

Application Number

P/2015/0961

Site Address

Torquay Pavilion And Marina Car
Park And Office And Adjoining Land
Vaughan Parade
Torquay
TQ2 5EL

Case Officer

Alexis Moran

Ward

Tormohun

Recommendation

1. Approval of details submitted in accordance with the resolutions of Development Management Committee of 08.05.2017.

Site Details

2. The application site flanks the west side of the Inner Harbour and comprises the existing MDL car park and associated Marina offices, the Pavilion and includes Cary Green and adjacent areas of public realm.
3. It is a site of particular significance in heritage terms due to its prominence within the Torquay Harbour Conservation Area and its relationship to nearby listed buildings and the Grade II Registered Princess Gardens.
4. The Pavilion is Grade II listed, 3-15 Vaughan Parade, the adjacent terrace is Grade II listed as is the Cary Estate Office on Palk Street and 1 Palk Street which overlook Cary Green. The quay walls and the Fish Quay which is to the immediate south of the application site are also Grade II listed.
5. The Grade 1 listed St Johns Church sits on the nearby hillside which forms backdrop to the harbour and overlooks the site. Part of the application site lies within Princess Gardens, a Grade II entry in the Register of Parks and Gardens. The registered Garden extends to the west of the application site and includes two further (Grade II) listed structures, the Fountain and the War Memorial.

6. Currently the MDL car park site comprises a semi basement and top deck car park providing 235 car parking spaces for the associated Marina. The lower level is normally used exclusively by MDL berthholders with the upper deck often used for public pay and display purposes.
7. The car park forms the western edge of the harbour walkway and includes at the northern end, retail and catering outlets with associated seating looking out over the inner harbour. It otherwise presents an inactive frontage to the harbour.
8. The Pavilion, constructed as a theatre in 1911, has been vacant for several years having previously been in use as a small specialised retail outlet and is now in a very poor structural condition. This largely arises due to corrosion of the innovative steel frame used in its construction and is a common problem in other similar buildings of this era.
9. Cary Green, a public open space, was laid out in its current form following the construction of the Fleet Walk Shopping Centre in the 1980's comprising a mix of hard and soft landscaping. It is overlooked on three sides by listed buildings, The Pavilion to the south, the Cary Estate Office and 1 Palk Street to the north and 3-15 Vaughn Parade to the east. To the north west of the open space lies the Ziggurat, a rather unappealing means of achieving pedestrian and disabled access from Fleet Walk Car Park to the sea front which dominates this space. There is a detached single storey building with a pitched roof on the south side of Cary Green in use as a taxi office.
10. The site is located within the defined town centre and adjacent to the harbour with high levels of pedestrian and vehicular traffic. It is very prominent within the townscape both in short and long distance views.

Description

11. This report relates to Major Planning Application reference P/2015/0961/MPA and Listed Building Consent reference P/2015/0962/LB. It is an update to the resolutions of the Development Management Committee of 08.05.2017. The descriptions of these proposals are provided below;
12. P/2015/0961/MPA - Torquay Pavilion And Marina Car Park And Office And Adjoining Land, Vaughan Parade, Torquay –
 - Change of use and restoration of Pavilion to form hotel reception and spa including restaurant, bars and function rooms. Construction of 4/5 storey 60 bed hotel, 5 and 11 storey block of 43 residential apartments, with

ground floor restaurant and retail uses adjacent to harbour. Link between Pavilion and new hotel. Construction of new harbour walkway, provision of 289 car parking places including 74 spaces on Cary Green (42 seasonal; 32 for hotel). Construction of Marina Office and berth holder facilities and erection of Dock masters Office and associated landscaping (proposal revised 5 July 2016)

and;

13. P/2015/0962/LB - Torquay Pavilion, Marina Car Park and Office and adjoining land, Vaughan Parade, Torquay -
 - Refurbishment of building including repairs to corroded structure and works to prevent water penetration. Internal and external works to listed Pavilion to enable use as hotel foyer, including function rooms, bars, restaurant and spa. Construction of linked access from first floor level to proposed waterfront hotel (proposal revised 5 July 2016)

14. The committee resolution for planning application P/2015/0961/MPA was that conditional planning permission be granted subject to:
 - a. receipt of the following additional information
 - i. strategy for relocating the traditional railings and form and extent of new railing detail;
 - ii. strategy for external and internal plant in relation to the listed building;
 - iii. further details relating to the extended resurfacing between Offshore and the stone setts adjacent to the northern elevation of the hotel building approval of which is to be delegated to the Executive Head – Business Services;
 - b. completion of a Section 106 Agreement to include the matters set out in the Minutes of the Development Management Committee held on 27.02.2017; and
 - c. final drafting of conditions delegated to the Executive Head of Business Services.

15. With regards to the Listed Building Consent P/2015/0962/LB it was resolved that the Executive Head for Business Services be authorised to agree the extraction and ventilation details and the final drafting of conditions.

Planning Policy

16. The key policies to consider in relation to the submitted details are Policies SS10 (Conservation and the historic environment), Policy HE1 (Listed Buildings) and Policy DE1 (Design) of the Torbay Local Plan 2012-2030.
17. Policy SS10 of the Torbay Local Plan states that proposals which may affect heritage assets will be assessed on whether they encourage appropriate adaptations and new uses and whether the impact is necessary to deliver demonstrable public benefits. The policy also states that where new development should be assessed on whether it contributes to the local character of the area particularly through high quality of design. This policy is in compliance with paragraphs 131-134 of the NPPF.
18. Policy HE1 requires development proposals to have 'special regard' to the desirability preserving listed buildings or their settings. It also confirms that new development should respect the significance, scale, form, orientation and architectural detailing of any listed building it affects.
19. Policy DE1 of the Torbay Local Plan should be well-designed, respecting and enhancing Torbay's special qualities including waterfront areas and the character of the built environment.

Torquay Neighbourhood Plan

20. The emerging Torquay Neighbourhood Plan ('TNP') covers the area within which the application site is situated. Since the Development Management Committee of 08.05.2017 the TNP proposals have completed their Regulation 16 Publicity Period consultation (18.12.2017). The Examination of the TNP commenced in April 2018.
21. Section 1 of the Neighbourhood Planning Act 2017 (inserted as S70(2)(aza) of the T&CP Act 1990) requires LPAs, in dealing with an application for planning permission, to have regard in to a post examination draft neighbourhood plan, so far as material to the application. The TNP has not yet reached the stage where this legal duty is triggered although the Examiner's Report is expected shortly.
22. There are no policies in the TNP which are material to the decisions which have been delegated to officers and which are the subject of this report.

Key Issues

23. The key issues to consider are whether the information submitted is sufficient to meet the requests for further information from the Development Management Committee of 08.05.2017 and whether the details so provided are acceptable. Information was requested in relation to both P/2015/0961/MPA and P/2015/0962/LB as detailed in paragraphs 13. & 14. These matters are considered in the following paragraphs.
 - Strategy for relocating the traditional railings and form and extent of new railing detail
24. The details submitted show the section of railings along the length of the development (approx. 95m to the east of the Pavilion) can be removed and relocated to the South Quay subject to the suitability of the reuse of the cast iron railings.
25. The applicant has supplied details of the replacement railings which are a mix of timber, steel baluster, glass and steel rail and have a more modern appearance than those which they will replace. These details comply with the aims of providing a more modern form of enclosure to match that of the new development.
26. The details of the modern form of the railings are considered to show a high quality design, constructed of good quality materials. The submitted details are considered to show that the railings would be appropriate to the character of the new development. It is considered that the new railings comply with the requirements of Policies DE1, SS10 & HE1 of the Local Plan. Concomitantly the Councils Senior Historic Environment Officer has confirmed that he considers the railings to be an acceptable addition to the conservation area.
27. The submitted details are deemed to be acceptable in support of the information requested by committee. In order to ensure the traditional railings are reused on the South Quay, Condition 34 of Major Planning Application P/2015/0961/MPA states that prior to any works taking place in relation to the quayside, full details of the proposed relocation of the traditional bollards (railings) along the quayside along with measures for making good the quay walls shall be submitted to and approved in writing by the Local Planning Authority. This condition goes on to state that the relocation of the traditional bollards shall reflect the details set out within plan reference '3152-RAILS (Precedent Images)' received on the 24th May 2017 unless an alternative scheme for their relocation is submitted to and approved in writing by the Local Planning Authority. The reason for the addition of this condition is to ensure that the works to the quay walls and the relocation of the existing bollards are appropriately carried out in accordance with policy SS10.

- strategy for external and internal plant in relation to the listed building
28. The submitted strategy for external and internal plant shows that the majority of this will be located to the east of the building with the external plant being located on the flat roof sections where the existing plant is located. The strategy includes the removal of the existing rooftop plant. To avoid the visual impact of large equipment on the roof of the building, the primary mechanical plant has been situated on the ground floor in the least sensitive areas of the building. The external plant will consist mainly of six plenum louvered boxes which are not considered to be highly visible in the wider area.
29. The internal and external plant details and strategy submitted accords with the requirements of the Development Management Committee of 08.05.2017 for the Major Planning Application and Listed Building Consent. Based on the submitted details the strategy, which includes the removal of the existing roof plant, is considered to have an acceptable impact on the heritage asset and respects the scale, form and architectural detailing of the listed building. The Senior Historic Environment Officer has confirmed that he has no objection to the scheme. When considering the points raised in paras. 28. & 29, it is deemed that the internal and external plant to complies with policies SS10 & HE1.
- further details relating to the extended resurfacing between Offshore and the stone setts adjacent to the northern elevation of the hotel building
30. A revised landscape masterplan (reference '3152-1-17-SK2 R3 Masterplan' received 5th May 2017) provides details to confirm the use of natural stone paving extending beyond the site boundary opposite 'Offshore' which coordinates with the adjacent paving which is to be retained.
31. The details submitted are deemed to be acceptable and sufficient to accord with the resolution of the Development Management Committee of 08.05.2017. The natural stone paving is considered to be a good quality and robust material which reflects the high quality of the new development and the significance of the heritage asset whilst integrating with surrounding surface materials. The paving is deemed to comply with the requirements of policies DE1, HE1 & SS10

Other matters

Planning obligation

32. The section 106 agreement has been prepared in accordance with the committee resolution of 27.02.2017. The minutes of this committee meeting state the 106 should include a performance bond, if required. Officers have reviewed the application and have concluded that a performance bond is not required because it is instead intended to impose a condition (condition 03.) which includes a prohibition on occupation of any part of the development until the works for the restoration of the Pavilion have been completed. For convenience Condition 03. is worded as follows;

Prior to the commencement of the development, a detailed phasing agreement for the delivery of the overall scheme shall be submitted to and approved in writing by the Local Planning Authority. This shall include the delivery of the fully repaired listed Pavilion building prior to any occupation of the development and the full delivery of the hotel shell and core prior to occupation of the 20th residential unit.

The detailed phasing agreement shall also include a timetable for the delivery of the public realm enhancements as included in plan reference '3152-1-17-SK2 R3 Masterplan' received 5th May 2017 and shaded blue on plan reference '3152-1-17-SK3 1 Public Realm' received 30th May 2017 and include the timetable for the making good of the quay walls and relocation of the traditional bollards to South Quay or an alternative scheme for their relocation submitted pursuant to condition 34.

None of the residential units shall be occupied until a S278 Agreement or Highways Licence has been entered into for the delivery of the agreed public realm enhancements as included in plan reference '3152-1-17-SK2 R3 Masterplan' received 5th May 2017 and shaded blue on plan reference '3152-1-17-SK3 1 Public Realm' received 30th May 2017 and they have been completed in full in accordance with the detailed plans to be submitted pursuant to condition 8 unless alternative satisfactory provision for delivery is otherwise submitted to and approved in writing by the Local Planning Authority as part of the wider phasing strategy to be submitted pursuant to this condition.

For the avoidance of doubt the provisions of the agreed phasing agreement shall thereafter be strictly adhered to as if they were a condition of this planning permission.

Reason: The development is only acceptable as the scale of public benefit outweighs the harm to the historic environment. A key benefit is the regeneration of the harbour side through delivery of improvements to the public realm. It is important therefore that they are delivered in their entirety and in a timely fashion. This is necessary to meet the tests in paragraph 134 of the NPPF and to comply with policies SS10, HE1 DE1 and DE4 of the Torbay Local Plan 2012-2030 that would be otherwise compromised. These details are required prior to commencement as the development is only acceptable as the scale of public benefit outweighs the harm to the historic environment. Confirmation of delivery of these public benefits is therefore required to be submitted to and approved in writing by the Local Planning Authority to ensure certainty of the delivery of the works before any works are commenced.

CIL

33. Since the committee resolution the Council has adopted the Community Infrastructure Levy in its area. The residential parts of the development will be liable to pay the levy. The Regulation 123 list includes works for the removal of the Ziggurat and resurfacing of the Fish Quay. This means that money which may have been paid to the Council as 'deferred contributions' under the s.106 and could have been used towards the removal of the Ziggurat and resurfacing of the Fish Quay will now be collected through CIL but can still be used for these projects. The only material change in circumstances is that it is now more likely that sums will be received for these projects. Some aspects of the s106 have been altered to reflect this.

Conclusions

34. The details submitted are considered to be acceptable and are deemed sufficient to support the requests of the Development Management Committee of 08.05.2017.

Signing officer's name/date signed

35. I have read the officer's report and agree with the matters considered and the conclusions reached.

Name:

Date: