverse effect on the integrity of the site can be shown.

The site falls within the sustenance zone for Greater Horseshoe bats associated with the Berry Head SSSI roost. The site is considered to offer negligible foraging habitats for Greater Horseshoe bats given the site's location on the urban and coastal edge of Paignton in a well-lit area, comprising mainly hardstanding. The site is also deemed to offer sub-optimal commuting habitat for GHBs using the wider landscape. Bat surveys undertaken by the consultant ecologist in October 2021 did not record any Greater Horseshoe bats around the site.

Following the South Hams SAC HRA Guidance document (DCC et al. 2019), it is not deemed that the application could lead to an increased level of artificial illuminance within a sustenance zone on GHB commuting routes. Likely Significant Effect on the South Hams SAC resulting from impacts to Greater Horseshoe Bats can be screened out of further assessment.

The site is also adjacent to the Lyme Bay and Torbay SAC boundary. Development would only be a risk to the SAC if run-off was able to flow into coastal waters. Surface water runoff pollution (oil spills, chemicals etc.) during construction and operation phases are likely to have a cumulative negative impact on both water quality and species along Torbay's coast. In addition discharge of pollution from the land could potentially impact on the interest features in the site by causing change in physio-chemical conditions of the overlying water, such as change in temperature, turbidity, salinity, and increase in nutrient and organic matter.

The development therefore has the potential to result in a likely significant effect on the habitats associated with Lyme Bay and Torbay SAC as a result of:

- Increased waterborne pollutants discharged to culverted water courses or to ground water during construction

- Increased demand on drainage capacity and the foul sewer infrastructure during operation

A Stage 2 Appropriate Assessment is therefore required with respect to potential effects of the development on the reef features Lyme Bay and Torbay SAC.

The consultation responses from the Councils Drainage Engineer and SWW advise that they have no objections to the proposal providing the flood mitigation works identified within the site specific flood risk assessment are incorporated into the development, that the recently agreed standing advice is used for the surface water drainage and that surface water is managed in accordance with the submitted drainage strategy.

Mitigation, in the form of planning conditions will ensure that the likely significant effects on Lyme Bay and Torbay SAC are avoided. The mitigation measures required are the submission of a Construction and Environmental Management Plan (CEMP) and a compliance condition to ensure the development accords with the submitted flood risk mitigation and surface water drainage strategy.

Subject to compliance with the mitigation conditions, it is concluded that the proposal will not have an adverse effect on the integrity of the Lyme Bay and Torbay SAC.

Natural England have confirmed that they have no objection to the proposal provided that the mitigation proposed in the HRA/AA is conditioned as part of any planning permission.

## **E IA**

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.

## **6. Trees and Landscaping**

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

The proposed development would result in the loss of 15 trees in order to accommodate the new tourism facilities on site. The landscape plan for the site proposes the planting of 15 replacement trees.

The Council's Green infrastructure Manager has confirmed that he is satisfied with the proposed landscape scheme. A Sycamore is to be removed to allow for the new platform and slides to the eastern part of the site, the loss of the Sycamore would be detrimental to the character of the area, however this tree is not protected and the landscaping proposals are sufficient to offset this loss in the long term.

A condition requiring an Arboricultural Method Statement and tree protection plan showing how the new car parking area is to be installed to prevent any damage to retained trees will be necessary.

The loss of the Sycamore tree is unfortunate, although this is mitigated by new planting and the positive benefits which result in improvements to the tourism facility within the Core Tourism Area. Subject to conditions, the proposal is considered, on balance, to comply with Policy C4 of the Local Plan.

## **7. Flooding and Drainage**

Policy ER1 (Flood risk) 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.

Part of the site, to the south, lies within Flood Zone 3. The guidance contained in the NPPF requires the Local Planning Authority to apply the Sequential Test to the proposal, where the objective is to direct development towards land at the lowest risk of flooding. The proposal would result in additional facilities to an existing water park which is partially located within flood zone 3 (a small portion of the site to the south).

It is considered that the proposal would result in public benefits with the site in question being used to provide an improved tourist facility within the Core Tourism Investment Area. As this is an extension to an existing facility, there are not considered to be more appropriate sites within flood zone 1 that could accommodate the development, and it is therefore considered that it passes the Sequential Test.

The Exceptions Test requires the Council to consider whether there are wider sustainability benefits to the community of allowing the proposal, and whether it could be made sufficiently safe for its lifetime. It is considered that the proposed development would result in wider sustainability benefits, by providing an improved tourism facility, with associated economic benefits contributing to the vibrancy of the Core Tourism Investment Area. In terms of the proposal's safety, the submitted Flood Risk Assessment makes a number of recommendations intended to ensure this, in addition to the proposed flood mitigation measures, the developer has identified that the owners will be registering with the Environment Agency Flood Warning Service for coastal flooding in this area of Torbay.

The developer has identified that surface water drainage will be discharged using sustainable urban drainage. Providing the flood mitigation works identified within the site specific flood risk assessment are incorporated into the development, and the recently agreed standing advice is used for the surface water drainage, the Council's Drainage Engineer has confirmed the proposal is acceptable on drainage grounds.

Subject to conditions, the proposal is therefore deemed to comply with Policies ER1 and ER2 of the Local Plan.

## **8. Highways Impact**

The proposed development includes a staff car park to the north of the site which will facilitate six car parking spaces and a staff cycle rack. The car park would be accessed via a newly proposed access off of Tanners Road.

The Local Highways Authority had previously raised concerns regarding the feasibility of the location of the access point to the proposed staff car park on the

brow of the railway bridge on Tanners Road. These issues were broadly grouped into three main categories, visibility, gating and gradient of land.

In terms of the visibility, updated the alignment details have been received which includes a 2.4m x 2.4m pedestrian visibility splays which would allow a vehicle emerging from the proposed car park to gain sight of any pedestrians approaching on the footway before pulling out. This satisfactorily resolves the previously raised issues regarding visibility.

The Applicant has confirmed that the gradient of the land of both the proposed staff car park and the proposed emergency access road which runs parallel to the eastern border of the site will conform to the required standards. This will require the access road to have a maximum longitudinal gradient of 1:12 (8% slope), and the car parking area to have a maximum gradient of 1:20 (5%). The Highways Authority therefore recommends that a condition is attached to any planning permission which requires detailed design of the car park and the proposed access road to be submitted to and agreed in writing prior to the commencement of any works to those facilities.

The Applicant has provided updated swept path analysis of the proposed emergency access road, see drawing entitled 'Appendix G'. The updated plan now demonstrates that emergency vehicles (both a fire tender and an ambulance) can be accommodated by the proposed site access.

Subject to conditions, the proposal is considered acceptable on highway grounds, and in accordance with the Policies TA2 & TA3 of the Torbay Local Plan and guidance contained within the NPPF.

## **9. S106**

The proposal will result in the loss of an area of public open space to the south of the site. In order to mitigate this the applicant has agreed to enter into a s.106 agreement which will provide free tickets to local residents i.e. residents of Torbay up to the value of £44,990 (index linked).

The proposed development would result in a slight loss of habitat onsite with limited space within the site to provide mitigation. Therefore, in line with the Councils Planning Contributions and Affordable Housing SPD, the applicant has agreed to provide a contribution of £25 per square metre for 387m<sup>2</sup> of habitat (£9,675). The Councils ecology consultant has confirmed that this is acceptable.

## **10. Other Considerations**

### **Sustainability**

Policy SS3 of the Local Plan establishes the presumption in favour of sustainable development. The NPPF definition of sustainability has three aspects which are economic, social and environmental. Each of which shall be discussed in turn.

#### **The Economic Role**

The applicant advises that the development would create 26 new full time jobs and 126 new part time jobs. The development will provide improvements to an existing tourism attraction, including with new indoor and outdoor facilities for families providing an all year round tourism offer. These factors would provide additional economic benefits through wider spending in the local economy.

There are no adverse economic impacts that would arise from this development.

In respect of the economic element of sustainable development the balance is considered to be positive.

#### **The Social Role**

The applicant advises that the development would create 26 new full time jobs and 126 new part time jobs. Improvements to the existing facilities provide an all year round active form of development for local people and visitors to the area.

The proposal will result in the loss of an area of public open space to the south of the site. In order to mitigate this the applicant has agreed to enter into a s.106 agreement which will provide free tickets to local residents up to the value of £44,990.



On balance, the social impacts of the development weigh in favour of the development.

### **The Environmental role**

With respect to the environmental role, there is limited space within the site to provide a biodiversity net gain. Therefore, in line with the Councils Planning Contributions and Affordable Housing SPD, the applicant has agreed to provide a contribution of £25 per square metre of offsite ecology gains to the equivalent of the required 10% net gain.

It is concluded that the environmental impacts of the development weigh neutrally within the planning balance.

### **Sustainability Conclusion**

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

### **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.

### **Planning Balance**

The planning assessment considers the policy and material considerations in detail. It is considered that the scheme in terms of addressing the Development Plan aspiration to provide improved tourism facilities.

### **Conclusions and Reasons for Decision**

The proposal would result in the improvement of the tourism offer currently available on the site and provide additional jobs with minimal harm to the character of the area.

The proposal is considered to be acceptable, having regard to the Local Plan, Torquay Neighbourhood Plan, and all other material considerations, subject to the completion of a legal agreement and the use of planning conditions.

### **Officer Recommendation**

Approval: Subject to;

1. The conditions outlined below, with the final drafting of conditions delegated to the Assistant Director of Planning Housing and Climate Emergency;
2. The completion of a S106 Legal Agreement to secure the heads of terms above, in accordance with the adopted Planning Contributions and Affordable Housing Supplementary Planning Document, on terms acceptable to Officers.

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

### **Conditions**

#### **Flood Mitigation**

Prior to the first use of the development hereby approved, the flood mitigation measures identified in the flood risk assessment shall be undertaken in full and retained for the lifetime of the development thereafter.

Reason: In the interests of managing flood risk to occupiers in accordance with the National Planning Policy Framework, and to comply with Policies ER1 and ER2 of the Torbay Local Plan.

### **Drainage**

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

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

### **Car Park Area and Access Road**

Prior to the construction of the staff car park and access road hereby approved, the detailed design of the car park and the proposed access road to be submitted to and agreed in writing by the Council. The detailed design must demonstrate how the required gradient of land will be achieved and how this can be constructed in relation to the existing retaining structure adjacent to Goodrington Sands Railway Station. The approved car parking and access road details shall be fully implemented prior to the first use of the development hereby approved and retained as such for the lifetime of the development.

Reason: To ensure adequate parking and access 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.

### **Cycle Storage**

Prior to the first use of the development the approved details of cycle parking facilities shall be submitted to the Local Planning Authority in writing. The approved cycle parking shall be made available prior to the first use of the development. Once

provided, the parking facilities shall be retained for the life of the development for such purposes.

Reason: In interests of amenity and in accordance with Policies DE1, DE3 and TA3 of the Torbay Local Plan 2012-2030 and Policy THW6 of the Torquay Neighbourhood Plan.

### **Charging Points**

Prior to the first use of the development hereby approved, details of electrical charging points to serve the new staff car park shall be submitted in writing to the Local Planning Authority. The approved charging points facilities shall be implemented in full prior to the first use of the development hereby approved and the approved facilities shall be maintained thereafter to serve the development.

Reason: To secure an appropriate form of development in accordance with Policies TA3 and SS14 of the Torbay Local Plan 2012-2030 and Policy TH9 of the Torquay Neighbourhood Plan.

### **Soft Landscaping**

All planting, seeding or turfing comprised within the approved landscaping scheme shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next available planting season with others of a similar size and the same species. The approved hard landscaping details shall be provided within six months of the development being brought into use and shall be retained for the life of the development.

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

### **AMS and Tree Protection Plan**

No operations shall commence on site in connection with the development hereby approved, until a detailed Arboricultural Method Statement (AMS) and Tree

Protection Plan (TPP) have been submitted to and approved in writing by the Local Planning Authority. The approved AMS and TPP shall be adhered to throughout the construction process.

Reason: In the interest of visual amenity and to prevent harm of trees in accordance with Policies C4 and DE1 of the Local Plan 2012-2030 and the guidance contained in the NPPF. These details are required pre-commencement to ensure appropriate mitigation at all stages of development.

### **CEMP**

Prior to the commencement of development a Construction and Environmental Management Plan (CEMP) shall be submitted to the Local Planning Authority for approval. The document will provide measures of construction controls on dust and reducing contaminated run-off. The development will be undertaken in strict accordance with the approved CEMP and pollution control measures.

Reason: To secure a satisfactory form of development in accordance with Policies SS2 and NC1 of the Torbay Local Plan 2012-2030. This needs to be a pre-commencement condition to ensure appropriate mitigation at all stages of development.

### **In Accordance with the Ecological Impact Assessment**

The development hereby approved shall be carried out in accordance with the actions set out in the Ecological Impact Assessment (Burton Reid Associates, March 2022). This condition will be discharged when a suitably qualified ecologist confirms to the Local Planning Authority in writing that the actions have been correctly implemented.

Reason: To secure a satisfactory form of development in accordance with Policies SS2 and NC1 of the Torbay Local Plan 2012-2030.

### **Bird Breeding Season**

No building demolition or 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: To secure a satisfactory form of development in accordance with Policies SS2 and NC1 of the Torbay Local Plan 2012-2030.

### **Badger Repeat Survey**

No more than 3 months prior to the commencement of any site works, a repeat survey for the presence of badgers on the site and surrounding suitable habitat shall take place and a report with associated mitigation/compensation measures, shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Development shall take place in accordance with the recommendations within the approved report.

Reason: To secure a satisfactory form of development in accordance with Policies SS2 and NC1 of the Torbay Local Plan 2012-2030. This needs to be a pre-commencement condition to ensure appropriate ecological mitigation at all stages of development.

### **Boundary Treatment for Hedgehogs**

Prior to the first use of the development hereby approved, details of boundary features, including details of hedgehog holes shall be submitted for agreement with the LPA. The approved boundary features shall be installed with suitable mitigation for hedgehogs prior to the first use of the development and shall be retained as such for the lifetime of the development.

Reason: To secure a satisfactory form of development in accordance with Policies SS2 and NC1 of the Torbay Local Plan 2012-2030.

### **Bin storage**

Prior to the first use of the development hereby permitted, provision shall be made for the storage of refuse and recycling awaiting collection according to the approved details. Once provided, the approved 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 Torbay Local Plan 2012-2030

### **CMS**

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement 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.
- g) A scheme for recycling/disposing of waste resulting from demolition and construction works, with priority given to reuse of building materials on site wherever practicable.
- h) Measures to minimise noise nuisance to neighbours from plant and machinery.
- i) Confirmation that the Local Highways Authority will be notified in advanced of any movements of larger vehicles, and that their access and egress to /from the site onto public highway is undertaken under the supervision of appropriately qualified banksmen.
- j) Construction working hours from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.

Reason: This information is required prior to commencement to safeguard the amenity of the locality in accordance with Policy DE3 of the Adopted Torbay Local Plan 2012-2030

### **Restriction on External Lighting**

No external lighting shall be installed at the application site at any time without the written permission of the Council. Any future lighting design must be provided in writing to the Council by an appropriately experienced ecologist and the approved scheme shall be retained as such throughout the lifetime of the development.

Reason: To ensure due protection is afforded to wildlife, in accordance with Policy NC1 of the Torbay Local Plan 2012-2030 and the NPPF

### **Relevant Policies**

#### *Torbay Local Plan*

- DE1 – Design
- ER1 – Flood Risk
- ER2 – Water Management
- ES1 - Energy
- NC1 - Protected sites - internationally import
- TO1 - Tourism, events and culture
- TA2 - Development access
- TA3 - Parking requirements
- DE3 - Development Amenity
- C4 - Trees, hedgerows and natural landscape
- SS1 - Growth Strategy for a prosperous Torbay
- SS4 - The economy and employment
- SS8 – Natural Environment
- SS9 – Green Infrastructure
- SS11 – Sustainable Communities
- SDP1 - Paignton

#### *Paignton Neighbourhood Plan*

- PNP1 – Area wide
- PNP25 – Clennon Valley