

**Application Number**

P/2016/0455

**Site Address**Paignton Zoo Environment Park  
Totnes Road  
Paignton

TQ4 7EU

**Case Officer**

Mr Alexis Moran

**Ward**

Goodrington With Roselands

**Description**

Provision of mixed species exhibit including new buildings and landscaping.

**Executive Summary/Key Outcomes**

Paignton Zoo is around 80 acres in size. It has over 2,000 animals representing nearly 300 species. It was founded in 1923 and is owned by the Whitley Wildlife Conservation Trust, which also owns Living Coasts (Torquay), Primley Park and Clennon Gorge, Paignton. Paignton Zoo Environmental Park is one of the most respected tourist attractions in the South West and welcomes nearly half a million visitors a year with numbers increasing year on year. It currently employs over 100 permanent staff and an additional 120 seasonally.

The application seeks permission for the creation of a mixed species exhibit themed on an African savannah. The key aim of this is to provide a more open area for visitors to view the animals. The savannah also includes an African village themed area consisting of buildings for viewing animals, a café, an educational building and toilets (see pages 18 & 20 of the attached Design and Access Statement (D&A)). Improvements to visitor circulation are also proposed (see page 16 of the attached D&A).

The zoo is within a Core Tourism Investment Area as such consideration must be given to Policy TO1 (Tourism, events and culture) of the Torbay Local Plan 2012-2030. This Policy states that Torbay's tourism will be developed in a sustainable and competitive manner, to enhance its role as a premier tourism destination. The proposal helps to deliver the key requirements of this Policy by providing improvements to the facility in order to attract new visitors to what is already a key tourist attraction in Torbay.

In order to provide the open savannah area a number of existing stables and paddocks will need to be demolished and re-built with some of these being closer to existing off site residential dwellings. The new stable and paddock buildings have been designed to limit their impact on the amenity of neighbouring occupiers, are not deemed to be over-dominant and are considered to have an acceptable impact on the residential amenity.

The application is deemed to be acceptable in principle however further information with regards to the relocation of the existing Badger sett, revised tree plans, further drainage information and the result of further ecological surveys and Habitats Regulation Assessment are required.

### **Recommendation**

Conditional Approval, subject to receipt of a revised tree removal plan to indicate T16 being retained, additional information regarding the relocation of the Badger sett, a revised CMS, submission of drainage details, the submission of results of ecological studies with regards to bats and the completion of an HRA.

### **Site Details**

The site is within Paignton Zoo which is located off of the Totnes Road. The Zoo is within a Core Tourism Investment Area in the Torbay Local Plan 2012-2030 and is adjacent to a semi-ancient woodland and the Clennon Hill/Roselands Valley Urban Landscape Protection Area (ULPA).

### **Detailed Proposals**

The application seeks permission for provision of a mixed species exhibit including new buildings and landscaping.

The proposal aims to combine a number of existing animal exhibits within the zoo into a mixed species exhibit with an African savannah theme. The aim is to create the impression of a single integrated area with a landscape planted and themed in the appearance of the African Savannah. A variety of African animals are proposed to be within the new savannah area, amongst these area Elephant, Black Rhino, White Rhino, Rothschild's Giraffe and Hartmann's Mountain Zebra.

A number of structures are also proposed which include a netted aviary, bridges, walkways and buildings for education (see pages 23-30 of the attached D&A). The aviaries are to be constructed of lightweight netting and the largest is to be a maximum of 9.3m high at its highest point.

The "village" themed area (to the north-east of the site) also includes buildings for viewing animals, animal houses, a café, an educational building and toilets. These are designed in the architectural character of the Matobo National Park. Six units of staff accommodation to the north-east of the site will need to be demolished.

In order for the mixed species paddocks to be created a number of the animal stabling buildings require relocation. The ideal location for replacement buildings, in order to open up the savannah area, is around the perimeter of the site.

A dry river bed and waterhole add to the savannah themed image as well as providing some surface water attenuation and a physical barrier. The waterhole

also provides an opportune viewing area. Enclosures for the smaller animals, such as the Aardvark and Meerkats, allow closer encounters with the animals through various viewing areas. A crashed vehicle adjacent to the watering hole acts as a visitor barrier and viewing platform whilst adding to the overall safari/savannah theme (see pages 27-29 of the attached D&A).

The proposal includes improvements to visitor circulation with a new route through the zoo. This route integrates with existing paths but provides a more clear and legible pathway.

An existing Badger sett in the centre of the site is proposed to be moved to an area of semi-ancient woodland to the south of the site. Further details of this relocation are required, in terms of whether there would be an adverse impact on the semi ancient woodland from the relocated sett. The applicant will also need a license from Natural England to move the badger sett which is a separate procedure to the determination of the planning application.

### **Summary Of Consultation Responses**

Arboricultural Officer - The character of the zoo is reflected in the name Paignton Zoo & Botanical Gardens where a long history of diverse plant selection and establishment is evident from the original beech, oak, ash & lime trees occasionally encountered, through to younger redwoods, maples, trees of heaven. The tree numbers and pollution diversity is exceptionally good. This is amplified by the location of the site in wider Paignton urban area.

Plan CPP422-TPP1 notes that 41 individual trees are to be removed with large groups of Leylandii also to be removed. Whilst the need for tree removals is understood in terms of facilitating the new exhibit spaces, it will result in a loss to visual aesthetics, habitat potential and canopy cover. To address this, a significant landscaping plan detailing appropriate species for the location, use and climate will be required to mitigate the tree losses.

The scale of the application requires a Landscape and Ecological Management Plan (LEMP), which should include details of species mix, tree sizes, locations and management arrangements.

It is proposed to relocate the Badgers on the site to an artificial sett to an area within the Clennon Hill Ancient Woodland at the south of the zoo. The need to relocate the sett here is understood and the proposed site appears suitable. However, the constraint posed by the designation of the site requires the consideration of an alternative location. Zoo owned woodland to the East outside of the Clennon Hill site may be more suitable for the artificial sett and further assessment of that location is required.

It is considered that the proposed removal of the trees will improve the visual aesthetics of the site and a robust mitigation planting scheme will be needed to

ensure that the impact on visual amenity and biodiversity is acceptable.

The Construction Method Statement (CMS) will need to be amended to provide details of exclusion zones for all new structures including those required for the aviary netting. Further information regarding details of material storage, pre commencement pruning for access and the appointment of a clerk of works are also required.

On a more detailed level it is proposed to remove a Small Leaved Lime tree (T16, shown on plan CPP422-TPP1). This is regarded as a principal tree within the zoo, and is likely to be one of the original plantings dating to the setting out of the grounds. As such its retention is required on both aesthetic and historic grounds.

The overall view of the arboricultural officer is that the scheme be suitable for approval on arboricultural merit in relation to all matters excluding the removal of T16 and further information with regards to the siting of the artificial badger sett.

Greenspace Infrastructure Co-ordinator - The application is accompanied by an Ecological Impact Assessment (EclA), comprising an Extended Phase 1 Habitat Survey and Phase 2 surveys for bat roosts, hazel dormouse (nest and nut search) and badgers (submitted in a separate confidential report).

The report notes that not all of the bat roost surveys are complete, with emergence surveys of the bungalows and garages on Brantwood Close (assessed as having moderate potential for bats) to be completed in summer 2016. In accordance with best practice, the results of these surveys should be submitted prior to determination.

The report notes that the western part of the site falls within the sustenance zone and a strategic flyway associated with Greater Horseshoe Bats (GHB) from the Sharkham Point to Berry Head component of the South Hams SAC. Natural England has advised that no GHB activity surveys are required and that the proposal would be considered to be 'minor development' as set out in the 2010 South Hams SAC GHB Consultation Zone Planning Guidance. Torbay Council has commissioned a Habitats Regulations Assessment Screening to consider whether there are any Likely Significant Effects in relation to Greater Horseshoe Bats associated with the South Hams SAC.

The proposed new native boundary planting detailed in the planting specification is welcomed and will provide benefits for wildlife. Further detail, including detail regarding on-going management, will need to be secured by planning condition.

With regards to the Badger sett the proposed mitigation approach is agreed subject to further clarification to the re-siting of the sett.

Senior Historic Environment Officer - no objection to the proposal.

Drainage Engineer - testing has still not been undertaken at the location of the final SuDS feature as requested. This information is required prior to determination.

### **Summary Of Representations**

Two letters of objection have been received which raise the following concerns:

- o Loss of privacy and amenity;
- o Insufficient detail submitted with the application;
- o Impact on ecology;
- o An increase in noise;
- o An increase in odour;
- o An increase in vermin.

### **Relevant Planning History**

None specific to this application.

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

The key issues to consider in relation to this application are the impact the proposed developments would have on:

- improving the existing tourist facility;
- the amenity of neighbouring residential occupiers (through noise and visual intrusion); and
- trees and ecology on the site.

### **Improving the existing tourist facility**

Policy TO1 (Tourism, events and culture) of the Torbay Local Plan 2012-2030 supports the principle of improvements which provide high quality facilities to existing tourist attractions and in particular those, such as the zoo, which are within Core Tourism Investment Areas (CTIAs). The Policy states that Torbay's tourism will be developed in a sustainable and competitive manner, to enhance its role as a premier tourism destination.

The African savannah theme has been designed to appear visually unobtrusive in order to increase the immersive experience enjoyed by visitors to the zoo. The proposed development also intends to provide an educational experience by demonstrating how humans and wildlife can co-exist in a sustainable manner.

The application includes an A5 element (hot food takeaway) which is defined in the NPPF as a town centre use and usually would require a sequential test to determine whether its use should be out of the town centre. However in this instance the use is in support of a tourism facility and is in accordance with a policy in an up to date Local Plan (policy TO1). Therefore a sequential test is not required in this instance.

The proposal helps to deliver the key requirements of this Policy by providing improvements to the facility in order to attract new visitors to what is already a key tourist attraction in Torbay and one which has a proven record of increasing visitor numbers year on year. Thus providing an economic benefit to Torbay, it is therefore considered that the proposal is compliant with Policy TO1 of the Torbay Local Plan 2012-2030.

### **The amenity of neighbouring residential occupiers (through noise and visual intrusion)**

The key Policy to consider in relation to residential amenity is DE3 (Development amenity). This requires developments to be assessed to determine whether their addition would result in an increase in noise and visual intrusion which would unduly impact upon the amenity of neighbouring and surrounding uses.

The site is bounded by residential development on its northern (Leyburn Drive & Oatlands Drive) and eastern edges (Brantwood Drive and Brantwood Close). The siting therefore of larger buildings in which the animals are housed around the perimeter is a material consideration in terms of visual impact on these properties. These buildings and associated external hardstanding areas are to be largely level in order to minimise risk of injury to animals as they are run in and out of the stabling areas. This will require the existing ground to be dug down or built up as required. All new buildings are proposed to be single storey with low pitched roofs.

### **Camel and Zebra Stables**

The site of the Camel and Zebra stables is to be in the area where the Camel paddock and Takin stable are currently located which is to the east of the site. This area backs on to Brantwood Drive.

The Camel and Zebra stables will be combined into a single building with shared keeper access, to minimise the built footprint. The building has been orientated so that the narrowest point backs on to the residential dwellings behind. The roof of the building is also single storey to this boundary and approximately 26 metres from the rear of the nearest dwellings on Brantwood Drive.

This area of the zoo has housed hooved animal stock of various species for a number of years and therefore there will be little change to the type and nature of animals being accommodated in the vicinity of the neighbouring properties.

The ground between the plot and the adjacent properties will be battered down towards the site boundary and the buildings and fences are to be screened further with native planting, details of which are covered by proposed conditions.

Given the orientation of the building, its height and the distance to the nearest residential properties, it is considered that it would not have an overbearing or over-dominant impact on the privacy or amenity of the occupiers of neighbouring

properties. As this part of the site has been used to accommodate animals of a similar nature in the past it is not likely that the proposal would result in a significant increased in noise and disturbance. The Camel and Zebra stables are therefore deemed to comply with Policy DE3.

### **Ostrich and Lechwe Stables**

The Ostrich and Lechwe stables and paddock are proposed to be sited to the north of the site and the main savannah and backs on to the properties on Leyburn Grove. The proposed stable is to be single storey. The current stables, which include the Zebras, will be demolished to allow for the construction of the exhibit and village building.

The topography of the land in this area of the site allows the single storey building to be set below the single storey eaves height of the houses to the rear (as shown in drawing ref: 3756(22)14-04). The closest of these properties is some 20 metres from the stables. In addition further screening and mitigation planting will be added between the building and the boundary. Details of this will be required via condition.

Given the difference in levels, the proposed boundary planting and the distance of the proposed development to the properties to the rear, it is considered that the proposal would have an acceptable impact on the residential amenity of neighbouring occupiers. It is unlikely that the proposal would result in a significant increased in noise and disturbance and would therefore comply with Policy DE3.

### **Takin Stables**

The Takin stable is to be relocated into the quarry in the south-east corner of the site providing them with access to terrain which would be more in keeping with their natural habitat. The stable building would be over 50 metres from the nearest adjoining property and screened by trees and other foliage. It is therefore considered that its addition would have an acceptable impact on the residential amenity of neighbouring occupiers and would not cause a significant increase in noise or visual intrusion. The Takin stables are deemed to comply with Policy DE3.

### **Village**

The buildings which make up the village are all single storey and located towards the east of the site. The buildings are set sufficiently far away from the site boundary and are well screened by existing planting which is proposed to be reinforced. The village buildings would not therefore cause visual harm or result in detriment to the residential amenity of neighbouring occupiers and complies with Policy DE3.

### **Aviaries**

The aviary structures are located to the west of the site and well away from any

residential properties. These will be the largest of the proposed developments in terms of height being 9.3 metres from ground level. However they are to be constructed/covered by a lightweight net material and would therefore not be highly visible or obtrusive from surrounding viewpoints into the zoo. The additional aviaries are deemed to comply with Policy DE3.

It is considered that the overall impact of the development would have an acceptable in relation to the amenities currently enjoyed by the neighbouring residential occupiers and would comply with Policy DE3 (Development amenity).

### **Impact on trees and ecology**

In general the removal of trees to open up the Savannah area is considered to be acceptable subject to submission and agreement of details of replacement planting. A revised plan showing the retention of the Small Leaved Lime Tree (T16) is required.

In principle the proposal to relocate the Badger sett is acceptable, and will be subject to Natural England licensing, however further details are required in relation to the precise location of the new artificial Badger sett.

Details of on-going management of the new planting shall be secured through a Landscape and Ecological Management Plan (LEMP) to be submitted to Torbay Council for approval.

Construction should be carried out in strict accordance with the mitigation measures in section 4.1 of the Ecological Impact Assessment (EclA) to ensure no construction impacts on habitats, reptiles and amphibians, nesting birds, bats, hazel Dormouse and Hedgehog. It is recommended that these measures are incorporated into a Construction Method Statement submitted for approval to Torbay Council prior to commencement.

A Habitat Regulation Assessment (HRA) has been commissioned by Torbay Council and the results of this are pending. No decision should be issued until the outcome of that assessment has been provided to the Council. If the HRA concludes that the proposal would have a likely significant effect on the SAC a further report will be provided to DMC.

The submitted Ecological Impact Assessment (EclA) which includes Extended Phase 1 Habitat Survey and Phase 2 surveys for bat roosts, hazel dormouse and badgers notes that not all of the bat roost surveys are complete. However emergence surveys of the bungalows which are and garages on Brantwood Close (which are to be demolished) are to be completed in summer 2016. It is noted that the mitigation currently proposed is based on the presence of a breeding colony and therefore additional mitigation is considered unlikely as a result of the bat surveys. In accordance with best practice it is considered that the application should not be determined until these results have been submitted



however.

The applicant has not requested an Environmental Impact Assessment (EIA) screening opinion. However the case officer has undertaken a screening opinion the result of which was that an EIA is not required.

### **Conclusions**

Conditional Approval, subject to receipt of a revised tree removal plan to indicate T16 being retained, additional information regarding the relocation of the Badger sett, a revised CMS, submission of drainage details, the submission of results of ecological studies with regards to bats and the completion of an HRA.

Headlines of conditions.

- Prior to commencement of work on site a LEMP shall be submitted to the Council for approval
- Prior to commencement of work on site details of all boundary treatments shall be submitted to the Council for approval
- Prior to commencement of works, full landscaping details shall be submitted to Torbay Council for approval. Details shall include proposed species, plant sizes and numbers/densities. Boundary planting shall be undertaken in the first available planting season following commencement.
- The development shall be carried out in strict accordance with the approved CMS
- Prior to demolition of the bungalows on Brantwood Close, Torbay Council should be provided with either:
  - A copy of a license issued by Natural England pursuant to The Conservation of Habitats and Species Regulations 2010 in respect of bats authorising the works to go ahead; or
  - A statement in writing from Natural England, or a suitably qualified ecologist, to the effect that they do not consider that the works will require a licence.
- No external lighting should be installed unless approved in writing by Torbay Council to ensure no adverse impacts on bats.
- 18 Schwegler 2FR bat tubes (or similar approved) should be installed within the fabric of the new buildings above 2m in height in locations not subject to lighting as shown on Drawing 3756(SK)102 Rev 01: Proposed Bat Box Locations, 19/04/2016.
- Further conditions shall be delegated to the Head of Spatial Planning.

### **Relevant Policies**

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