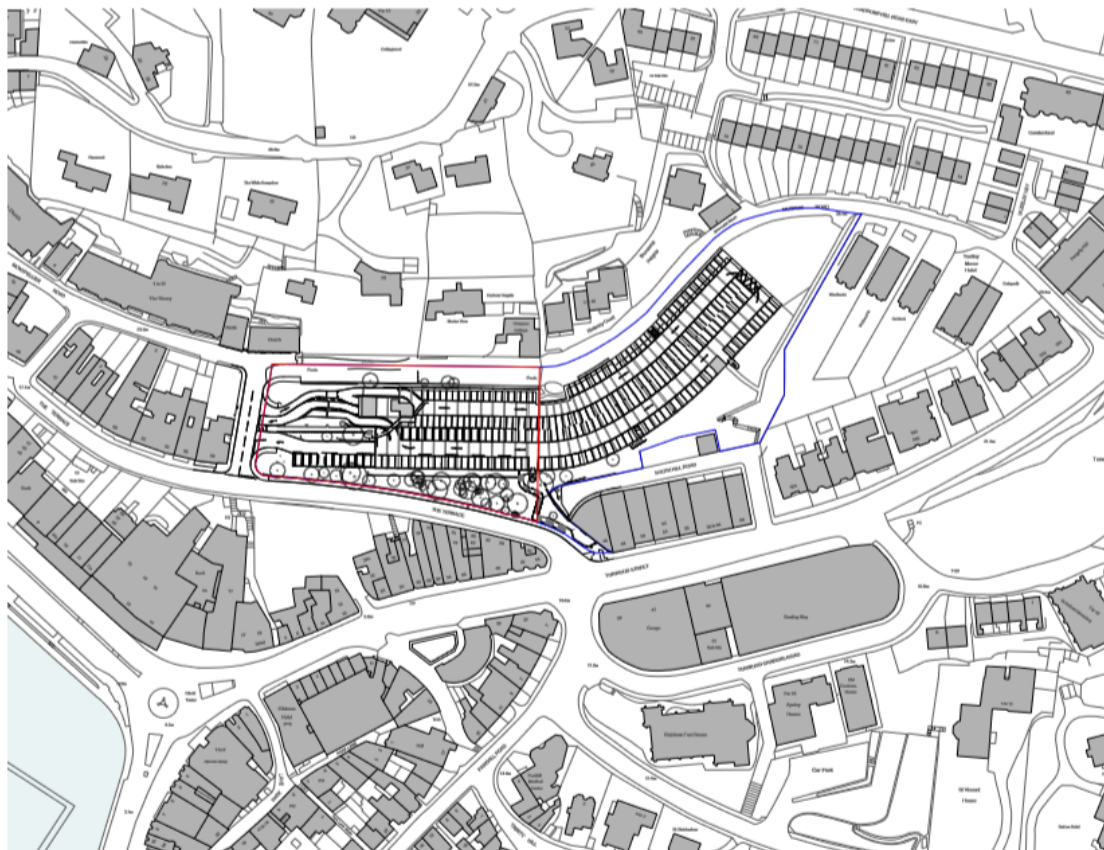


Application Site Address	Land at The Terrace car park, corner of Montpellier Road and The Terrace, Torquay
Proposal	Formation of 120 bedroom hotel and ancillary restaurant and associated works. Partial demolition and reconfiguration of existing car park to provide stairs, lift and ramp
Application Number	P/2019/0348
Applicant	Torbay Council & Premier Inn Hotels Ltd
Agent	Roach Planning And Environment Limited
Date Application Valid	05.04.2019
Decision Due date	05.07.2019
Extension of Time Date	
Recommendation	Conditional approval with final drafting of conditions, and addressing any new material considerations that may come to light, delegated to the Assistant Director of Planning and Transport
Reason for Referral to Committee	Major application and the application relates to land owned by the Council
Planning Case Officer	Alexis Moran

Location Plan –



Site Details

The application site relates to an area of land to the west of The Terrace multi storey car park which is on the corner of The Terrace and Montpellier Road. The site includes part of the multi storey car park and land to the west and south of this, which is currently underutilised, it is allocated as being within the Town Centre in the Local Plan policies map.

The southern boundary of the site adjoins the public footpath on The Terrace, to the western boundary the site abuts Montpellier Road. Museum Road is located to the north-east of the site and to the rear of The Terrace multi storey car park.

The site is 110m to the north-west of Torbay Harbour. It is located within the Harbour Conservation Area and in close proximity to two Grade II Listed Buildings: Higher Terrace to the west and Unity Church to the north of the site.

The car park is arranged over three storeys and contains spaces for 578 cars.

A new hotel development, fronting onto Torwood Street, which consists of a building that is adjacent to and five storeys above the road-level of The Terrace at its highest point, is under construction to the south of the site.

The site is located within Flood Zone 1.

Description of Development

The application seeks permission for the development of a 120 guestroom hotel arranged over six storeys, to include a restaurant and associated facilities.

The main pedestrian entrance would be off The Terrace, providing access into the lobby, where access to the first floor reception would be gained via lifts or stairs.

The ground floor area would include various 'back of house' facilities including linen handling, plant, a bin store, and bike storage, WC and showers for staff. The service entrance would be at the south east corner of the building, adjacent to a new service bay off The Terrace. Externally, at this level, there would also be an air conditioning plant compound and light well to the north of the building.

At first floor level would be the reception, a 112-cover restaurant (189m²), bar, WCs, kitchen, storage, office, staff facilities, and 12 guestrooms. The restaurant would occupy the south west corner of the building.

The second, third, fourth and fifth floors would each have 27 guestrooms, whilst the sixth floor / roof would have a 20 kW solar photovoltaic panel array, stair access hatch and lift overruns.

The height of the hotel from road level at the corner of The Terrace and Montpelier Road would be 15.8m. Due to the nature of the road level, which slopes down towards Torwood Street, the height of the hotel would be 19.3m from road level at opposite end of the building. The hotel would be approximately 2.5m higher than the Grade II Listed properties to the west.

The gross internal area of the proposed hotel is 4,385.5m², and it would have a footprint of approximately 1000m². Three guest bedrooms are Universal Access with shower and three are Universal Access with bath. The guestrooms range in area from 18m² to 27m²

The hotel would predominantly be clad in render, with glass windows and metal louvre panels. The ground floor would be clad in local limestone.

The proposed hotel development also includes part-demolition of a small corner of the car park and a reconfiguration and improvement of the access ramps and circulation. A new ramp is proposed on the southern elevation of the car park to allow access between the middle and lower levels. The existing access to the lower level will be removed.

A new lift and stair core between street level on The Terrace and the car park, is also proposed which would enhance pedestrian access to and from the car park, hotel and nearby amenities.

The car park currently has 578 parking spaces, the proposed development would result in the loss of 83 spaces, partly through an increased number of wider spaces for families and disabled people. Of the 495 retained parking spaces, 60 are to be allocated on the lower level for the neighbouring Torwood Street hotel development, and 100 are to be allocated on the middle level to the hotel currently under consideration. The balance of the 335 parking spaces will remain available for public use.

Soft and hard landscaping works and ecological enhancements are also proposed for external areas, both around the hotel and at the corner of Montpelier Road over the road from Unity Church.

Pre-Application Enquiry

DE/2018/0071 - Formation of 120 room hotel; the principle of a hotel development was largely supported in this location within a Core Tourism Investment Area. Design and scale comments were reserved for design review panel (DRP). As a result of the DRP nine key issues were agreed upon which were:

- The corner element (The Terrace / Montpellier Rd) needs to be better designed – good design might allow additional height.
- The front building line onto The Terrace needs to be more ‘sinuous’, removing the step and following as best possible the line of the road, and should seek to create space in front of the building – helping to improve the relationship with the That Group (Torwood Street hotel) development/ streetscene, and provide more room for pedestrian/vehicle access, and landscaping.
- Pushing the building back as a whole towards the rear ramps, and possibly reducing the land-take of the new ramp, would further improve the development from the front.
- The architecture of the front (SE) facing façade needs to better pick up the language of The Terrace.

- The arrangement of ramps to the rear has not been fixed, but the development should seek to reduce the area taken up by ramps / access and improve the environment at the rear of the proposed building.
- The gable ends need better articulation, certainly to the western elevation (as per 1. above) and the degree of articulation to the eastern elevation will depend on its visibility.
- Better use of existing voids will be explored, especially for storage, office space etc.
- Alternative locations for plant will be explored, with a clear view from Planning that plant should not be on the roof / should be an integral part of the overall design
- All of the above may result in the need to increase the amount of demolition of the Terrace Car Park.
- Provide a “square” to the rear of the scheme for delivery/public realm improvements.

Relevant Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations indicate otherwise. The following development plan policies and material considerations are relevant to this application:

Development Plan

- The Adopted Torbay Local Plan 2012-2030 ("The Local Plan")
- Torquay Neighbourhood Plan

Material Considerations

- National Planning Policy Framework (NPPF)
- Planning Policy Guidance (PPG)
- Published standing Advice
- Planning matters relevant to the case under consideration, including the following advice and representations, planning history, and other matters referred to in this report.

Summary of Representations

Sixty-three representations have been received, fifty-four in objection, six in support and three were deemed to be representations which made points neither specifically for nor against the proposal. The following provides a summary of the main issues identified and where appropriate a summary response is provided by the planning officer. Where appropriate the issues raised are discussed further in the Key Issues/ Material Considerations section of this report.

The concerns raised in the objections are as follows.

- Impact on small independent hotels and guest houses/B&Bs
 Planning Officer Response: Competition between businesses is generally not regarded as being a material planning consideration, however, the principle of a

hotel development and economic benefits section of the report consider the potential impacts, and also the wider context in terms of the tourism policies.

- The Council should be investing funds elsewhere.

Planning Officer Response: The role of the Council in terms of its investment of funds is not a material planning consideration.

- Provides little employment.
- Overlooking/loss of privacy & light
- Parking/highway safety
- Trees
- Layout, density, design
- Impact on setting of Listed Buildings and conservation area

The letters of support state that the proposal will;

- Attract visitors
- Modern design
- Result in regeneration
- Fit in to its surroundings well
- Improves a redundant part of the town

Summary of Consultation Responses

Historic England Advice: *The character of Torquay Harbour Conservation Area is derived from its underlying topography. The rocky headlands and narrow valleys create a dramatic landscape against which the town is set. As a result, the town has developed through a series of horizontal terraces, which allows development to colonise the rocky outcrops. The promontories retain their rugged and green quality through open spaces that break up the built form.*

The town developed significantly in the 19th century as a holiday resort. The sheltered Tor Bay with its rugged landscape was considered to hold exotic Mediterranean qualities which made it attractive to visitors at this time. Steps were taken to reflect the exotic character of the landscape through the architecture and resulting in stucco properties with Franco- and Italianate detailing. Each building was also designed to take advantage of the excellent sea views. Consequently, there is a cohesive quality to Torquay's development along the upper slopes with the buildings being largely domestic in scale and often terraced together, with a vertical rhythm that breaks up the horizontal emphasis of the streetscape. These elements help to provide a visual cohesion that forms the basis for the character and appearance of the conservation area.

An example of this cohesive visual approach to development is the grade II listed The Terrace. It reinforces the terraced character of the town through its homogeneous quality, its strong horizontal emphasis and its white stucco finish. Consequently, its elevated position makes it a prominent feature in views from around the harbour. The proposed site will sit in the same visual plain as the Terrace and therefore this forms a key visual relationship that needs to be addressed.

The plot in front of the development site is currently undeveloped. However, it has an outstanding approval, which we understand should be commencing on site shortly. Due to this site currently being undeveloped, our assessment will consider the site of this application as it currently is. However, we acknowledge that some screening will be provided in respect of long ranged views from the south, but will not obscure the car-park development in all views.

The current car-park structure is low lying with limited impact on long range views across the harbour. It allows this section of the conservation area to retain a largely green quality due to its backdrop, which is an important feature of the conservation area. In our view, the development site, offers potential scope for regeneration of a sizable structure but this needs to be informed by a clear understanding of its context and the character and appearance of the conservation area.

Historic England provided pre-application advice on this scheme. We are generally disappointed by the quality of the proposal, which in our opinion has failed to satisfactorily address the character and appearance of the conservation area and the setting of nearby heritage assets by virtue of its scale, massing and overall design quality. This is a prominent location within the Torquay Harbour Conservation Area and the proposed development is not of the calibre that we would expect to see.

Our pre-application advice identified a need for a contextual response and in a subsequent meeting we raised particular concerns regarding the approach to the west corner and the creation of an overt and unremitting corner block. The corner block creates an overly assertive feature within the characteristic homogeneity of the conservation area. This is through its projection forward, the increased expanse of render creating a boxy and overly dominant termination to the buildings and an increase in scale that disrupts the transition from the Terrace to the new buildings by rising the proposed structure an entire storey above the terrace roof line. Due to its slope and the position of the roof behind a parapet, the roofline of the Terrace will appear fairly recessive, giving the visual perception of the new development actually being a storey and half higher.

As the end of the corner block forms the most sensitive part of the site, a scheme that does not produce a successful transition could result in a significantly harmful impact. Consequently, further consideration should be given to the termination of the west end of the building to ensure that it responds more successfully to its adjoining buildings and the wider conservation area. Inspiration should be sought from the Terrace, which has successfully retained an overall positive aesthetic appearance through the cohesive and homogeneous approach to its architecture by the consistency of its roofline and strong rhythmical approach to the bays of windows. We would encourage steps to be taken that look to provide the building with a greater sense of uniformity and to allow the west end to have a better relationship in terms of the scale and massing, as well as materials and articulation to the Terrace.

The site is in a prominent location within the conservation area. Consequently, as the application affects a conservation area, the statutory requirement for the council to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area (s.72(1), Planning (Listed Building and Conservation Area) Act 1990) must be taken into account by your authority when making its decision.

It is your authority's responsibility to consider the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal (Para 190, NPPF). In our view, steps need to be taken to address the west end and its relationship to the Terrace and the surrounding conservation area.

In determining an applications, the local planning authorities should take account of the desirability for new development to make a positive contribution to local character and distinctiveness (Para 191). Due to the scale and massing of the proposed development and its use of a corner block, we have concerns regarding whether the current proposals addresses the distinctiveness of Torquay. Para 200, identifies that the LPA should look for opportunities for new development within Conservation Areas ... and listed buildings that enhance or better reveal their significance. This is a site that offers potential for redevelopment but the quality of the design and response to the conservation area and surrounding listed buildings in our view has not been adequately addressed.

Consequently, we have identified that the current proposals results in harm, and as highlighted in Para 201, needs to be addressed under the balance set out in Para 196, NPPF.

Recommendation

Historic England has concerns regarding the application on heritage grounds.

Historic England would encourage the council to consider ways that the corner element of the proposals can better respond to the character and appearance of the conservation area as well as to address the relationship it has to the prominent grade II listed the Terrace. This will allow for development on the site to be brought forward in a sustainable manner as required under the NPPF through a balance of the social, economic and environmental aspects of development.

Revised plans have been received in light of Historic England's comments and they have been re-consulted. Any additional comments will be provided to Members at the committee.

Torquay Neighbourhood Planning Forum:

The redevelopment of the area is supported in principle as a step towards regeneration of the town centre area and we point out that the Terrace Car Park is a designated development site TNPH 41 for homes. We have, however, serious concerns about the design of the building in relation to the surrounding area and in particular the adjacent Terrace (as articulated in the representation by Historic

England their ref: P01060511) and therefore its compliance with Policy TH8 in the Torquay Neighbourhood Plan. This is all the more serious because it appears their pre-application advice was ignored in the submitted plans and the applicant includes Torbay Council who have a duty to uphold the law concerning historic assets.

This is a prominent location within the Torquay Harbour Conservation Area so the design of the proposed development will have a significant impact and affect the setting of nearby heritage assets by virtue of its scale, massing and overall design quality.

Policy TH8 Established Architecture

Development must be of a good quality design, respect the local character in terms of height scale and bulk and reflect the identity of its surroundings.

In the light of Historic England's assessment the design fails to be compliant with the Torquay Neighbourhood Plan Policy T8.

The Neighbourhood forum confirm that they would be happy to support a revised application that addressed the design issues raised by Historic England.

Torbay Council Interim Heritage Officer:

Being located within a central location in the historic core of the town the development has the potential to impact upon a number of heritage assets. I am also mindful that the scheme has been the subject of a number of iterations and has been the subject of advice from the design review panel and the previous Conservation Officer. The submitted heritage statement deals with the heritage issues in a comprehensive manner, however, I have addressed those key buildings as follows.

Unity Church NHLE: 1292190 (Grade II)

The Church is located in close proximity to the application site and represents landmark with church tower punctuating the vista up Montpellier Road, near to the car park entrance. The fall of The Terrace road results in views of the Church being largely limited to the Junction of The Terrace and Montpellier Road. Thus, the proposed hotel building will have little direct impact in terms of views when seen from The Terrace. The Church is on higher ground than the proposed hotel and will maintain views out across the bay, albeit that the new building will be visible in the context of the Church when viewed from the harbour.

There are longer range views including from the harbour at Victoria Parade where the new hotel will be seen in the context of the church however there is a reasonable gap (formed by Montpellier Road).

The heritage assessment appears to be well considered and I agree that no adverse impacts will arise with regard to the setting of the listed church, and its heritage value will not be reduced.

Parish Church of St John the Evangelist NHLE 1296814 (Grade I)

This Grade 1 listed building is a far grander structure and is located further away from the application site along Montpellier Road. There is no street level inter-visibility

between the listed building and the application site. There are longer range views where the new hotel will be viewed in the wider context of the Church however the scale and grandeur of the church is not diluted and there will be no harm to its setting.

Harbour Conservation Area

The overall effect upon the significance of the Harbour Conservation Area as a whole is not considered to be adverse, and is not considered to change its special character, albeit the development will constitute a small change in appearance. Hence I consider that there will be no material harm to the character and appearance of the Conservation Area. However, the impact upon the Terrace is material and I will discuss this in more detail.

The Terrace NHLE: 1280014 (Grade II)

Due to the relationship of the Terrace with the application site this is considered to be the most sensitive relationship as the new hotel will sit as a near neighbour to the listed building. The applicant's heritage appraisal has considered this relationship carefully and advises:-

'Whilst the development will not affect the ability to appreciate the architectural interest in the detailed decorative arrangements and structure of Higher Terrace, nor an appreciation of its location and topographic relation to the harbour below, it will add a new and modern addition in glimpsed views towards Higher Terrace from the harbour and across the town.

Whilst this will be understood in the context of an urban environment in which older and newer structures are apparent together, the proximity of this modern element will lead to some competition with Higher Terrace and may detract from its formal Georgian appearance (notwithstanding their physical separation). The effect is considered minor, and if there is any harm (as per the NPPF), this is considered less than substantial.'

I consider that this is a fair assessment. The urban grain is finer in the locality of the application site and when viewed from the harbour for example allows for mature trees to be more apparent due to the break in the density of built structures despite the car park structure. In my view there is harm arising to the setting of the listed building but I would agree that it is less than substantial harm in terms of the tests provided by the NPPF. I am mindful of the response from Historic England whose primary concern appears to focus on the west end of the proposed building and its relationship to the Terrace and the surrounding conservation area. There are different potential approaches to the design solutions for the proposed building but I do agree that a design response to the Terrace to inform a cohesive and homogeneous approach to its architecture by the consistency of its roofline and strong rhythmical approach to the bays of windows, is a desirable design response. The Terrace is in my view an exceptionally visually strong building which stands out in contrast to adjoining buildings, especially when viewed from the harbour. Thus a contrasting style for the proposed building is not automatically the wrong solution, and in many ways the proposed hotel despite its scale has a modest architectural approach which is hard to fault as an approach when surrounded by such grand heritage buildings. In addition the context is changing and account has to be taken of the new Hilton hotel which is

under construction.

I am pleased to note that the applicant has now responded to the concerns raised by Historic England and have reduced the height of the corner wing of the hotel adjacent to the Terrace. Whilst the corner element still stands slightly higher than the main hotel building I consider that the resultant height difference is insignificant in terms of the impact upon the wider contextual views. The design review panel had indicated the scope for a higher element on the corner adjoining the Terrace which in many respects would be a standard design response, but in this case I consider that it is appropriate to respect the advice of Historic England and to lower the height of the corner block, as is now proposed in the revised plans.

I also note that the fenestration of the corner wing has also been revised to better reflect the rhythm of the Terrace which is a positive step.

Conclusion

In light of the revisions now received I conclude that in terms of the tests contained within the NPPF that the level of harm arising would be less than substantial in terms of the setting of The Terrace. The case officer is therefore advised to consider paragraph 196 of the NPPF which states:-

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

South West Water: *South West Water has no objection. The foul and surface water drainage strategy as proposed has been agreed and the Torbay Development Agency already advised of the presence of a major sewer running under the site for which construction details will require our prior approval.*

Drainage Engineer: *Providing the surface water drainage for the new development is constructed in accordance with the hydraulic design included within the revised flood risk assessment dated 2nd May 2019 (issue number 3), I have no objections on drainage grounds to planning permission being granted.*

Torbay Council Strategic Transport:

I am writing to provide transport comments in response to the planning application (P/2019/0348) at The Terrace, Torquay. I note the application seeks outline approval for “Formation of 120 bedroom hotel and ancillary restaurant and associated works. Partial demolition and reconfiguration of existing car park to provide stairs, lift and ramp.”

The Transport Assessment (TA) sets out that the site is located in a sustainable location with a variety of facilities within walking distance, along with cycle and bus routes nearby providing access across Torbay. The railway station is within

walking distance, or can be accessed by bus or taxi services. The TA notes that there are rail connections to destinations further afield and regular links to Exeter. This possibly underplays the potential for use of rail given that there are direct links from Torquay to London, Bristol, Birmingham and Manchester. The connections to Exeter will be half hourly following the expected timetable changes in December 2019.

As recognised in paragraph 4.3 of the TA, the proximity to facilities does reduce the need for those staying at the hotel to travel by car.

In principle therefore, this is a suitable location for a hotel which meets the key sustainable travel policies of the Development Plan.

There are five more aspects for consideration:

1) Parking

The site contains a 120 bed hotel and 189sqm restaurant open to the public. There is a need to alter the existing public car parking arrangements, with an overall reduction of 83 spaces. The new lower level car parking is accessed by a ramp with sufficient space for one vehicle in each direction. A waiting area is therefore proposed on the upper level so that the flow of vehicles on the middle level is not affected. It is not clear what method of control is to be provided to ensure there is not a clash of vehicles on the ramp, or that the vehicles on the lower level can wait out of the way. There is a note (at 5.6) explaining that this will be handled by the end user. Whilst this is ok, it would have been desirable to understand the options to demonstrate that it is a workable solution.

It is noted that the reserved spaces for this development fall outside of the red line of the development, though within the blue line boundary. Whilst these changes are an internal change to the layout of the car park, given the link to the development I have raised it for consideration.

It should also be noted that whilst there is considerable vacant capacity in the car park currently, the 160 reserved spaces (from a total capacity of 495) in addition to the 114 average maximum current use, will result in a spare capacity of 221. The busiest month (August) would have a remaining capacity of 26 spaces. This would still be sufficient day to day. The current car park use peak is not the same as the restaurant peak that would be expected for this hotel and/or the THAT Group development – these users could be in addition to current demand and would not utilise reserved spaces. There are other permit holders in addition to the reserved spaces, but these are accounted for within the current usage.

It is noted that the site is also allocated for 60 dwellings. This is likely to further reduce the capacity of the car park. Until such development comes forward the

impact of this is not possible to identify but it will be something for consideration in the future.

For clarity, policy TA3 'Parking Requirements' does not set a requirement for parking when sites are located within the Town Centre – as this site is. The policy expects that the existing public parking provision will suffice. This assumption in the Local Plan is confirmed above through the analysis of the application.

2) Junction Capacity

The submission sets out how there is an impact on the Torwood Street signalised junction. The signal timings have been adjusted to create more capacity in the junction overall, but it reduces capacity on the Torwood Street arm. As such the queue lengths here are expected to increase. That junction can at times become congested, particularly with loading. To reduce that effect, it is recommended that a no loading restriction is put on the extent of the existing double yellow lines. It may be preferable to increase capacity further by removing the metered spaces, however, this is likely to impact directly on local businesses and a no loading restriction would be a balanced outcome.

3) Servicing

Servicing will take place from a new layby addition to The Terrace. This is acceptable but will require the appropriate Traffic Regulation Order. Paragraph 5.10 states that it is envisaged that the "Montpellier Road loop" will be utilized by delivery vehicles. Given the tracking submitted in the TA identifies some pavement overrun and the general narrowness of the route, with other delivery vehicles potential on the route as well, it is recommended that delivery vehicles turn at the first junction of Montpellier Road and the Terrace. This will accord with the proposals for the Torwood Street hotel development.

4) Cycle Parking

Provision is explained for internal storage for staff, and room storage for guests which is in accordance with the Development Plan policies. There is no apparent allowance for restaurant guests. External hoops are recommended.

5) Travel Plan

As noted in the TA, it would be necessary for a Travel Plan to be prepared and approved prior to occupation of the hotel. It would be more beneficial if it were in place prior to recruitment of staff and first room sales, to ensure that all new staff

members are aware of their options and any staff benefits, and that guests have the information they need to consider their travel choices.

The TA does not note that the Travel Plan will further help to meet the requirements of the transport policies in the Development Plan. This would need to be the case.

In summary, the application is supported as it accords with TA1, TA2 and TA3, so long as the routing for deliveries, cycle parking and Travel Plan requirements can be met. With regards to Planning Contributions and works, as noted in the TA, the pedestrian crossing point at the vehicular entrance to the car park is necessary to ensure safe routes for pedestrians, along with the works to repaint the "No Entry" to ensure it is clear for all vehicles. Additionally the works for the layby (and associated TRO) are necessary on The Terrace. Lastly, given the anticipated queues on Torwood Street it is necessary to ensure a no loading restriction is imposed in proximity to the junction. My recommendation is to just include the no loading restriction as far down as the metered spaces, and to maintain those in place. It has been assumed that sustainable transport contributions as set out in the SPD are mitigated by the gain of employment and therefore there is no specific ask. Should this not be the case please let me know.

Torbay Council Community Safety: *No objection to this application subject to a condition requiring the installation of the odour control equipment as detailed by Jenkins associates prior to commencement of use.*

Natural England: *Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with Regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.*

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.

Environment Agency: No comment received

Police Liaison Officer:

CCTV should be designed to co-ordinate with external lighting and landscaping. The CCTV must have a recording format that is acceptable to the Police. Recorded images must be of evidential quality if intended to be used for prosecution.

With regard to the car park facilities, it is strongly recommended that these incorporate the physical and management measures required by the Safer Parking – Park Mark award scheme as detailed on the Secured by Design website. Park Mark is awarded to parking facilities that have met the requirements of a risk assessment conducted by the police designing out crime officer. These requirements mean that measures have been put in place to help deter criminal activity and anti-social behaviour. The scheme is managed by the British Parking Association.

Devon County Archaeologist - *No comment. Any archaeological deposits are likely to have been destroyed by the creation of the car park.*

Torbay Design Review Panel:

10.08.2018 (Note the Design Review Panel considered the proposals at the pre-application stage and their observations represent a material planning consideration). A key constraint of the context is the vehicular movement, tracking and accesses. The handling of the entrance to the existing car park and the options for locating a service bay for the new hotel are bound to be substantial determinants of the site strategy.

The site plan seems to show a considerable amount of ramped highway to the north of the hotel site in order to provide individual two-lane entrance and exit routes serving each of the two main levels that will remain in public use. We heard that other options had been examined, but we find it hard to believe that this was the most opportune solution, and the discarded possibilities ought to be re-examined or further variants explored.

The arrangement of ramped routes denies any possibility for this open space to be ordered and laid out in an attractive urban manner – possibly, for example, forming a type of ‘square’ that might respectfully recognise the presence of the delightful (and listed) Unity Church to the north. This space might also provide the potential for larger vehicles to turn without reversing, if the square acted informally as a shared-space roundabout? High quality innovative highway design input should be sought.

The configuration of the highways and associated structures might also provide the opportunity for including some tree-pits or decent planting areas here so that structural planting might civilise the otherwise over-engineered character of the space?

Could the arrangement of the ramped approach to the car park be less wasteful of space, so that the option of providing a delivery bay serving the hotel might be located here at the rear rather than the front of the building? Segregated pedestrian access/egress from the car park alongside the vehicular routes might also be usefully achieved.

We have mentioned the presence of the diminutive but significant Unity Church to the north and its potential impact on the site organisation. Equally, the three-dimensional composition of the gable-end of The Terrace should also be studied – currently the design seems to be largely pre-occupied with the two-dimensional relationship to the main elevations (rhythms and proportions etc) which is a vital concern, but the manner in which the new hotel responds to the corner condition across the secondary street

is also a key consideration. The handling of the hotel's western end needs to be a successful three-dimensional counterpoint.

Building Form and Massing

The key flexibilities in terms of massing and form seem to be:

- the amount of reduction (demolition) to the existing car park structure at its south western corner, which effectively de-limits the width of the site available*
- the acceptable height to which the development might rise at its eastern end – the proposed single storey 'step' occurring approximately a third of the way along the form may not be the only satisfactory solution and it was noted that this still left a further single storey plant room as a final addition to the roofscape.*
- better utilisation of voids created by retaining substructures, or the reduction / omission of these where possible.*

Given that the number of bedrooms that a likely hotel operator would wish to utilise has been established (at least, as a range) then we suggest that alternative strategies which might test these potentials are explored. This is clearly a three-dimensional challenge and some presentation format needs to be found that can portray the spatial arrangement of accommodation and assess the pros and cons of each in compositional and organisational terms.

The main idea within the formal handling of the mass is to generate a building of three parts – two elements to either side of a linking section which rises to form an attic condition. The elements to either side were explained to take on characteristics of The Terrace (to the west) and the car park (to the east). Whilst this may have been generated in an attempt to reduce the apparent scale of the building, we do not recommend this 'schizophrenic' approach and would urge that a single dominant language is pursued, so that the building might possess a confident, satisfying identity - that might not be so literal in generating a contextual response to its immediate neighbours.

Undoubtedly, the positioning of the restaurant provides some positive active frontage to the street as it climbs up to The Terrace, but our strong sense is that this most public part of the building might best be located at ground level at the western end of the building – where it might animate the corner condition, be perceived as a stronger location by non-resident clientele and create an easier relationship to the pedestrian routes down through the town.

Placed here it might also be able to contribute to creating a good response as part of the gable end modelling/composition (as discussed at 2.4 above).

The stepping forwards of the eastern portion of the building appears to be largely a product of the vehicular ramp to the rear – it seems otherwise to be a weak idea. The general alignment of the front façade surely ought to be carefully set out consistently to the 'building line' established by The Terrace. The western end does not seem to quite achieve this either. We noted that this 'building line' is a composite curve (as, indeed, are many of the terraced forms found in Torquay). The relationship of the new building to the building line is key; there are many ways of achieving this and we recommend that alternative forms are properly analysed and assessed.

Whilst we believe that these conventional urban design principles of respecting a common building line should be the starting point, we were not given sufficient information to assess the likely outcomes in terms of the character of the street that this would create. Much fuller depiction and assessment of the Torwood Street development is needed in plan, section and as a three-dimensional presence in relation to the proposals. There is a danger that the street created between will have little quality at ground floor level and the public realm may feel tight and pinched. The sketch drawing you included from an earlier set of proposals indicated development set back along this frontage but the proposals that we were shown are clearly now a very different prospect. Apart from considerations of good urban design, there will also be more pragmatic concerns to ensure that sunlight/daylighting and inter-visibility between sites is satisfactory. The effects of traffic noise occurring in between closely opposing facades of significant scale should also be carefully considered. Closer studies need to be generated and these must demonstrate that a satisfactory street character and experience will be created.

In terms of the current proposals then the location of the delivery bay on the front edge of the site is unfortunate and creates a partial space that one might otherwise associate more naturally with the main entrance. This, combined with the recessive secondary character of the linking section of the façade, creates a poor street character alongside the main entrance. The entrance itself seems to be at 'rear of pavement' with little chance for a gracious approach or exit, with no canopy or shelter or, indeed, any architectural significance.

In general we would suggest that the main entrance and the service entrance be as separate as possible. We have suggested that the service entrance might be at the rear (see 2.3.4, above) but, failing this, it might be at the extreme east end or east gable (and the proposed car park access relocated).

Every effort should be made to either eradicate or reduce the plant space on the roof – potentially by making more intensive use of the substructure voids as plant space?

A new substantial stair-core is shown constructed at the south west corner of the car park and this sets up an uncomfortable tension with the gable end of the hotel. If safe and direct pedestrian access egress can be achieved to the west (as at 2.3.4 above), then we suggest that the existing stair (further east on the southern side of the car park) is rebuilt and then a better graded ramped landscape route is created running diagonally across the open space. This existing stair, and the concrete steps it provides access to, is in very poor state and probably ought to be de-commissioned if not rebuilt in this way.

We noted that the car park was generally in a poor and unmaintained condition which must have contributed to its under-use. Since it now forms an integral part of the proposals for this hotel, the proposed hotel on Torwood Street and the long-term parking strategy for central Torquay, it seems essential that the proposals for its upgrade should form part of the overall design proposal being brought forward and presented – even though portions of the full development proposition may be the subject of separate planning submissions.

Building Organisation and Composition

The layout of these building types is naturally driven by a double-loaded corridor, but beyond that basic principle, we see a number of potential improvements. The internal anatomy of the new hotel shows that in plan the main corridor cranks uncomfortably midway along the building. It would be more efficient and more easily navigable as a straight (or almost straight) corridor.

The vertical circulation cores and linen rooms might be usefully placed on the northern side of the plan – allowing more bedrooms to face south and gain sunlight and obtain the partial views over the harbour. The central core with the lifts needs more space to ‘breathe’ before it joins the main circulation corridor.

It may be advantageous to place the cores which act as means of escape (at either ends of the corridor) not at the very end, where they will impact on the handling of the gable end elevations, but ‘in-set’ in plan, so that the fenestration of bedrooms can be part of these end compositions.

Whilst many rooms are similar it seems that there are some family rooms and other types which may offer a slightly different opportunity in terms of creating an alternative rhythm within the external appearance – these non-standard slightly larger rooms might also be capable of accommodating additional fenestration within the room layout when placed in corner conditions? The tactical placing of these rooms seems therefore to be a key consideration when considering the composition of the building’s appearance.

Materials, Energy and Appearance

We did not spend a great deal of time discussing materials and detailing, but robustness at street level is crucial and more generally thin render finishes need to be very carefully specified / detailed to avoid deterioration. We did not immediately see why zinc cladding was favoured. We recommend that large scale drawings demonstrating the quality of materials and construction form part of any planning submission and this would be much more preferable to relying upon a pre-commencement condition to request that these details are submitted later.

We suggest that air management and ventilation strategies should be considered as part of the evolving design to avoid ubiquitous and untidy punctuations for bathroom extracts and other such paraphernalia. An integrated energy system with central heat recovery might be explored to reduce the building’s carbon footprint.

We were unsure of the environmental and energy standards to which the building was being designed to comply. We were told that the roof had ‘solar panels’ but it was not clear what these were or what they were intended to do – or what they looked like and whether they were visible. We would encourage the establishment of clear energy strategy early in the design process. If a thorough approach to energy conservation and reduction was employed then we might expect the results of that to feed in to the final appearance of the building (brise soleil, vents, plant room).

Concluding Remarks

This is a complex three-dimensional challenge – especially when one considers the impacts of the vehicular ramps to the rear and achieving the optimum solution for those is crucial. There is more to be responded to and inspired by in the existing urban

context (including, of course, the historic assets) and this needs to be studied more closely.

The proposals are clearly still at an early stage and we have identified several weaknesses that need to be addressed. We would not support the design if presented as a planning application in this current form.

We have indicated a number of potential alternatives to explore in the text above and would be very happy to review the project again.

As discussed above, the comments made by the DRP were formed part of the pre-application discussions and a significantly revised scheme emerged in response.

Torbay Council Landscape Officer: No comments received

Key Issues/Material Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations indicate otherwise. The following key issues have been identified and will be discussed in relation to the relevant development plan policies and material considerations.

1. The principle of a hotel development
2. Economic benefits
3. Design and Visual Impact
4. Heritage Assets
5. Impact on amenity.
6. Trees and ecology.
7. Flooding and drainage
8. Highways impact

1. The principle of a hotel development

Policy TO1 of the Local Plan promotes the improvement, modernisation and the addition of new tourism facilities in order to attract new visitors, particularly overnight, to increase overall spend. Proposals that make positive use of Torbay's marine environment, culture, heritage, biodiversity and Geopark are encouraged by this Policy. The Policy states that the Council wishes to see the quality of accommodation improved with a wider range of new and refurbished facilities and services. This will be achieved by supporting the principle of new tourist accommodation subject to other policies in the plan and the creation of new high quality tourism accommodation in sustainable, accessible locations.

The Policy states that Core Tourism Investment Areas are the main focus for investment in tourism which includes Torquay harbour side and The Terrace car park site. Core Tourism Investment areas are intended to focus on new high quality tourism

and leisure accommodation in sustainable, accessible locations in order to provide a critical mass needed by a premier resort.

Policy TE1 of the Torquay Neighbourhood Plan states that new tourism developments will be particularly supported where they make use of brownfield land for the provision of tourism development.

The proposed development would provide a modern hotel facility within an area allocated for such developments in the Local Plan and on an underutilised, brownfield site. Therefore the principle of the new hotel is deemed to be acceptable, subject to compliance with other relevant Local Plan & Torquay Neighbourhood Plan Policies.

The site is allocated in the Torquay Neighbourhood Plan for 60 units of accommodation. However, the proposed hotel would only occupy a modest proportion of the car park site so would not jeopardise any future residential proposals elsewhere within the remaining allocation area, should such proposals come forward in the future.

The proposal is also compliant with the Torbay Economic Strategy which highlights the site as accommodating potential commercial and/or residential development.

Bearing the aforementioned points in mind, the principle of a hotel in this location is deemed to be acceptable and would accord with the relevant development plan policies identified.

2. Economic Benefits

Policy SS1 states that development should reinforce Torbay's role as a main urban centre and premier resort. Policy SS4 of the Local Plan supports the regeneration of Torbay and improvement in its economic performance, with the aim of achieving a step-change in economic prosperity as set out in Torbay's Economic Strategy. The Local Plan supports existing businesses, it encourages new businesses and investment in order to create new jobs, and it enables expansion and diversification of the economy of the Bay. The Local Plan seeks to promote growth in sectors that are particularly important in Torbay, namely tourism, hotel and catering. The applicant's economic viability assessment states that new hotel would be likely to create 30 full time jobs directly. During the construction phase there are likely to be additional jobs created.

Policy SS11 of the Local Plan details that proposals that regenerate or lead to the improvement of social, economic or environmental conditions in Torbay will be supported in principle.

Policy TC5 states that the Council supports, in principle, development that helps create a vibrant, diverse evening and night time economy within the town centres, seafront and harbour areas of the Bay. The proposed hotel development would include a restaurant, in addition to hotel accommodation, on brownfield land that is currently under-utilised, and would therefore contribute to the vibrancy and general visitor offer

within the town centre. The proposal is deemed to comply with Policy TC5 of the Local Plan.

The Torquay Neighbourhood Plan refers to a document known as 'Turning the Tide for Tourism', which along with the 'English Riviera Destination Management Plan' identify an oversupply within Torbay in the small B&B guest house sector, with significant oversupply of low quality low value-added small hotels. They also identify a significant shortage of large, modern, quality hotels and branded chains, the proposals would help to address such a shortage.

The proposed hotel would generate 30 new permanent jobs and 6 indirect jobs elsewhere in the supply chain. The proposed hotel would directly contribute approximately £1.16m per year to the local economy in terms of net gross value added. The job creation and benefits to the local economy are considered to be material and should be regarded as being beneficial.

Based on Premier Inn's projected occupancy figures, an estimated 64,000 guests would stay at the new hotel annually. The economic benefits of the hotel are estimated to amount to approximately £3.3m per year in additional net tourism expenditure, with guests going out to eat, drink and be entertained in the local area.

During construction, the project would generate 124 direct jobs and 27 indirect jobs elsewhere in the supply chain. A target of 80% has been set for procurement of subcontractors to be based within 30 miles of the site. The build contractor has stated that they will, as part of a suite of socially responsible recruitment measures, provide 246 training weeks for apprentices, traineeships and new entrant trainees in key professions and trades.

A direct investment of approximately £11m will be made in construction and completion of the hotel itself. The construction stage will also provide wider economic benefits amounting to approximately £7.7m in net gross value added.

A number of objections to the proposed hotel relate to competition, however business completion is not generally held to be a material planning consideration.

Notwithstanding this, and given that the local and neighbourhood plans include policies as detailed above which address the tourism sector the applicant has provided headline information from the Torbay Accommodation Audit 2019 to support the hotel proposal, the headline information provided by the applicant is summarised below;

Torbay welcomes over 4.5m visitors per annum with an annual visitor spend of over £435m. Torbay's staying visitor numbers, using serviced accommodation, has remained at around 1.6 – 1.76M visitor nights since 2013.

The English Riviera's Destination Management Plan (2017 – 2021) seeks to:

- *Attract new visitors*
- *Attract investment*
- *Improve the quality of accommodation*

- *Improve hotel occupancy throughout the year*

The branded budget hotel sector in the UK has almost doubled in size since 2012, from 11.4% to 21.1% of total serviced accommodation bedrooms. However, branded budget hotel supply in Torbay was 2.7% in 2014 and is currently 6.7% of total serviced accommodation bedrooms, indicating growth of just 4% in the last 5 years.

Visit England are reporting that 36% of UK people prefer to stay overnight in a hotel/motel; just 5% prefer to stay in a guest house/B & B. The overall quantity of serviced accommodation bed spaces has reduced by around 15% (2,764 beds) between 2007 and mid-2019, although there has been a net increase in bed spaces (of just over 1600 or 3%) since 2014.

Feedback from surveys, visitors and events (e.g. UNESCO Conference on Global Geoparks 2018) show there is a shortage of accommodation that consistently meets modern expectations; the proportion of business trips is declining; Torbay is missing out on an estimated £4M p.a. spend from conferences & events, due in large part to the quality, size and availability of existing hotel accommodation.

There are significantly less branded bed spaces in Torbay (9%), compared to the UK (47%) and to other coastal places such as Brighton (50%), Scarborough (25%) and Bournemouth (33%) according to research sourced from AM:PM

There has been a small increase in Torquay's serviced accommodation supply since 2014, with only 3% (350 bed spaces) growth in the number of bed spaces. Comparatively, both Paignton and Brixham have seen increases of 37% (1080 bed spaces) and 35% (175 bed spaces) respectively.

If the proposed 120 bedrooms at Terrace Car Park and 128 bedrooms (Hampton by Hilton, Torwood Street) are included, Torbay's branded budget supply of bedrooms would be around 10% - less than half of the UK proportion.

The increasing popularity of year round short breaks and the growing trend of staycations are opportunities for the destination, helping to grow the visitor economy, new jobs, skills, apprenticeships etc. A high percentage of existing bed spaces in Torbay are seasonal.

The age of existing visitors and number of repeat visitors are risks to Torbay's economy

Based on the information in the headlines above from The Torbay Accommodation Audit 2019 it would appear that the proposed 120 bedroom hotel would help to deliver the objectives in the English Riviera's Destination Management Plan and would not appear to result in the saturation of the market with budget hotels.

It is considered that the proposal accords with the aspirations of Policies SS1, SS4, SS11 and TC5 of the Local Plan, and would bring economic benefits to the Bay especially compared to the existing situation.

3. Design and Visual Impact

The National Planning Policy Framework states that one of the core land-use planning principles that should underpin decision taking is to always seek to secure high quality design. In addition it states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'.

Consistent with these paragraphs, Policy SS11 of the Torbay Local Plan states that development must help to create cohesive communities within a high-quality built and natural environment where people want to live and work and that development proposals will be assessed according to whether they achieve certain criteria as far as they are relevant and proportionate to the development. Policy DE1 states that proposals will be assessed against their ability to meet design considerations such as whether they adopt high quality architectural detail with a distinctive and sensitive palette of materials and whether they positively enhance the built environment.

The submitted design and access statement advises that a number of potential development areas were investigated on the site. The key constraints were to retain sufficient parking spaces within the existing car park, provide access to the lower level of the car park with a minimum of 60 spaces, and allow for future residential development on the site. The eastern end of the car park was explored for a hotel development but access to the site along museum road proved difficult so the proposal was abandoned.

A hotel was also proposed on the western end of the car park with accommodation extending over the ramp access. This achieved the number of rooms required for the investment but was deemed too complex. This however set the precedent for development at the western end of the site.

The proposed elevations would be finished in render with aluminium window frames and recessed panels, providing a horizontal emphasis in keeping with the listed building to the west. The top floor would be finished with aluminium panels, which would provide a recessed appearance higher up and reduce apparent massing. . At the ground floor level, there would be a stone plinth made of recycled limestone from the existing boundary wall.

The restaurant would be located in the south-western part of the proposed building, facing on to the corner of Montpellier Road and The Terrace, which would serve to emphasise its location. This is considered to be the optimal location in terms of legibility for the approach from the car park, Fleet Walk and the town centre.

At the north-western corner of the site would be an area of improved public amenity space, across the road from the Grade II Listed Unity Church.

The Torquay Town Centre Masterplan states that the site should continue the built frontage of the Terrace to help re-define the street in this part of the town centre. A safe and attractive route for pedestrians from the Terrace Car Park scheme down to the harbour is also recommended.

It is considered that the form and layout of the scheme would make effective use of the available space, and responds well to the steep topography of the site. The site is considered to have a generally tired appearance, comprising low quality and under-utilised open space, and a dated multi-storey car park. The proposed hotel would, to some extent, provide a visual screen to the car park; would provide an active frontage along this part of the Terrace; and would involve landscaping enhancements at the site.

The proposal includes the part-demolition of a small corner of The Terrace multi-storey car park and a reconfiguration and improvement of the access ramps and circulation. A new ramp is proposed on the southern elevation of the car park to allow access between the middle and lower levels with the existing access to the lower level being removed. The proposal would also include the creation of a new pedestrian access block on the southern elevation of the car park, to be located closed to the south-eastern corner of the proposed hotel. Given their siting, scale, and design it is considered that these elements of the proposal would have an acceptable impact on the character of the area.

The applicants have addressed a number of the suggestions received from the advisory Torbay Design Review Panel (the comments of which are a material planning consideration) along with the Council's pre-application advice provided by planning officers. For the avoidance of doubt pre-application advice is not binding on the Council in terms of the decisions made at the application stage.

To the south of The Terrace car park lies the Torwood Street development which is currently under construction, this is a mixed-use development including retail units, offices, gym and a 130 bed hotel. The hotel element of the development would face The Terrace and would comprise a 5 storey building above street level on The Terrace. This building would be located in front of the hotel under consideration, on the opposite side of the Terrace. Whilst the proposed building would be around 3.5m taller than this neighbouring building, it would also be largely obscured by it and other intervening structures when viewed from the wider area, including from Torquay Harbour.

Policy DE4 states that the height of new buildings should be appropriate to the location, historic character and the setting of the development. New development should be constructed to the prevailing height within the character area in which it is located, unless there are sound urban design or socio-economic benefits to justify a deviation from this approach.

The policy goes on to state that new buildings above the prevailing height will be supported where they;

- o Enhance the vitality of an area
- o Contribute to the regeneration of Torbay
- o Strengthen the character of an area
- o Are appropriate in terms of their visual impact
- o Provide wider urban design or socio-economic benefits
- o Make a positive addition to the built form, townscape and surrounding landscape; and
- o Preserve or enhance local and long-distance view, and key vistas

The proposed building would be 2.5m higher than The Terrace to the west (which is 13.3m in height when measured from ground level on the corner of Montpellier Road and The Terrace) and a storey higher than the northern elevation of the Torwood Street development to the south (albeit that the Torwood Street development is significantly higher at 26.8m at its highest point when considering the additional storeys on the Torwood Street elevation). In the context of the immediate neighbouring properties and the wider area, it is clear that the prevailing building height is quite varied, being characterised by a variety of building heights located at a range of different ground levels, the proposal is not considered to be contrary to Policy DE4, or harmful to the local character. In any case it is considered that the proposed hotel building would meet the criteria listed above in terms of enhancing the vitality of the area, providing socio-economic benefits and contributing to the regeneration of Torbay through providing quality tourist accommodation with improved facilities and the creation of jobs.

Policy TH8 of the Torquay Neighbourhood plan states that: - Development must be of good quality design, respect the local character in terms of height, scale and bulk; and reflect the identity of its surroundings.

For the reasons discussed above in relation to the Torbay Local Plan design policies, the proposed development is considered to accord with policy TH8.

On balance, it is considered that the proposal, given its siting, scale and design, along with the local context, would not result in unacceptable harm to the character of the area. Conditions are recommended to secure the details of cladding materials and boundary treatment, a scheme of landscaping, details in relation to bicycle and bin storage, and details of all plant and solar energy equipment to be added to the roof. Subject to the use of these conditions, the proposal is considered to be in accordance with Policies DE1, DE4 and SS11 of the Local Plan, Policies TH8, TS2 & TS4 of the Torquay Neighbourhood Plan, and the guidance contained in the NPPF.

4. Heritage Assets

Section 72 of The Planning (Listed Buildings and Conservation Areas) Act requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Similarly Section 66 of the Act requires that in considering whether to grant planning permission [or development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Policy HE1 refers to Listed Buildings and states that development proposals should have special regard to preserving listed buildings and their setting. Policy SS10, Conservation and the Historic Environment, states that proposals will be assessed, amongst other things, in terms of the impact on listed and historic buildings, and their settings, and in terms of the need to conserve and enhance the distinctive character and appearance of Torbay's conservation areas. Policy TH8 of the Torquay Neighbourhood Plan states that development must be of a good quality design and respect local character.

Unity Church is a Grade II listed building located to the north of the site on Montpellier Road, near to the car park entrance. Due to the siting of the church and the topography of the land, views of the church being largely limited to the junction of The Terrace and Montpellier Road. Thus, the proposed hotel building will have little direct impact in terms of views when seen from The Terrace. The church is on higher ground than the proposed hotel and will maintain views out across the bay, albeit that the new building will be visible in the context of the church when viewed from the harbour.

The area in front of the church, located in the site's north-western corner, is to be improved to provide an area of public amenity space. It is considered that this would help to enhance the church's setting. The proposal would not result in harm to the setting of Unity Church.

The Parish Church of St John the Evangelist is a Grade I listed building located approximately 120m from the site. There is no street level inter-visibility between the listed building and the application site. There are longer-range views where the new hotel would be viewed in the wider context of the church, however the scale and grandeur of the church is not diluted and there will be no harm to its setting.

The close proximity of the proposed hotel to the Grade II listed Terrace to the west results in this being the most sensitive relationship. Although the Torquay Neighbourhood Forum support the redevelopment of this site in principle, their comments state that they have concerns with regard to the design of the building in the context of its surrounding and in particular the Listed Terrace to the west. Reference is made to the concerns raised by Historic England which has concerns about the difference in height between the proposed hotel and the listed Terrace and the relationship and design of the west elevation of the building. The Neighbourhood Forum therefore considers the proposal to be contrary to Policy TH8 of the Torquay Neighbourhood Plan, which states that development must be of a good quality design and respect the local character in terms of scale and bulk. One of the objectives of the Torquay Neighbourhood Plan is to '*protect and enhance the local natural, built and historic environment*'.

Amendments to the scheme have been made as a result of these comments. The west elevation of the proposed building has been reduced in height by 500mm and additional fenestration is provided to the elevation facing the listed Terrace building. The Council's interim Heritage advice is that it is considered that the alterations respond to Historic England's concerns by lowering the height of the corner element and improving the fenestration to better reflect the rhythm of the Terrace.

Consequently, although it is considered that the proposal would result in some harm in relation to the setting of the listed building it is less than substantial in terms of the tests contained within the NPPF. Therefore paragraph 196 of the NPPF is relevant. This paragraph states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, that this harm should be weighed against the public benefits of the proposal. In this instance the harm is deemed to be minimal and the public benefit would be the addition of a modern tourist facility within a Core Tourism Investment Area, and the associated economic benefits referred to above. The proposal is therefore deemed to have an acceptable impact on the setting of the Grade II listed buildings of The Terrace.

In terms of the proposal's relationship with the Torquay Harbour Conservation Area, the western end of the building would be visible from part of the harbour area but would constitute a small change in appearance and one which is not considered to be of a significant level of harm to the conservation area overall, given the distances involved, changes in ground levels, the presence of intervening buildings, and the design of the building. The proposed solar photovoltaic panel array on the roof of the proposed hotel would not be highly visible in the wider conservation area due to its height and siting.

On balance, accounting for the tests provided within the National Planning Policy Framework where less than substantial harm to designated heritage assets is identified the proposal is considered to be acceptable given the wider public gains in terms of regeneration benefits.

5. The impact on amenity

Policy DE3 requires that all development should provide a good level of amenity for future residents or occupiers and should not unduly impact upon the amenity of neighbouring or surrounding uses.

The nearest property to the west of the site is No.58 The Terrace, which is currently in commercial use. The properties to the north, 29 & 31 Braddons Hill East and *Marina View* are set at a higher level than the ground level of the car park due to a change in topography. The difference in height is such that the proposal would not result in any harm to the amenities of these neighbours, in terms of their outlook, privacy, or access to natural light.

To the south-east, the properties are at a lower level due to the difference in topography between them and the application site. The proposed hotel building and new ramp access would not result in any unacceptable effects in relation to the amenities of residential occupiers.

It is noted that the distance between the front of the hotel currently under construction to the south of the application site (approved under application P/2014/0965) and the hotel being considered as part of this application would be 15m. This is not an unusual relationship between the fronts of two buildings which are separated by a road and located within an urban location. In this instance both are holiday uses rather than residential and their relationship is considered to be acceptable.

Torbay Councils' Environmental Protection Department have advised that they have no objection to the application being approved subject to a condition being included

requiring the installation of the odour control equipment prior to commencement of use. An appropriate condition is considered necessary to ensure this.

Subject to the use of planning conditions, it is considered that, on balance, the proposed hotel building would have an acceptable effect in relation to local and neighbouring amenity, and would therefore accord with Policy DE3 of the Local Plan.

6. Trees, and Ecology

Policy C4 states that development proposals should seek to retain and protect existing hedgerows, trees and natural landscape features.

The submitted Arboricultural Impact Assessment (AIA) states that nineteen trees are to be removed to facilitate the development. It notes that all trees surveyed have a limited life due to their growing location and lack of space which prevents them from reaching their full potential. However the trees are currently in good condition.

Replacement planting, including an area of wildflower mix, and the management and maintenance of this, as detailed in the submitted landscaping plan, will aim to mitigate the loss of the trees.

The AIA includes details of protective fencing and a construction exclusion zone, this will be required throughout the construction phase and will be conditioned to be implemented and retained as such.

Policy NC1 seeks to conserve and enhance Torbay's biodiversity and geodiversity, through the protection and improvement of terrestrial and marine environments and fauna and flora, commensurate to their importance. Policy TE5 of the Torquay Neighbourhood Plan states that, where appropriate, an assessment of impacts upon any existing protected species or habitats should be undertaken and the use of necessary mitigating arrangements, in order to protect and enhance species and habitats, should be provided.

Within the supporting text of the Environment section and in Policy TE1 of the Torquay Neighbourhood Plan, it is stated that the addition of new tourism developments will be particularly supported where they make use of brownfield land for the provision of that development, thus reducing pressure on Torquay's environment.

The submitted Ecological Impact Assessment states that there was no evidence of any other protected or notable species were found nor were there any further records of relevant protected or notable species returned by Devon Biodiversity Records Centre (DBRC).

There is however potential for light-tolerant bats to be roosting and/or commuting/foraging within the mature trees of the mixed woodland plantation. No impacts to bat roosts are envisaged as a result of the development.

The loss of a limited area of scrub, young trees and poor semi-improved grassland will result in a small loss of potential bat foraging habitat although this is not considered significant.

The Ecological Impact Assessment recommends the following mitigation and compensation measures required to minimise/ prevent significant impacts to ecological features;

- Provision of additional roosting opportunities for bat through the provision of bat boxes on retained mature trees and/or integrated within the new hotel, for example by using bat bricks
- Provision of nesting opportunities for masonry bees and other invertebrates by incorporating bug-and-bee bricks in to the walls of the hotel; and,
- Include new native species-rich habitats within proposals that supports invertebrates and subsequently enhance foraging opportunities for bats with a landscaping scheme.

A Habitat Regulation Assessment for the site has been undertaken by Torbay Council. This concludes that, in view of the nature of the application and due to the distances to between the site and relevant receptors, that there is not likely to be any Significant Effect on the partially submerged sea caves feature alone or in combination with other proposals or projects.

However, it was concluded that there would be a Likely Significant Effect on the nearby reefs and subsequently may affect the integrity of the Special Area of Conservation (SAC) alone or in combination with other proposals or projects. Therefore a Stage 2 Appropriate Assessment was required with respect of the reefs feature. This concluded that the various mitigation measures within the submitted Construction and Environmental Management Plan (CEMP) will ensure that the likely significant effects on the Marine SAC are avoided. It is therefore concluded that this proposal will not affect the integrity of the Lyme Bay and Torbay Marine SAC.

As the site is over 5ha in area an Environment Impact Assessment screening was undertaken, the result of this was that the proposal did not require an EIA.

In light of the foregoing, the proposal's ecological impacts are considered acceptable, having regard to Policy C4 and NC1 of the Torbay Local Plan Policy TE5 of the Torquay Neighbourhood Plan.

7. Flooding and Drainage

Policy ER1 states that development must be safe for its lifetime, taking account of its future use, function and government projections of how the risk of flooding may change in response to climate change. Development proposals will be expected to maintain or enhance the prevailing water flow regime on-site, including an allowance for climate change, and ensure the risk of flooding is not increased elsewhere.

The applicant proposes to deal with surface water run off by discharging to the existing South West Water combined sewer within The Terrace, which receives a majority of surface water runoff from the site in the existing situation. A surface water drainage scheme has been developed, which incorporates attenuation storage, which would be operated in conjunction with Hydrobrake flow control devices designed to limit surface water flows discharged from the site to a maximum rate of discharge of 1.5 l/s. The

surface water drainage scheme would provide sufficient capacity for excess runoff to be stored and attenuated on site up to and including the 1 in 100-year storm return period with 40% allowance for increase in peak rainfall intensity over the lifetime of the development.

The Council's Drainage Engineer and South West Water have raised no objections to this method of drainage, subject to the use of conditions requiring adherence to the submitted drainage and flood risk details.

Subject to the use of the aforementioned condition the proposal is considered to be acceptable, having regard to Policy ER1 of the Torbay Local Plan, the NPPF, and the PPG.

8. Highway Impact

Policies TA2 states that all development proposals should make appropriate provision for works and/or contributions to ensure an adequate level of accessibility and safety, and to satisfy the transport needs of the development. Policy TA3 states that the Council will require appropriate provision of car, commercial vehicle and cycle parking spaces in all new development. Appendix F provides figures on car parking requirements, for hotels this states that 1 space per bedroom plus appropriate provision for coaches is required.

However the site is within the town centre allocation, this policy does not set a parking requirement for town centre sites as it expects that the existing public parking provision will suffice.

The proposal would result in the loss of 83 parking spaces due to the small area required to be demolished. However 495 would be retained with 100 of the spaces being leased to the hotel operator as part of the development, 60 spaces are also to be leased to the operator of the Torwood Street hotel. The submitted Transport Assessment states that the average maximum use of the car park at present is 114 spaces. Therefore, even with the allocated spaces for the hotels there would still be a spare capacity of 221 spaces and in the busiest month (August) there would be a remaining capacity of 26 spaces within the car park.

Given that the site is located in a sustainable location, allocated as being within the town centre, and with cycle and bus routes nearby, the allocated level of 100 parking spaces is considered to be sufficient to comply with Appendix F and Policy TA3 of the Local Plan which state that there is no minimum parking threshold for town centre developments. As previously mentioned, the information submitted in the Transport Assessment also shows that there is additional spare capacity in the car park for guests to use on top of the 100 spaces allocated.

To ensure travel by accessible modes for both staff and guests a condition in relation to the submission and approval of a travel plan prior to the recruitment of staff is deemed necessary.

Suitable cycle storage is provided for guests and staff of the hotel, however there is no provision for people visiting the restaurant. Subsequently a condition requiring details/provision of an external cycle parking loop for restraint guests is recommended.

It is recommended that a no loading restriction is added on the extent of the existing yellow lines to reduce queuing at the Torwood Street junction.

The service entrance is located on the east of the hotel and delivery vehicles will use a new layby adjacent to this elevation. This is considered to be acceptable and will require the appropriate Traffic Regulation Order.

Subject to the aforementioned conditions and traffic regulation order it is deemed that the proposal complies with Policies TA2 & TA3 of the Local Plan and Policies THW1, THW5 and THW6 of the Torquay Neighbourhood Plan.

9. Designing out crime

No objections are raised subject to the use of a condition to secure a scheme of crime prevention measures, such as CCTV. It is recommended that this condition be imposed should planning permission be granted. Subject to the use of this condition, the proposal is considered to be in accordance with Policy SS11 of the Local Plan, and TH2 of the Torquay Neighbourhood Plan

10. Sustainability

The hotel building proposes a 35% reduction in CO2 emissions when compared to the Notional target of Building Regulations Part L England and Wales 2013.

The hotel is also designed to achieve a Very Good rating in BREEAM. BREEAM is an international scheme that provides independent third-party certification of the assessment of the sustainability performance of a building. A rating of Very Good means that the building will be recognised to have reached an advanced level of good practice design and is broadly equivalent to being in the top 25% of UK new non-domestic buildings.

In order to achieve both the 35% reduction in CO2 emissions and a Very Good BREEAM rating a 25kW PV array is to be fitted to the roof to provide on-site energy generation as well as an Air Source Heat Pump boiler to reduce the reliance on gas for hot water generation. The combined effect of these measures results in a 35.3% carbon emission reduction when compared to the baseline level required by UK Building Regulations Part L 2013.

11. Community Infrastructure Levy

The proposal is not CIL liable.

12. Statement on Human Rights and Equalities Issues

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Equalities Act - In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

13. Proactive Working

In accordance with the requirements of Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order, 2015, in determining this application, Torbay Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved. The Council has concluded that this application is acceptable for planning approval.

14. Planning Balance

The planning assessment considers the policy and material considerations in detail. It is considered that the scheme in terms of addressing the Development Plan aspiration to improve the core tourism offer would produce a significantly positive impact overall and help with the regeneration of the town. It is acknowledged that there are concerns about the potential impact upon the tourism sector however from the evidence available this does not appear to be significant, and as stated previously business completion in itself is not generally held to be a material planning consideration.

The scheme is however not without some minor negative impacts upon the setting of The Terrace which is a listed building. However, as discussed in the body of the report these impacts are considered to be less than significant and as provided by the NPPF can be weighed against the public benefits of the proposal. In this case the benefits are considered to outweigh the less than significant harm.

Conclusions

The proposal would result in the addition of a hotel facility on an underutilised brownfield site within a Core Tourism Investment Area. It is considered that the proposal would deliver visual, economic, and regeneration benefits and none of the harm identified is considered sufficient to outweigh these benefits. The proposal is

considered to be acceptable for conditional approval, having regard to the Development Plan, and all other material considerations.

Officer Recommendation

Conditional approval with final drafting of conditions, and addressing any new material considerations that may come to light, delegated to the Assistant Director of Planning and Transport

Conditions

1. The development shall be undertaken in full accordance with the approved Construction and Environmental Management Plan

Reason: To safeguard the Local Planning Authority's rights of control over these details to ensure that the construction works are carried out in an appropriate manner to minimise the impact on the amenity of neighbouring uses and in the interests of the convenience of highway users, having regard to Policies NC1 and TA1 of the Torbay Local Plan.

2. The development shall be carried out in full accordance with the approved scheme of surface water drainage.

Reason: In the interests of sustainable drainage and in accordance with Policy ER1 of the Torbay Local Plan.

3. No development above damp proof course level shall take place until details of the proposed cladding materials (walls and roof) and openings have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details, and shall be retained as such for the life of the development. All sections of new stone wall shall be constructed of natural stone laid on its natural bed and lime mortar.

Reason: To ensure a satisfactory form of development and to comply with Policy DE1 of the Torbay Local Plan, and Policy TH8 of the Torquay Neighbourhood Plan.

4. Prior to the first use of the development hereby approved, details of a lighting strategy relating to the illumination of the building, public realm and associated areas shall be submitted to and approved in writing by the Local Planning Authority. The submitted lighting strategy shall give particular consideration to preventing light intrusion at neighbouring properties, and in relation to bat habitats and flyways. The development shall thereafter be undertaken in accordance with the approved details and shall be retained as such indefinitely.

Reason: To ensure that the architectural quality of the building and its setting is highlighted through an appropriate scheme of lighting and to prevent harm to neighbouring occupiers and bats, and to comply with Policies DE1, DE3, and NC1

of the Adopted Local Plan, and Policy TE5 of the Torquay Neighbourhood Plan.

5. Prior to the first use of the development hereby approved, 5 bat bricks and 5 bug and bee bricks shall be incorporated in to the walls of the hotel (in accordance with manufacturer's instructions for correct siting and installation) and retained at all times thereafter.

Reason: To ensure that the development duly considers protected species and biodiversity, in accordance with Policy NC1 of the Torbay Local Plan 2012-2030, and Policy TE5 of the Torquay Neighbourhood Plan.

6. The soft landscaping for the development shall be undertaken in strict accordance with the approved landscaping plan reference 849-SW-01-B. All planting, seeding or turfing comprised within the approved scheme shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next available planting season with others of a similar size and the same species.

Reason: In the interests of visual amenity and in accordance with Policies DE1 and C4 of the Torbay Local Plan 2012-2030.

7. Hard landscaping details shall be submitted for the written approval of the Local Planning Authority prior to the first use of the development. The approved scheme shall be provided prior to the development being brought into use, and shall be retained for the life of the development.

Reason: In the interests of visual amenity and in accordance with Policies DE1 and C4 of the Torbay Local Plan 2012-2030.

8. Prior to the first recruitment of staff, a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall outline measures to encourage the use of non-car, sustainable forms of transportation, including a scheme of implementation. The approved measures shall be undertaken in accordance with the approved scheme of implementation.

Reason: In the interests of road safety and sustainability to encourage walking, cycling and public transport use by staff and visitors in accordance with policies TA1 and TA2 of the Torbay Local Plan 2012-2030, and Policy THW1 of the Torquay Neighbourhood Plan.

9. Prior to the hotel being brought into use, the parking facilities and electric charging points shown on the approved plans shall be provided and thereafter permanently retained for the parking of vehicles associated with the development hereby approved.

Reason: To ensure adequate parking facilities are provided to serve the development in accordance with policy TA2 and TA3 (and associated appendix F)

of the Torbay Local Plan 2012-2030.

10. The development hereby approved shall not be brought into use until all relevant highway agreements, such as s278, have been entered into and associated works on the highway carried out to the satisfaction of the Local Highway Authority. This shall include 'no loading' restrictions on the extent of the existing double yellow lines on the Torwood Street junction as well as the works shown on the approved plans.

Reason: To provide safe and sustainable access to, and around, the site for all users in accordance with Policies TA1, TA2 and DE1 of the Torbay Local Plan

11. Prior to the first use of the development hereby approved, the refuse and recycling facilities shown on the approved plans shall be provided. Once provided, the agreed storage arrangements shall be retained for the life of the development.

Reason: In interests of visual amenity and in accordance with Policy DE1 of the Adopted Torbay Local Plan.

12. Prior to the first use of the restaurant, odour control equipment as detailed in approved documents P20190348-5, P20190348-6, P20190348-7 & P20190348-8 shall be fully installed and thereafter retained for the life of the development.

Reason: In interests of residential amenity and in accordance with Policy DE3 of the Torbay Local Plan 2012-2030.

13. Prior to the first use of the development hereby approved, bicycle storage shall be provided in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The bicycle storage shall be retained for the life of the development.

Reason: In the interests of sustainable transport and in accordance with Policies TA1, TA2, and TA3 of the Torbay Local Plan, and Policy THW6 of the Torquay Neighbourhood Plan.

14. Prior to the first use of the development hereby permitted, a scheme of boundary treatment shall be fully installed in accordance with details which shall previously have been submitted to and agreed in writing by the Local Planning Authority. Once provided, the agreed boundary treatment shall be retained for the life of the development.

Reason: In interests of visual and residential amenity and in accordance with Policy DE1 of the Adopted Torbay Local Plan 2012-2030.

15. The development shall be undertaken in full accordance with the recommendations in the Arboricultural Method Statement (reference AIA-TER-19) and the Site Monitoring Visit Schedule. This shall include the erection of the construction

exclusion zone fencing (as shown on drawing TPP-TER-19) prior to plant, machinery and any construction activity on site.

Reason: In interests of visual and residential amenity and in accordance with Policy DE3 of the Adopted Torbay Local Plan 2012-2030.

16. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive in any given year, unless prior to the commencement of works a detailed biodiversity survey by a competent ecologist has been submitted to and approved in writing by the Local Planning Authority. The survey shall include the details of the check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting birds on the site. The development shall then be carried out in accordance with the details submitted.

Reason: In the interests of protected species and in accordance with Policy NC1 of the Torbay Local Plan 2012-2030

17. 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, extraction equipment, aerials, tanks, satellite dishes and external lighting.

Reason: In the interests of the visual amenities of the area, in accordance with policies DE1, DE3 and SS10 of the Torbay Local Plan.

18. Prior to the first use of the development hereby approved, a scheme of measures for designing-out crime shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be fully installed prior to the first use of the development and shall be permanently retained thereafter.

Reason: In the interests of amenity and preventing opportunities for criminal activity, in accordance with Policies DE1 and DE3 of the Torbay Local Plan

Relevant Policies

Torbay Local Plan

DE1 – Design

ER1 – Flood Risk

ER2 – Water Management

NC1 - Protected sites - internationally important

TO1 - Tourism, events and culture

TA2 - Development access

TA3 - Parking requirements
DE4 - Building heights
DE3 - Development Amenity
C4 - Trees, hedgerows and natural landscape
HE1 – Listed Buildings
SS1 - Growth Strategy for a prosperous Torbay
SS4 - The economy and employment
SS10 – Conservation and the Historic Environment
SS11 – Sustainable Communities
TC5 - Evening and night time economy

Torquay Neighbourhood Plan

TS2 - Master Plans
TS4 - Support for Brownfield and Greenfield development
TH2 - Designing out crime
TH8 - Established architecture
TH9 - Parking facilities
TE1 - Tourism accommodation on brownfield sites
TE5 - Protected species habitats and biodiversity
THW1 - Travel Plans
THW5 - Access to sustainable transport
THW6 - Cycle storage and changing facilities
TTR2 - Sustainable Communities