

Application Number

P/2013/0167

Site AddressPrincess Gardens
Off Torbay Road
Torquay
Devon
TQ2 5EQ**Case Officer**

Mrs Ruth Robinson

Ward

Tormohun

Description

Installation and operation of a 50M observation wheel with ticket office to front and supporting coffee and crepe unit with decked seating area and secure panelled service and generator compound area to rear on a temporary basis from 24/05/2013 to 5/11/2013

Executive Summary/Key Outcomes

This application is for a further temporary consent for the erection of a 50m observation wheel with ticket office and ancillary coffee and crepe unit for a 5 month period from the 24th May 2013 until the 5th November 2013. It is to be sited adjacent to the Pavilion on the Princess Gardens.

Temporary consent for an Observation Wheel was initially granted by the DMC on the 13th August 2012. This was for a period between the 13th August and 7th November 2012. It was removed from site within the prescribed time period and the site was restored as agreed.

The wheel was generally well received and popular with locals and tourists alike. However a number of residents who directly overlook the site raised concerns about loss of privacy and light pollution once the wheel was in place.

It was noted in the original report to Committee that a permanent permission for an Observation Wheel in this location would not be considered acceptable due to the impact on the Pavilion, which is a Grade II listed building, on its setting and on the character of the wider Princess Gardens, which is a Grade II entry on the register of Historic Parks and Gardens. This report however recommended that a short term occupation of the site should be welcomed as it would enhance the tourist attraction of the area and any adverse impacts would be short lived and reversible. This has proven to be the case.

The key issue is whether another period of temporary use is acceptable and whether the amenity concerns of near neighbours to the wheel can be mitigated.

Previous concerns relating to the ability of the site, which is reclaimed land, to bear the weight of this structure have been shown to be unfounded.

The landscaping of the site needs to be reinstated following expiry of the temporary consent.

Recommendation

Site Visit: Approval; subject to a temporary consent until 5th November 2013, submission of Light Impact Assessment, hours of operation, noise restriction and subsequent reinstatement of the affected part of the gardens.

An informative is also recommended to confirm to the applicant that any further applications for temporary consent should be accompanied by supporting information to demonstrate impact on Heritage assets as suggested by English Heritage.

Statutory Determination Period

This application should be determined within an 8 week period as it only qualifies as minor development. The target date for determination is the 13th April.

Site Details

The observation wheel is proposed to be sited on the garden area immediately adjacent to the Pavilion. This is a sensitive location; it is prominent within the Torquay Harbour Conservation Area, is adjacent to a Grade II Listed building and set within Princess Gardens which is a Grade II entry on the Register of Historic Parks and Gardens. The Fountain and War Memorial, which are located close by are also Grade II listed. The area is currently grassed with flower beds following satisfactory reinstatement of the site following the period of occupation in 2012.

Detailed Proposals

This application is for temporary consent for the erection of a 50m observation wheel with ticket office and ancillary coffee and crepe unit from the 24th May 2013 until the 5th November 2013.

Summary Of Consultation Responses

English Heritage: Consider that the introduction of the Wheel would cause substantial harm to heritage significance and if required on a permanent basis would have attracted considerable objection. As the proposal is temporary, the harmful impact should be short term and transitory and a more pragmatic approach seems reasonable. EH do stress that if the proposal is to become more permanent in nature, then a better assessment of its impact on Heritage Significance should be made.

Environment Agency: Obs awaited.

Environmental Health: Have requested a Light Pollution Impact Assessment be submitted prior to commencement of works in order that the nuisance caused by the illumination of the wheel can be understood and adequately mitigated. Detailed requirements in relation to the operation of the coffee and crepe unit will be included in an informative.

Summary Of Representations

Several letters of objection have been received from near neighbours to the site concerned at the impact of the wheel on their privacy, light and noise nuisance, traffic implications and effect on the listed building, Princess Gardens and the wider conservation area.

These comments have been made available to Members electronically.

Relevant Planning History

P/2012/0690: Temporary consent for Observation Wheel between 13th August and November 2012: Approved 15.08.12.

Key Issues/Material Considerations

Due to the sensitive location of this proposal, the effect on the listed buildings, the Registered Gardens and the wider conservation area is a key issue. It is also important to examine whether the impact of the scheme on near neighbours in terms of privacy, noise and light nuisance can be mitigated.

A permanent occupation of the site by the wheel would be, in the long term, harmful to the architectural and historical character of the site.

In granting the previous temporary consent, Members agreed with Officer advice that a temporary use of the site by the wheel was welcome as it would enhance the attractiveness of the wider area for tourists and residents alike and the impacts on the heritage features of the site were short term and reversible.

This has proven to be the case, the wheel was popular, attracted tourists, created a dramatic and striking feature within the townscape and once removed the site was quickly and satisfactorily reinstated to its former condition.

A permanent use of the site for this purpose however is still considered unacceptable due to its impact particularly on the Pavilion and its setting. However, until the works to restore the Pavilion begin, it would seem reasonable to allow temporary uses such as this to continue as they do add do the tourist offer and enhance vitality, compensating to some degree for that lost following the closure of the Pavilion. However, an informative should be added to the decision notice to request that any further applications for temporary consent

address the issues raised by English Heritage in terms of demonstrating the impact on heritage assets.

It is important to consider the amenity concerns of neighbours to the site in Delmonte Rock Road and Eden Roc, Warren Road. These relate to light intrusion, noise and loss of privacy.

Residents have requested that Members carry out a site visit to both properties prior to reaching a decision on the matter. Delmonte is the closest to the wheel and is at its closest 85 metres distant. Eden Roc is slightly further away at around 120m. At this distance it is not considered that the loss of privacy is sufficient to warrant refusal of planning permission. The pods are far enough away to prevent clear views into habitable rooms, views tend to be focussed on the wider area and the pods are only stationary for short periods.

Light nuisance is more of an issue and it is proposed to deal with this through a Light Impact Assessment which will assess the level of nuisance and mitigate this through hours restriction and/or the nature and strength of the light emitted.

The structure poses no threats to the structural integrity of the Pavilion or the Gardens, which comprise reclaimed land. This is due to the fact that the load of the structure is to be spread by increasing the size of the load bearing plates. This has all been agreed and verified by the Councils structural engineers. Matting, sleepers and boards will be used to minimise the impact of footfall on the ground around the wheel. The wheel will not operate in winds of over 40 mph.

It is important that the site is reinstated following occupation and this needs to be secured by condition.

Conclusions

Providing the permission is for a temporary period only and the site is properly reinstated following the expiry of the use, then it is considered that permission should be granted for the required period. The impact on neighbours to the site can be mitigated through the control of light pollution and on hours of operation. The impact on privacy is not considered to be sufficient to warrant refusal due to the distances involved and the transitory nature of the overlooking.

Relevant Policies

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