

**Application Number**

P/2015/0897

**Site Address**

101 Braddons Hill Road East  
Torquay  
Devon  
TQ1 1HF

**Case Officer**

Mrs Ruth Robinson

**Ward**

Wellswood

**Description**

Demolition of existing warehouse, and construction of 9 two storey dwellings with 9 car parking spaces. Variation of conditions 1 and 3 of planning approval P/2015/0320 to allow more extensive demolition of stone boundary wall fronting Museum Road to create vehicular and pedestrian access.

**Executive Summary/Key Outcomes**

This application is to vary conditions 1 and 3 pursuant to P/2015/0320 for the construction of 9 dwellings on this Depot site to permit a greater level of demolition to be carried out in relation to a substantial stone boundary wall fronting Museum Road.

The DMC meeting of 10th August 2015 resolved to approve this application subject to conditions and the conclusion of a S106/Unilateral Obligation to secure waste and highway/sustainable transport contributions at.

Condition 1 relates to the schedule of approved plans and 3 controls the extent of demolition that can be carried out.

The site is within the Torquay Harbour Conservation Area and adjacent to the listed Museum.

A sensitive aspect of the approved scheme was the partial demolition of a substantial stone boundary wall which borders the site along Museum Road to create a new vehicular access to the site.

Condition 3 was imposed to ensure that demolition was kept to a minimum necessary to provide safe vehicular access. This was imposed in view of the attractiveness of this as a feature in the street scene and its position adjacent to the listed Museum building

The new vehicular access was sought to provide a more prestigious and attractive entrance to the site and to replace the existing narrow and somewhat tortuous back access from Braddons Hill Road East.

In carrying out further works to the wall and stripping away the ivy it has emerged

that the wall is in a poor structural state and a greater level of demolition or expensive strengthening works/reconstruction is required to ensure long term stability.

This has been confirmed by a structural Engineer who has submitted a detailed report into the state of the wall.

It is proposed therefore to vary condition 1 to include revised approved plans (which will show the wall retained but to a lower level than before) and to vary condition 3 relating to the scale of demolition to conform to the submitted plan.

### **Recommendation**

That (i) condition 1 be varied to allow the inclusion of revised plans which show the wall reduced in height and (ii) condition 3 be varied to allow demolition sufficient to achieve this subject to receipt of a detailed plan, acceptable to Head of Spatial Planning which clarifies the precise extent of the demolition.

### **Statutory Determination Period**

The application should be determined by the 25th November 2015. It will not be approved 'in time' due to the timing of the Committee.

### **Site Details**

The site comprises a furniture storage/removals depot located to the rear of Torquay Museum and the Living Waters Church both of which are Grade II listed. It is also within the Torquay Harbour Conservation Area. The site is currently occupied by a large pitched roof single storey storage shed with a 2 storey wing of a similar height. It is of no intrinsic architectural or historic merit and is set in a hard surfaced yard.

The site is served by a vehicular access onto Braddons Hill Road East.

The site is currently tucked from public view; it is set at a lower level than surrounding buildings and along Museum Road the site is bounded by a distinctive random natural stone boundary wall of approximately 2-3 m in height. This is a prominent feature in the streetscape particularly given its relationship to the side elevation of the listed Museum and Pengelly Hall.

The site is bound internally on three sides by natural stone walls of varying heights and historic interest.

### **Detailed Proposals**

This application is to vary the condition 1 and 3 pursuant to P/2015/0320.

Condition 1 relates to the schedule of approved plans and if the wall is reduced in height, this schedule will require amendment.

Condition 3 confines the extent of demolition to that required provide a safe vehicular access only.

### **Summary Of Consultation Responses**

Conservation Officer: Whilst the retention of the wall would be preferable if it is shown to be unsound and beyond economic repair then no objection raised to the revised scheme.

### **Summary Of Representations**

There have been 16 letters of objection to the reduction in the height of the wall. There is a broad split of opinion between those who question the need for it to be reduced rather than repaired or underpinned, who consider there is insufficient detail about the final height of the wall and who have concerns about impact on bats.

Those who support the application consider it will remove an eyesore.

### **Relevant Planning History**

P/2015/0320: Demolition of Depot and construction of 9 dwellings: Approved

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

**Principle and Planning Policy** - The key issues are the visual impact of the reduction in the height of the wall and its impact on the setting of adjacent listed buildings and on the character and amenity of the Torquay Harbour Conservation Area, the impact on amenity and on bats.

The relevant policies are SS10 which defines what form of development is acceptable within the Conservation Area, HE1 which relates to the impact of the development on listed buildings, DE1 which defines design quality, NC1 regarding impact on protected species and TA2 which defines standards for new vehicular accesses.

The information submitted to support this application is contained in a letter and subsequent report from a Structural Engineer and in revised plans. There is some inconsistency between the structural engineers report and the submitted plans which accounts for some confusion on behalf of neighbours.

The Structural Engineers report confirms that the wall is a product of various periods of construction and achieves a height of between 6 and 3.6 metres. The lower reaches of the wall are considered original, probably farm outbuildings, and the upper reaches of later construction.

The investigations confirmed that the ivy growth (now removed) has been damaging, the wall has little in the way of foundations and the removal of a section of the wall to create the access creates instability. The proposed remedy

is either costly reinforcement or removal. His recommendation is to reduce it to 2.5 metres in height but does not make it clear whether this is from the inside of the site, which has a higher ground level or from the Museum Road elevation. This has a significant impact in terms of how much would be exposed to view.

The revised plans indicate a higher final height for the wall which effects some kind of compromise between the rather drastic but cost effective remedy suggested by the structural engineer and the ambition evident in condition 3 of seeking to retain as much of this distinctive and attractive boundary wall as possible.

This does need clarification but it appears to show the wall being retained at a height sufficient to screen the most part of the elevations of the new dwellings from Museum Road but reducing in height towards the new gate piers where stability is most compromised. It has been suggested that retention to its existing height or close to it where the wall abuts the listed Museum would be beneficial and at the time of writing, confirmation of this is awaited.

If this is agreed, it is thought that this represents an acceptable compromise in the circumstances. This reasonably preserves the setting of the listed Museum and the character of the Conservation Area. It would also better preserve the privacy of future occupiers and neighbours.

However a detailed plan will be required to clarify the exact details of demolition and an appropriately reworded condition 3 can ensure that demolition is confined to that shown on the agreed plan.

In respect of bats, the ecological survey submitted to support the application did not identify any potential bat roosts and it is likely that any bat occupation of the ivy clad wall was probably sporadic and occasional.

**S106/CIL** - The existing Unilateral Undertaking will need to be tied to the new application; a s.106 agreement to achieve this was completed on 1st December 2015

### **Conclusions**

The variation of condition 1 and 3 is acceptable subject to a revised condition 3 to confine the extent of demolition to that shown on the agreed plan.

### **Relevant Policies**

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