

P/2011/0039/PA

Berry Head With Furzeham Ward

Bench House, Blackball Lane, Brixham

Demolition works and alterations to form road widening, reduction of residential curtilage and formation of new retaining wall topped by new railings

Site Details

Residential property with access to Blackball Lane, but situated above the road, due to the lie of the land. The site is situated opposite Dalverton Court.

Relevant Planning History

P/2001/0524 - Alterations And Erection Of Ground And First Floor Extension At Side To Form A Granny Annex, approved 9/07/2001.

P/2010/1262/R3 - Erection of flagpole at Bench House, concurrent item, not as yet determined.

P/2011/0040/CA - Conservation area consent for demolition works in association with this application, concurrent.

Relevant Policies

INS Infrastructure Strategy

TU1 Harbourside and waterfront regeneration

NCS Nature Conservation Strategy

NC5 Protected species

EPS Environmental Protection Strategy

EP12 Coastal Protection Zone

BES Built Environment Strategy

BE1 Design of new development

BE5 Policy in Conservation Areas

TS Land use Transportation Strategy

T1 Development accessibility

T3 Cycling

T6.3 New access to Fish Quays and Oxen Cove as part of Brixham Harbour regeneration.

T20 Road improvements.

Proposals

It is proposed to widen Blackball Lane at its current pinch point in between Bench House and Dalverton Court. This would be achieved by demolishing a section of an existing retaining wall that surrounds the property and forms its boundary. The wall has a varying height up to a maximum of 5.650 metres above the existing road level. The proposal would effectively be taking part of the existing curtilage of Bench House. An old but not listed lime kiln is situated under the land in question.

The current width of the road narrows down to a minimum of 3.6 metres, but would be improved at this pinch point to an average of 6 metres in width. The new carriageway would be delineated on the landward side by a new replacement stone wall reusing stone from the demolished lime kiln and new stone to match.

Consultations

Natural England: No comments

Highway Authority: Observations awaited

RSPB: No impact on curlew buntings or seabirds, but notes the loss of ivy which is a valuable habitat for nesting birds (see comments reproduced at page B.201).

Representations

The consultation period expires on 11th March. So far there have been 2 letters of objection, both from occupiers of flats within Dalverton Court. Concerns include:

- * Blackball Lane would still have pinch points, so the scheme does not address all of the access problems in the area,
- * The proposal will result in the loss of an historic lime kiln
- * The application will be a vast economic cost for future development that may not happen
- * Traffic lights would be a better option than road widening

All representations currently received are reproduced at page B.201.

Key Issues/Material Considerations

Background

There are 3 main issues driving this application. 1), Reducing congestion, 2) improving highway and pedestrian safety, and 3) the future possibility of regeneration upon the two harbourside car parks at Freshwater Quarry and Oxen Cove. Any form of development on the Cove here would require an improved vehicular access. Now that the Fishquay has been redeveloped and improved, the only feasible way of achieving this is to improve Blackball Lane. The drawings and technical data clearly show that this can be achieved.

Policy considerations

The proposal clearly supports the tourism and regeneration policies identified within the Saved Adopted Local Plan. In terms of the built environment policies, the new retaining wall proposed will replicate and match the existing and so it is felt that the proposal would have a minimal visual impact upon the conservation area.

The proposal would involve the loss of the historic lime kiln, however, this is not a listed structure and it is considered that the loss of this structure is acceptable given the proposed re-alignment using stone reclaimed from the site and given the access and regeneration objectives driving this proposal.

There would be only a very minimal impact on the areas designation as being within a Coastal Protection Zone. The proposal would provide for improved access along Blackball Lane to the betterment of the occupiers of properties along the access road. Transport policies would generally support the proposal, although significant emphasis is given to the needs to take cyclists into account.

The new road would not be wide enough to accommodate a cycle lane, but the improvements to the carriageway width would improve the experience for all road users. On this basis, there is not considered to be any over-riding policy objections.

Impact on Dalverton residential properties accessed off Blackball Lane

It is noted that neither of the two representations so far received have referred to adverse impact upon residential amenity. As the road already exists and is well used, on balance it is considered that any adverse impact arising from the widened road would be compensated for by the improvement that would be realised through better access.

Loss of historic lime kilns

This issue has been given due consideration. The Lime Kilns are of historic value, however, they are not listed and their value must be set against the benefit to accessibility and potential regeneration that this scheme will bring.

Impact on wildlife (Bats and birds)

An independent bat survey has been produced which concludes that the kilns could have some low level potential for bat hibernation roosts. However, no evidence has been observed. The mitigation measures suggested in the Ecological Memorandum submitted with the application should be sufficient to cover any potential presence. This can be covered in a suitably worded condition. No adverse comments have been received from Natural England.

Sustainability -

Road widening is often viewed as not being sustainable, however, if it facilitates the regeneration of the harbourside area, then this would contribute towards wider sustainability.

Crime and Disorder -

Not really an issue in this instance, other than a consequent improvement to highway safety.

Disability Issues -

The proposal would have benefited from a footpath on the landward side, but as this would have reduced the available carriageway width, the one footpath on the seaward side is considered sufficient.

Conclusions

On the major considerations of highways, policy issues, impact on residential amenity, loss of part of the wall and loss of the Lime Kiln, and impact on wildlife, the proposal is considered to be acceptable subject to conditions.

Conditional Approval.

Recommendation:

Conditional Approval

Condition(s):

01. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

Reason: To ensure that archaeological remains are preserved and/or recorded in accordance with PPS16 and policy BE9 of the saved adopted Torbay Local Plan (1995-2011).

02. Before the new section of road hereby approved is used, the new retaining wall shall have been finished entirely in accordance with the approved plans.

REASON:- In order that the visual amenities of the Conservation Area are not adversely affected in accordance with policies BES, BE1 and BE5 of the Saved Adopted Torbay Local Plan.

03. The proposal hereby approved shall be carried out entirely in accordance with the recommendations of the bat hibernation roost survey and the memorandum dated 6th January 2011. The specifications and recommendations of the memorandum shall be strictly adhered to and carried out in full as prescribed.

Reason: The site contains two old lime kilns which could have some potential as a bat hibernation roost, which is a species of wildlife protected in law. This makes it imperative that the proposal is implemented entirely in accordance with the specialist report in the interests of wildlife and to order to ensure accordance with The Countryside and Wildlife Act and policies NCS and NC5 of the Saved Adopted Torbay Local Plan.