

P/2011/0035/MPA

Former Royal Garage Site, 4-24 Torwood Street, Torquay

The planning application for 'Demolition works; formation of mixed use development to form hotel, A3 units, 2 external purpose units (D2 use for fitness centre and B1 use for office suite) and 14 apartments with vehicular and pedestrian access' referenced under P/2011/0035 was originally considered and approved by Members at their meeting on 8th April 2011. Members considered the matter again at their meeting on 11th December 2011, when it was approval was reaffirmed subject to:

- the completion of the Section 106 Agreement, on terms listed in the submitted Report, by 12 February 2012;and
- (ii) the imposition of the conditions and informative set out in the submitted Report.

The s106 Agreement has now been delivered, and the Decision Notice could be released. However under the terms as agreed by the Committee, the Executive Head of Spatial Planning no longer has delegated authority to do so as the time agreed by Members (12/02/2012) has passed.

Also, in drafting the decision notice the Executive Head of Spatial Planning has become aware that some of the conditions as originally approved were poorly drafted and others replicated their instructions. It is considered appropriate to amend the conditions so that they became clear, legal, implementable and defensible (in the event of any challenge). The context and intention of the conditions has not been altered and no new subject matter introduced. Members are asked to consider the new list of conditions (copy attached) and to agree that they can be attached to the formal Decision Notice.

The Executive Head of Spatial Planning therefore seeks authority from Members of the Development Management Committee

- (1) amend some of the conditions previously considered and approved by Members to improve, and
- (2) renewed authority from Members to issue the formal Decision Notice.

Conditions as originally approved:

01. Prior to the first use or occupation of the dwellings hereby approved as part of the development, the car parking shown on drawing number 3079-203 Revision 0 shall be provided in accordance with said plan and shall be retained thereafter for the purposes of residential parking for the approved flats unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to provide off street parking for the residential element of the proposal, in accordance with policy T25 of the Saved Torbay Local Plan 1995 – 2011.

02. Prior to the first use or occupation of the dwellings hereby approved as part of the development, the cycle parking shown on drawing number 3079-203 Revision 0 shall be provided in accordance with said plan and shall be retained thereafter for use by the residents unless otherwise agreed in writing by the Local Planning Authority.

Reason: To encourage residents to utilize sustainable modes of transport, in accordance with policy T3 of the Saved Torbay Local Plan 1995 – 2011.

03. Prior to the first use or occupation of the dwellings hereby approved as part of the development the bin storage area shown on drawing number 3079-203 Revision 0 shall be provided in accordance with said plan and shall be retained thereafter for the sole purpose of bin storage in connection with the residential units unless otherwise approved in writing by the Local Planning Authority

Reason: To ensure that there is adequate space within the development for waste and recycling purposes, in accordance with policy W7 of the Saved Torbay Local Plan 1995 – 2011.

04. Prior to the commencement of the development hereby approved samples of all the materials to be used externally in the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed using only the approved materials. The Pantone colours to be used in the glazing system for the elevations shall be restricted to lighter shades which shall be agreed in writing by the Local Planning Authority prior to the commencement of works.

All sections of new stone wall shall be constructed of natural stone laid on its natural bed and lime mortar. A sample panel shall be constructed on site and agreed in writing by the Local Planning Authority prior to the construction of any new sections of wall.

Reason: To ensure that the appearance of the finished development is acceptable, in accordance with policies BES, BE1 and BE5 of the Saved Torbay Local Plan 1995 – 2011.

05. Provision shall be made for keeping foul drainage separate from clean surface and roof water and connected to the public sewerage system, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the efficient drainage of the site, in accordance with policy EP11 of the Saved Torbay Local Plan 1995 – 2011.

06. The development hereby approved shall be carried out in strict accordance with the submitted Flood Risk Assessment ref. R22509Y001/B dated June 2010 and the update of October 2010, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that the development does not result in unacceptable flood risk, in accordance with policy EP11 of the Saved Torbay Local Plan 1995 – 2011

07. The finished floor levels of the development shall be no lower than 4.45 AOD, unless otherwise approved in writing by the Local Planning Authority.

Reason: To reduce the risk of flooding in the vicinity of the site, in accordance with policy EP11 of the Saved Torbay Local Plan 1995 – 2011.

08. Prior to the commencement of the development hereby approved (or at such other time as may be agreed with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the Local Planning Authority. That scheme shall include the following elements, unless otherwise agreed in writing by the Local Planning Authority:

a) A desk study identifying:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

- b) A site investigation scheme based on a) above to provide information for an assessment of the risk to all receptors that may be affected, including those off site.
- c) The results in the site investigation and risk assessment and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken.
- d) A verification report on completion of the works set out in c) above confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting.

Reason: To prevent pollution of the water environment and in the interests of the well-being of future users, in accordance with policy EP11 and EP7 of the Saved Torbay Local Plan 1995 – 2011.

09. Prior to the commencement of the development hereby approved a noise impact assessment shall be carried by a suitably qualified person of the existing noise climate within the area likely to be affected by noise produced by the development. The assessment shall identify all residential and commercial properties likely to be affected by such noise and provide predictions of the noise impact of the proposed development on these properties. Regard shall be had to guidance contained in the document 'British Standard 5528:2009. Code of practice for noise and vibration control on construction and open sites – part 1: noise'.

Reason: In the interests of the amenities of the occupants of nearby properties, in accordance with policy EP4 of the Saved Torbay Local Plan 1995 – 2011.

10. Demolition or construction works that are likely to be audible in neighboring properties shall be carried out only during the following times:
08:00 – 18:00 hours Mondays to Fridays (excluding Bank Holidays)
08:00 – 13:00 hours Saturdays
All deliveries shall only occur during the above mentioned working hours.
No work of this nature is to be carried out on the site on Sundays or Bank Holidays.
In exceptional circumstances, where noisy works are believed to be necessary outside these hours, such works shall only take place on the following basis:
- prior approval for specified works must be obtained from Torbay Council's Environmental Health Team; and
 - Notification must be provided to those local residents that are likely to be affected, of the nature and duration of the works.

Reason: In the interests of the amenities of the occupants of nearby properties, in accordance with policy EP4 of the Saved Torbay Local Plan 1995 – 2011.

11. All equipment to be used in the construction of the scheme hereby approved shall be operated, sited and maintained so that disturbance to people living and working in the immediate areas is minimized. In particular, all items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well maintained mufflers in accordance with the manufacturers instructions.

Reason: In the interests of the amenities of the occupants of nearby properties, in accordance with policy EP4 of the Saved Torbay Local Plan 1995 – 2011.

12. Any piling operations required in connection with the construction of the scheme hereby approved shall be carried out using the quietest practicable method available. The use of any other method shall first have been agreed in writing by Environmental Protection under the provisions of section 61 of the Control of Pollution Act 1974

Reason: In the interests of the amenities of the occupants of nearby properties, in accordance with policy EP4 of the Saved Torbay Local Plan 1995 – 2011.

13. A method for controlling the vibration in relation to the construction of the scheme hereby approved shall be adopted and put in place before and/or during construction. This shall have regard to guidance contained in the document 'British Standard 5228:2009. Code of practice for noise and vibration control on construction and open sites – Part 2: Vibration'

Reason: In the interests of the amenities of the occupants of nearby properties, in accordance with policy EPS and EP4 of the Saved Torbay Local Plan 1995 – 2011.

14. During the course of the demolition and construction of the development hereby approved all reasonable steps shall be taken to minimize dust and litter emissions from the site, including damping down site roads. An adequate water supply must be provided with a means of disposal of waste water. The perimeter of the site shall be screened to a sufficient height to prevent the spread of dust. Where this is not practicable, screening should be provided close to the source of the dust, unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the occupants of nearby properties, in accordance with policy EPS and EP3 of the Saved Torbay Local Plan 1995 – 2011.

15. No development shall commence until a scheme for the off site highway works has been submitted to and approved in writing by the Local Planning Authority. These works shall include:

- Works to The Terrace of the type shown on drawing number 2239.03 A received on 18/01/11
- Works to Torwood Street of the type shown on drawing number 2239.02C received on 8/01/2011
- Details of the proposed hard landscaping of the type indicated on drawing number 3145-10 Revision 0.

The agreed works shall be completed prior to the first use or occupation of the development hereby approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety, in accordance with policy T26 and T27 of the Saved Adopted Torbay Local Plan 1995 -2011.

16. Unless otherwise agreed in writing by the Local Planning Authority, prior to the commencement of any development, details of a sustainable urban drainage system shall be submitted to and approved in writing by the Local Planning Authority, such system as may be approved shall be installed prior to the occupation of the development. The system shall be maintained effective at all times thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to reduce surface water run off in a catchment area where flooding occurs and to accord with the requirement of PPS25 "Development and Flood Risk" in respect of sustainable drainage.

17. No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include: a programme and methodology for site investigation and recording; post-investigation assessment and analysis; publication; and archive deposition.

Reason: To ensure that any archaeological remains present on the site are appropriately recorded, preserved and stored, in accordance with Policy BE10 and advice contained in PPS5 "Planning for the Historic Environment".

18. No development shall commence until a scheme for improvements to the existing public footpath to the west of the site has been submitted to and approved in writing by the Local Planning Authority. This shall include new lighting, and/or such other proposals to mitigate the impact of the new building as shall be agreed with the Local Planning Authority.

Reason: To mitigate against the impact of the building on the footpath and to ensure that the path remains safe to use, in the interests of all users of the footpath, in accordance with policies TS, T1 and T2 of the Saved Torbay Local Plan 1995 – 2011.

19. No equipment, signage or plant shall be located on the roof, walls or in the grounds of the development hereby permitted (other than those indicated on the approved plans) unless otherwise approved in writing by the Local Planning Authority, including air conditioning units, aerials, tanks, satellite dishes and external lighting.

Reason: In the interests of the visual amenities of the conservation area, in accordance with policy BE5 of the Saved Torbay Local Plan 1995 – 2011.

20. The development shall not be commenced until the following information has been submitted to and approved in writing by the Local Planning Authority:

- Structural Engineers sectional sketches, method statements and risk assessment to assist in demonstrating that the parts of the development hereby approved, adjacent to the existing wall which retains the highway, can be constructed without materially affecting the stability of this wall.

- Preliminary calculations that indicate the critical stability conditions of the ground at the base of the retaining wall during the excavation phase in forming new reduced ground floor levels

The development shall be carried out in accordance with the submitted information.

Reason: To ensure that the development does not result in the movement or partial failure of the rear wall and thereby to ensure that the function of the highway it retains can continue, in accordance with policy TS and T26 of the Saved Torbay Local Plan 1995 – 2011.

21. Prior to the commencement of the development hereby approved details of a monitoring system shall be submitted to and approved in writing by the Local Planning Authority. The system shall include monitoring locations and methodology for monitoring the existing retaining wall and road surfacing behind the wall during construction period. The development shall be carried out in accordance with the agreed monitoring system.

Reason: To ensure that the development does not result in the movement or partial failure of the rear wall and thereby to ensure that the function of the highway it retains can continue, in accordance with policy TS and T26 of the Saved Torbay Local Plan 1995 – 2011.

22. No development shall commence until written confirmation has been submitted to the Local Planning Authority which confirms that the proposed development will not impart any dead or live loads on the existing wall retaining the highway.

Reason: To ensure that the development does not result in the movement or partial failure of the rear wall and thereby to ensure that the function of the highway it retains can

continue, in accordance with policy TS and T26 of the Saved Torbay Local Plan 1995 – 2011.

23. An assessment shall be made of the change in relative member loadings being carried by the existing retaining wall at critical stages during and after construction, in accordance with a timetable which shall first have been submitted to and approved in writing by the Local Planning Authority, and their levels checked against the original designed loadings. Any significant changes in loading shall be agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not result in the movement or partial failure of the rear wall and thereby to ensure that the function of the highway it retains can continue, in accordance with policy TS and T26 of the Saved Torbay Local Plan 1995 – 2011.

24. Prior to the commencement of the development hereby approved the results of an assessment into the impact on the existing upper level of masonry wall supporting The Terrace highway as a result of any material changes to the wall or its foundations, particularly in relation to the wall's ability to resist highway loadings during and after the construction phase of the development, shall be submitted to and approved in writing by the Local Planning Authority. The assessment will include details of how the section of original masonry wall will be protected and supported during the construction phase. Any strengthening works recommended in response to the assessment shall be agreed in writing by the Local Planning Authority and carried out in accordance with a timetable which shall also be agreed in writing.

Reason: To ensure that the development does not result in the movement or partial failure of the rear wall and thereby to ensure that the function of the highway it retains can continue, in accordance with policy TS and T26 of the saved Torbay Local Plan 1995-2011.

25. The gym hereby approved shall be used only for that purpose and for no other purposes within Class D2 of the Use Classes (Amendment) Order 2005 without the prior grant of planning permission.

Reason: To ensure that the mix of uses provided on the site is compatible with, and generates vitality in this key town centre site. In accordance with policies E1.10, S5.2 and S2 (TM4) of the Saved Torbay Local Plan 1995 – 2011.

Conditions as now proposed:

01. Prior to the first use or occupation of the dwellings hereby approved as part of the development, the car parking shown on drawing number 3079-203 Revision 0 shall be provided in accordance with said plan and shall be retained thereafter for the purposes of residential parking for the approved flats unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to provide off street parking for the residential element of the proposal, in accordance with policy T25 of the Saved Torbay Local Plan 1995 – 2011.

02. Prior to the first use or occupation of the dwellings hereby approved as part of the development, the cycle parking shown on drawing number 3079-203 Revision 0 shall be provided in accordance with said plan and shall be retained thereafter for use by the residents unless otherwise agreed in writing by the Local Planning Authority.

Reason: To encourage residents to utilize sustainable modes of transport, in accordance with policy T3 of the Saved Torbay Local Plan 1995 – 2011.

03. Prior to the first use or occupation of the dwellings hereby approved as part of the development the bin storage area shown on drawing number 3079-203 Revision 0 shall be provided in accordance with said plan and shall be retained thereafter for the sole purpose of bin storage in connection with the residential units unless otherwise approved in writing by the Local Planning Authority

Reason: To ensure that there is adequate space within the development for waste and recycling purposes, in accordance with policy W7 of the Saved Torbay Local Plan 1995 – 2011.

04. Prior to the commencement of the development hereby approved samples of all the materials to be used externally in the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed using only the approved materials. The Pantone colours to be used in the glazing system for the elevations shall be restricted to lighter shades which shall be agreed in writing by the Local Planning Authority prior to the commencement of works.

All sections of new stone wall shall be constructed of natural stone laid on its natural bed and lime mortar. A sample panel shall be constructed on site and agreed in writing by the Local Planning Authority prior to the construction of any new sections of wall.

Reason: To ensure that the appearance of the finished development is acceptable, in accordance with policies BES, BE1 and BE5 of the Saved Torbay Local Plan 1995 – 2011.

05. Provision shall be made for keeping foul drainage separate from clean surface and roof water and connected to the public sewerage system, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the efficient drainage of the site, in accordance with policy EP11 of the Saved Torbay Local Plan 1995 – 2011.

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Reason: To ensure that the development does not result in unacceptable flood risk, in accordance with policy EP11 of the Saved Torbay Local Plan 1995 – 2011

07. The finished floor levels of the development shall be no lower than 4.45 AOD, unless otherwise approved in writing by the Local Planning Authority.

Reason: To reduce the risk of flooding in the vicinity of the site, in accordance with policy EP11 of the Saved Torbay Local Plan 1995 – 2011.

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a) A desk study identifying:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

- b) A site investigation scheme based on a) above to provide information for an assessment of the risk to all receptors that may be affected, including those off site.
- c) The results in the site investigation and risk assessment and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken.
- d) A verification report on completion of the works set out in c) above confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting.

Reason: To prevent pollution of the water environment and in the interests of the well-being of future users, in accordance with policy EP11 and EP7 of the Saved Torbay Local Plan 1995 – 2011.

09. Prior to the commencement of the development hereby approved a noise impact assessment shall be carried by a suitably qualified person of the existing noise climate within the area likely to be affected by noise produced by the development. The assessment shall identify all residential and commercial properties likely to be affected by such noise and provide predictions of the noise impact of the proposed development on these properties. Regard shall be had to guidance contained in the document 'British Standard 5528:2009. Code of practice for noise and vibration control on construction and open sites – part 1: noise'.

Reason: In the interests of the amenities of the occupants of nearby properties, in accordance with policy EP4 of the Saved Torbay Local Plan 1995 – 2011.

10. Demolition or construction works that are likely to be audible in neighbouring properties shall be carried out only during the following times:
08:00 – 18:00 hours Mondays to Fridays (excluding Bank Holidays)
08:00 – 13:00 hours Saturdays
All deliveries shall only occur during the above mentioned working hours.
No work of this nature is to be carried out on the site on Sundays or Bank Holidays.
In exceptional circumstances, where noisy works are believed to be necessary outside these hours, such works shall only take place on the following basis:
- prior approval for specified works must be obtained from Torbay Council's Environmental Health Team; and
 - Notification must be provided to those local residents that are likely to be affected, of the nature and duration of the works.

Reason: In the interests of the amenities of the occupants of nearby properties, in accordance with policy EP4 of the Saved Torbay Local Plan 1995 – 2011.

11. All equipment to be used in the construction of the scheme hereby approved shall be operated, sited and maintained so that disturbance to people living and working in the immediate areas is minimized. In particular, all items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well maintained mufflers in accordance with the manufacturer's instructions.

Reason: In the interests of the amenities of the occupants of nearby properties, in accordance with policy EP4 of the Saved Torbay Local Plan 1995 – 2011.

12. Any piling operations required in connection with the construction of the scheme hereby approved shall be carried out using the quietest practicable method available. The use of any other method shall first have been agreed in writing by Environmental Protection under the provisions of section 61 of the Control of Pollution Act 1974

Reason: In the interests of the amenities of the occupants of nearby properties, in accordance with policy EP4 of the Saved Torbay Local Plan 1995 – 2011.

13. A method for controlling the vibration in relation to the construction of the scheme hereby approved shall be adopted and put in place before and/or during construction. This shall have regard to guidance contained in the document 'British Standard 5228:2009. Code of practice for noise and vibration control on construction and open sites – Part 2: Vibration'

Reason: In the interests of the amenities of the occupants of nearby properties, in accordance with policy EPS and EP4 of the Saved Torbay Local Plan 1995 – 2011.

14. During the course of the demolition and construction of the development hereby approved all reasonable steps shall be taken to minimize dust and litter emissions from the site, including damping down site roads. An adequate water supply must be provided with a means of disposal of waste water. The perimeter of the site shall be screened to a sufficient height to prevent the spread of dust. Where this is not practicable, screening should be provided close to the source of the dust, unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the occupants of nearby properties, in accordance with policy EPS and EP3 of the Saved Torbay Local Plan 1995 – 2011.

15. No development shall commence until a scheme for the off site highway works has been submitted to and approved in writing by the Local Planning Authority. These works shall include:
- Works to The Terrace of the type shown on drawing number 2239.03 A received on 18/01/11
 - Works to Torwood Street of the type shown on drawing number 2239.02C received on 18/01/2011
 - Details of the proposed hard landscaping of the type indicated on drawing number 3145-210 Revision 0.

The agreed works shall be completed prior to the first use or occupation of the development hereby approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety, in accordance with policy T26 and T27 of the Saved Adopted Torbay Local Plan 1995 -2011.

16. Unless otherwise agreed in writing by the Local Planning Authority, prior to the commencement of any development, details of a sustainable urban drainage system shall be submitted to and approved in writing by the Local Planning Authority, such system as may be approved shall be installed prior to the occupation of the development. The system shall be maintained effective at all times thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to reduce surface water run off in a catchment area where flooding occurs and to accord with the requirement of PPS25 "Development and Flood Risk" in respect of sustainable drainage.

17. No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include: a programme and methodology for site investigation and recording; post-investigation assessment and analysis; publication; and archive deposition.

Reason: To ensure that any archaeological remains present on the site are appropriately recorded, preserved and stored, in accordance with Policy BE10 and advice contained in PPS5 "Planning for the Historic Environment".

18. No development shall commence until a scheme for improvements to the existing public footpath to the west of the site has been submitted to and approved in writing by the Local Planning Authority. This shall include new lighting, and/or such other proposals to mitigate the impact of the new building as shall be agreed with the Local Planning Authority.

Reason: To mitigate against the impact of the building on the footpath and to ensure that the path remains safe to use, in the interests of all users of the footpath, in accordance with policies TS, T1 and T2 of the Saved Torbay Local Plan 1995 – 2011.

19. No equipment, signage or plant shall be located on the roof, walls or in the grounds of the development hereby permitted (other than those indicated on the approved plans) unless otherwise approved in writing by the Local Planning Authority, including air conditioning units, aerials, tanks, satellite dishes and external lighting.

Reason: In the interests of the visual amenities of the conservation area, in accordance with policy BE5 of the Saved Torbay Local Plan 1995 – 2011.

20. The development shall not be commenced until the following information has been submitted to and approved in writing by the Local Planning Authority:

- Structural Engineers sectional sketches, method statements and risk assessment to assist in demonstrating that the parts of the development hereby approved, adjacent to the existing wall which retains the highway, can be constructed without materially affecting the stability of this wall.

- Preliminary calculations that indicate the critical stability conditions of the ground at the base of the retaining wall during the excavation phase in forming new reduced ground floor levels

The development shall be carried out in accordance with the submitted information.

Reason: To ensure that the development does not result in the movement or partial failure of the rear wall and thereby to ensure that the function of the highway it retains can continue, in accordance with policy TS and T26 of the Saved Torbay Local Plan 1995 – 2011.

21. Prior to the commencement of the development hereby approved details of a monitoring system shall be submitted to and approved in writing by the Local Planning Authority. The system shall include monitoring locations and methodology for monitoring the existing retaining wall and road surfacing behind the wall during construction period. The development shall be carried out in accordance with the agreed monitoring system.

Reason: To ensure that the development does not result in the movement or partial failure of the rear wall and thereby to ensure that the function of the highway it retains can continue, in accordance with policy TS and T26 of the Saved Torbay Local Plan 1995 – 2011.

22. No development shall commence until written confirmation has been submitted to the Local Planning Authority which confirms that the proposed development will not impart any dead or live loads on the existing wall retaining the highway.

Reason: To ensure that the development does not result in the movement or partial failure of the rear wall and thereby to ensure that the function of the highway it retains can

continue, in accordance with policy TS and T26 of the Saved Torbay Local Plan 1995 – 2011.

23. An assessment shall be made of the change in relative member loadings being carried by the existing retaining wall at critical stages during and after construction, in accordance with a timetable which shall first have been submitted to and approved in writing by the Local Planning Authority, and their levels checked against the original designed loadings. Any significant changes in loading shall be agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not result in the movement or partial failure of the rear wall and thereby to ensure that the function of the highway it retains can continue, in accordance with policy TS and T26 of the Saved Torbay Local Plan 1995 – 2011.

24. Prior to the commencement of the development hereby approved the results of an assessment into the impact on the existing upper level of masonry wall supporting The Terrace highway as a result of any material changes to the wall or its foundations, particularly in relation to the wall's ability to resist highway loadings during and after the construction phase of the development, shall be submitted to and approved in writing by the Local Planning Authority. The assessment will include details of how the section of original masonry wall will be protected and supported during the construction phase. Any strengthening works recommended in response to the assessment shall be agreed in writing by the Local Planning Authority and carried out in accordance with a timetable which shall also be agreed in writing.

Reason: To ensure that the development does not result in the movement or partial failure of the rear wall and thereby to ensure that the function of the highway it retains can continue, in accordance with policy TS and T26 of the saved Torbay Local Plan 1995-2011.

25. The gym hereby approved shall be used only for that purpose and for no other purposes within Class D2 of the Use Classes (Amendment) Order 2005 without the prior grant of planning permission.

Reason: To ensure that the mix of uses provided on the site is compatible with, and generates vitality in this key town centre site. In accordance with policies E1.10, S5.2 and S2 (TM4) of the Saved Torbay Local Plan 1995 – 2011.