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| Application Site Address | Former Palace Hotel, Babbacombe Road, Torquay |
| Proposal | Demolition of former hotel and associated buildings. Formation of 248 bedroom hotel, 38 dwellings, associated landscaping and works |
| Application Number | P/2019/0716 |
| Applicant | Fragrance UK Torquay Ltd |
| Agent | Kay Elliott Architects |
| Date Application Valid | 31.07.2019 |
| Decision Due date | 25.10.2019 |
| Extension of Time Date | 13.01.2020 |
| Recommendation | Delegate authority to the Assistant Director of Planning & Transport to grant conditional approval subject to confirmation of acceptable means of drainage and additional highways plans and the completion of a Section 106 Legal Agreement by 15.01.2020. |
| Reason for Referral to Planning Committee | Major Planning Application |
| Planning Case Officer | Mr Alexis Moran |



Site Details

The Palace Hotel was originally a grand Italianate villa and was built as a home for the Bishop of Exeter in 1841. It has been greatly extended and remodelled. The existing hotel extends to, approximately 18m in height (relative to Babbacombe Road) and provides 141 bedrooms.

The site is split with the hotel and its main gardens to the south west of Ansteys Cove Road and the indoor tennis building, outdoor tennis courts and woodland areas to the north east. The site is affected by a range of local plan designations which reflects its environmental and landscape sensitivities.

The main gardens fronting the Palace Hotel is Urban Landscape Protection Area and County Wildlife Site. The "Tennis Court" site, is immediately bounded by a county wildlife site; Site of Special Scientific Interest; Urban Landscape Protection Area; and Coastal Preservation Area. The Coastal Protection Zone skirts the lower south east portion of the site.

The land to the north of the tennis court site, currently comprising an attractive stone built cottage, gardens and woodlands is allocated as a committed site in the Torquay Neighbourhood Plan and partially as a committed site in the Local Plan. The last permission on this site gave consent for 137 residential flats (P/2013/1209) which has now expired.

Walls Hill Scheduled Ancient Monument and SSSI extends close to the eastern boundaries of the site.

The site is situated in Flood Zone 1 but forms part of the Torbay Critical Drainage Area.

Description of Development

This planning application seeks planning permission for the redevelopment of the site which would comprise of the demolition of the existing hotel along with its associated buildings; the erection of a replacement 248 bed hotel with spa/conference facilities and parking, and the erection of 38 dwellings on the site of the current indoor and outdoor tennis courts.

The proposed hotel is to 9-storeys high (relative to Babbacombe Road) including a penthouse level accommodating the rooftop bar and ventilation plant, and two additional basement/lower ground levels, accommodating the proposed parking, spa and 500 delegate conference facilities. The hotel's facilities including spa, the conference facility and rooftop bar will be open for non-residents.

The proposed residential dwellings are located to the north east of the new hotel and are arranged into three character areas, derived from their individual setting.

Two access points have been maintained from Babbacombe Road in a similar location to the existing accesses points. The directional restrictions on Ansteys Cove Road will be maintained, with two-way access between the residential access and the junction

of the A379 Babbacombe Road/Anstey's Cove Road and one-way southbound to the south east of the access of the residential development.

Pre-Application Enquiry

DE/2018/0063 – the proposed demolition of the existing hotel and ancillary buildings and the construction of 250+ bedroom hotel, with conference and spa facilities, landscaped gardens, associated car parking and approximately 39 private dwelling houses. The existing building is neither listed nor located within a conservation area, however, it is considered to be a non-designated heritage asset. Officers support the principle of demolition and redevelopment.

Concerns were raised with regards to the loss of the rocky outcrop/mound on the western boundary which makes up a key site in the English Riviera UNESCO Global Geopark and should not be removed.

The larger hotel building and the proposed housing development was largely supported by Officers.

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")
- The 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.

Relevant Planning History

P/2019/0350 – Environmental Impact Assessment screening/scoping opinion; EIA not required 18.04.2019

DE/2018/0063 - Proposed demolition of existing hotel and ancillary buildings, construction of 250+ bedroom hotel, with conference and spa facilities, landscaped gardens, associated car parking and approximately 39 private dwelling houses

P/2013/1209 - Erection of single and two storey roof level hotel bedroom extension. Reconstruction of west wing of hotel. Reconstruction of existing three storey wing on NE elevation to provide 4 storey block of additional guest accommodation. New Spa and gym facilities to SE elevation and replacement Orangery. Redevelopment of

existing garage building to provide 73 car parking spaces and an additional 40 spaces to hotel frontage. Construction of 137 flats with leisure facilities on tennis court site with 181 covered car parking spaces and 24 visitor spaces. Restoration of gardens, woodland management, including limited felling of TPO trees and improvements to local footpaths; approval 20.06.2014

P/2010/1224 - Extend time limit - formation of 142 holiday apartments with 130 car parking spaces, leisure facilities and associated works, improvements to existing footpath network (in outline) application P/2007/0969/MOA; approval 29.09.2011

P/2007/0969 - Erection of 142 holiday apartments with 130 car parking spaces, leisure facilities and associated works; improvements to existing footpath network (in outline); approval 20.02.2008

Summary of Representations

Nineteen representations in support and nineteen objections to the scheme had been received at the point at which this report was drafted.

The reasons for support are summarised as follows:

- Removes an eyesore
- Beneficial to the economy through long term investment and employment
- Improves tourism facilities
- The addition of housing in place of the previously approved high rise flats is an improvement

The concerns (of planning merit) raised are summarised as follows:

- Impact on highways
- Overdevelopment (of the housing site)
- Height
- Impact on the character of the area

Summary of Consultation Responses

Historic England - *We have reviewed both the response from the archaeological consultant in respect of the setting impact of the proposed development upon the Scheduled Monument Prehistoric field system at Walls Hill and the completed Landscape and Visual Impact Assessment (LVIA) which provides relevant photomontages of the potential visual effect of the proposed development as viewed from the Scheduled Monument.*

*Whilst we continue to disagree with the archaeological consultant's views on the contribution towards its significance that the Scheduled Monument derives from its setting, the LVIA photomontages nonetheless demonstrate that the proposed development would cause limited visual intrusion when viewed from locations within the Scheduled Monument. Consequently, it is our opinion that this application if consented would **not** harm the setting of the Prehistoric field system at Walls Hill.*

Historic England has no objection to the application on heritage grounds.

Strategic Highways - Transport Assessment

I note the various points made in the TA about accessibility of the site and the existing context. I have some clarification comments to make but would note no objection to the principle of the development in this location. Aside from the previous use, there are clear walking, cycling and public transport sustainable access opportunities making this site acceptable in respect of sustainable development from a transport perspective.

With regards to cycling, there are Council plans to improve the route along Babbacombe Road and we would look for this scheme to preserve that opportunity. The Council have a design largely drawn up and are working with Sutrans on the final stages to ensure the best opportunities are made. With regards to buses, it needs to be clearer that the stops adjacent to the site do not include the 64 and that the 32c is not a frequent service as there is only one service in each direction on term days. Finally on rail, it should be clarified that services from Torquay, not Torre, can provide direct access to Bristol and London. Additionally to the long distance services, from December there will also be two Devon metro services per hour linking Paignton and Exeter/Exmouth, which will include a link with Newton Abbot where additional long distance and Plymouth/Cornwall services can be connected to.

On highway safety, though the six incidents are identified I would like to see the two cases immediately adjacent to the site access considered further. This could clearly have a bearing.

Site access to hotel is described as being amended within the highway and shown on the landscape drawings as such – with planters as islands protecting the right turn lane. There are no detailed drawings provided to show this and therefore I cannot confirm that it is acceptable to the highway authority. There would clearly need to be thought given to maintenance of these as well. As there are no detailed drawings it is difficult to assess but it appears that there may be conflict between the tracking drawings and the planters. It is necessary for the existing right turn lane to be maintained for access into the site, and it would be helpful if the road markings were reinforced. However, it is not necessary to have the islands and as it is outside of the site boundary, I would not want any decision (if approved) to accept the proposal without further detail and clarification being provided.

The access to the dwellings on Ansteys Cove Road raises no concerns and neither does the provision of access to the ground level parking for the hotel with servicing.

There is a mention of the PROW that connect to the site but no clarity over whether direct connections from the site will be provided. Clarification on this matter would be helpful.

Considering servicing of the hotel a little further, it is noted that the TA accepts that a road closure on Ansteys Cove Road would be necessary for any large servicing of failed machinery to take place. This is not considered to be something that is at all frequent but would be disruptive to other road users and mitigation measures would need to be put in place if the time arose. However, this will be an operational decision if and when required by the Council and the operator of the hotel will need to be made aware that the granting of this decision (if approved) does not automatically grant consent for road closures.

The TA considers the impact of the residential development, the increased hotel, and calculates the conference facilities as separate exhibition space. As such, I consider this to be a robust assessment. It does demonstrate that with the conferencing facilities at full occupancy and none of those delegates staying as a hotel guest, there would be significant peaks in the am peak and just prior to the pm peak. However, this is considered unlikely to ever be a true reflection on the use and I am content to accept the typical (i.e. hotel and residential) trip rate. The hotel peaks differ from the network peaks, though the residential reflect them. This will further help in that the junction movements will be different. The additional traffic (both arriving and departing from the hotel) is less than 1 vehicle a minute in the peak hours. As such it is not considered to have a notable impact. Additionally there could very well be a wide range of north south movements, with both arrivals and departures from either.

I have not been able to clarify whether the layout of the residential aspects meets the highways design guide as I haven't been able to access a detailed drawing of the layout. I therefore cannot comment on the acceptability or otherwise of this. Please advise if I have missed a submitted plan.

In considering parking, I am content that there are sufficient spaces. I would not support an excessive number of spaces just for the occasion when the conference facility was full in addition to the hotel. I believe the quantum is a reasonable compromise.

I would welcome the submission of a car parking management statement, in advance of implementation, to clarify how visitors to the site will be signposted to the separate parking areas. It is useful that there is specified parking (i.e. motorcycle/blue badge/electric charging) across both areas but clarification of how guests will be advised of the availability of spaces etc would be helpful to avoid unnecessary vehicle idling. This is needed before implementation in case further changes to the layout/implementation are needed as a result of the statement. Whilst it is positive that the applicant is promoting electric charging, the provision of thirty spaces is significant. I would request that the car parking statement also

explains how if these are not fully used that can be flexible and available to all to ensure the avoidance of unnecessary use of on street parking as an overflow.

The TA notes that coach parking can be provided on the highway but I have not been able to clarify this on a drawing. I do not object to the principle but clearly the access points and tracking areas would need to be kept clear.

There is a suggestion that a pedestrian link will be provided to the Anstey Road public car park. However, no details have been provided for this.

Travel Plan

As noted the operator of the hotel will be required to provide a detailed travel plan. This will need to be a condition of any granting of approval. However, what the submitted interim travel plan doesn't fully appreciate is that the hotel and residential will operate separately and therefore the residential developer will also need to prepare a similar document for that aspect. Therefore any such condition will need to seek a full Travel Plan for both the residential and hotel aspects of the development – these will likely be more appropriate as two separate submissions for clarity but is not essential.

The interim travel plan as submitted should be revised to be clearer about the responsibilities and timings for the residential and hotel/conference aspects.

The travel plan does not accurately reflect the content of the TA, taking account of the comments above. This includes bus and rail links clarification. Additionally the comments made above about the TA should be incorporated where appropriate.

Section 3.1.3 says baseline surveys will be on occupation of each unit. This is appropriate for residential but again, this is a reference that doesn't clearly distinguish between the hotel and residential aspects of the proposal. Likewise the document continues to suggest that the hotel operator will appoint the Travel Plan Coordinator and Manager, however that is unlikely to be appropriate for the residential units.

Section 5.1.2 states that the Travel Plan Coordinator will be appointed in advance of the opening of the hotel. This is important and needs to be reinforced. It also needs to be clear that information will be provided to hotel staff prior to their appointment so that they are able to make informed choices about travel in advance; to hotel guests on booking and reiterated prior to arrival to ensure they can also make informed decisions; and to residential occupiers both within marketing and on completion of purchase.

Arboricultural officer - Existing/Tree loss

- *The site visit with the project arboricultural consultant provided discussion, thought processes for and validation of the tree protection plan.*
- *The loss of trees around the north edge of the residential development are those internal to the site, woodland edge trees and generally lesser specimens. The trees are afforded a higher level of amenity value because of their numbers but have not been managed for a number of years leading to the decline in the condition of the woodland.*
- *To the south of the development a number of B category trees are shown to be removed, these trees are associated with the woodland adjacent woodland however they are relatively open grown and provide an attractive internal group of trees which would detract from the amenity of the site – especially since the area will become more visible due to removal of an existing building and replacing it with a car park.*
- *The entrance island will lose a number of Beech trees around the periphery of the north end to allow for car parking.*
- *The area immediately to the south of the existing will lose two Pine trees to facilitate the new development.*
- *The tree protection plan (for the development) correctly identifies the trees and categorises them accordingly. The plan provides all the necessary information to protect the trees showing those to be removed.*
- *There is no plan showing a tree protection plan showing what level of protection is afforded to the trees during the demolition phase.*
- *The woodland areas are generally unmanaged.*
- *Approx 3 U category trees or groups to be removed.*
- *Approx 1 A category tree to be removed.*
- *Approx 26 B category trees to groups to be removed*
- *Approx 26 C category trees or groups to be removed.*

Proposed/Landscaping

- *The landscape proposal provides an overview of the likely soft and hard landscaping proposed for the site with some detail on tree planting.*
- *Trees are shown to be planted within the proposed car park area*
- *Ornamental and feature planting is shown in the main entrance area.*
- *Planting within the highway area is shown within the immediate region adjacent to the proposed entrance.*
- *Various landscape structures are proposed within the grounds of the hotel.*

Conclusion

- *The number of trees being removed is understandable given the scale of the development*
- *Concerns are raised over the level of proposed planting and mitigation for the loss of the trees*
- *Lack of detail on the proposed planting*

Recommendation

- *The proposal is suitable for development on arboricultural grounds providing;*

1. A full sustainable landscaping scheme is submitted with specific reference to the larger tree planting in the car park area and highway this is to include engineered tree planting pits to allow for and encourage the trees establishment and longevity within the landscape.
2. The street scene is preserved and enhanced with the additional planting within the car park area and highway. Discussions with tree officer recommended.
3. An arboricultural method statement detailing site monitoring and potential vehicular movement in the parkland area around retained tree stock.
4. A tree protection plan for the demolition stage of the development.

Natural England: the drainage information does not address our concerns relating to Hope's Nose to Wall's Hill Site of Special Scientific Interest (SSSI). The report contains no evidence to suggest that the SSSI has been considered or included in an assessment of potential impacts. Further drainage information is therefore required.

Torbay Development Agency: The proposals for a new, 248 bed purpose-built five star hotel with spa and conferencing facilities is a welcome investment to Torbay and the English Riviera. The destination is currently without a five star hotel and this development will help to make the English Riviera more attractive to new visitors. The new hotel will help to satisfy the growing demand by both domestic and international visitors for high quality accommodation, open all year round.

Situated overlooking Anstey's Cove, one of the English Riviera UNESCO Global Geopark key geosites, the hotel is well positioned to benefit from the area of outstanding natural beauty and heritage of Torbay.

The new hotel will support the development of Torbay's visitor economy, currently worth c£430m, attracting 4.6m visitors a year. The proposed hotel investment aligns to the ambitions of the English Riviera's Destination Management Plan 2017-2021 specifically:

- Attracting new visitors (particularly international)
- Attracting investment
- Improving the quality of accommodation
- Improving hotel occupancy throughout the year

The proposals present a purpose built high end, luxury hotel with spa and conference facilities which the modern fully independent traveller (FIT) expects. For overseas visitors especially, having an internationally recognised hotel brand available to book online, all year round will undoubtedly attract new visitors to the destination. The demand for quality, all year round holidays in the UK is continuing, with 'staycations' expected to increase and importantly, moving into the 'shoulder' and winter months. TDA projects that the proposed development will create:

- Capacity for 114,055 new overnight visitors per annum, based on 248 beds and 70% occupancy
- Construction jobs forecast at 300-399 FTE, over the construction period
- 248 direct FTE hotel jobs, 40-70 indirect jobs
- An annual GVA uplift of over £5M (assuming 5 star status)
- Additional tourism expenditure of £29M per annum based on a 4 night average stay and average spend of £257 per visitor.

This is a welcome investment to support the development of Torbay's economy and develop local skills. We encourage the operator to link with South Devon College to develop accessible Apprenticeships and skills, and to also attend Torbay's annual recruitment events to employ local talent.

Community Safety - *Further to your recent consultation regarding the above application I would confirm that I have no objections subject to a condition requiring a construction management plan. A suitable condition may be as follows:*

Construction/Demolition Management Plan:

No development shall take place until a site specific Construction/Demolition Management Plan has been submitted to and been approved in writing by the Council. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, & dust. The plan should include, but not be limited to:

- o Procedures for maintaining good neighbour relations including complaint management.*
- o All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours:*

08:00 Hours and 18:00 Hours on Mondays to Fridays and 08:00 and 13:00 Hours on Saturdays and; at no time on Sundays and Bank Holidays.

- o Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.*
- o Mitigation measures as defined in BS 5528: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.*
- o Control measures for dust and other air-borne pollutants.*

Reason: In the interests of the amenities of surrounding occupiers during the construction of the development

A planning contribution of £3,000 towards CCTV at Torquay Harbour is also requested.

Ecological Consultant - *An Ecological Impact Assessment, Construction Ecological Management Plan and Landscape and Ecological Management Plan have been submitted with the application. The submitted methods and proposed mitigation are considered adequate for the purposes of determining the application. The submitted Flood Risk and Drainage Strategy has also been reviewed by the LPA and Natural England in relation to biodiversity considerations.*

Designated sites:

Lyme Bay and Torbay Special Area of Conservation (SAC) and Torbay Marine Conservation Zone (MCZ) lie approximately 130m east of the site. The application lies within 7.7 km of South Hams SAC (Berry Head to Sharkham Point SSSI component) however the site is outside of the South Hams SAC Greater Horseshoe Bat Consultation Area. The proposals are not considered to result in recreational

impacts on South Hams SAC Annex I habitats due to the distance of the proposals from the SAC.

The site lies partly within Hope's Nose to Wall Hill Site of Special Scientific Interest (SSSI) which is designated for its rich habitats including calcareous grassland supporting notable plants, rich lichen and flora and features of geological interest. Part of the site lies within Asheldon Copse Other Site of Wildlife Interest (OSWI) a non-statutory site with planted woodland and parkland habitat.

Habitats

The site comprises a disused hotel and leisure buildings with associated habitats including hardstanding, introduced shrubs, scattered trees and amenity grassland with broadleaved woodland.

Species

Autumn lady's-tresses, a Devon Notable plant species was recorded within the amenity grassland of the site. The desk study identified several records of Japanese Knotweed, a species listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended). A number of other non-native plant species were also noted during the site survey but no Schedule 9 species were recorded.

The woodland provides suitable habitat for notable invertebrates, however significant populations are considered unlikely. Suitable habitat was identified within the single ornamental pond for amphibians, however the site does not lie within a great crested newt consultation area and the presence of this species is considered unlikely. Habitats are considered unsuitable for reptiles.

No breeding birds were recorded during the survey however suitable habitat was identified within the vicinity of the site including within buildings including house sparrow, house martin and swift. Woodland habitat is considered sub-optimal for dormouse and is to be retained and protected from development. The grassland and woodland provide suitable foraging habitat for badger. No badger setts were identified.

Trees with bat roosting potential which would be affected by the development were surveyed further with one dusk emergence and one dawn re-entry survey in June 2018. No bats were recorded.

Preliminary roost inspections of buildings between 2013 and 2017 indicated evidence of low numbers of pipistrelle and long-eared bat, and individual serotine and lesser horseshoe bat. Follow up activity surveys in 2017 and 2019 confirmed the buildings are no longer used by long-eared bat and lesser horseshoe bat. One greater horseshoe bat was recorded emerging from the main garage door in July 2019 indicating presence of a non-breeding day roost for individual greater horseshoe bats of moderate conservation significance.

Impacts

Construction impacts include removal of the following habitats:

- Amenity grassland (0.5ha)*
- Buildings and hardstanding (0.2 ha)*

- *Introduced shrubs (0.13 ha)*
- *Scattered broadleaved trees (32)*
- *Standing water (0.01 ha)*

The proposals will result in the demolition of buildings with confirmed bat roosts for 3 to 4 species of bat with low to moderate conservation significance. Removal of habitats will also result in loss of autumn lady's tresses from amenity grassland, loss of potential foraging habitat for badger, potential harm to low numbers of common amphibians and potential disturbance to breeding birds. Negative impacts to Hope's Nose to Walls SSSI grassland due to trampling and other recreational pressures are also considered.

Mitigation

Mitigation and enhancement measures are included in Section 4 of the submitted Ecological Impact Assessment and within the submitted Construction Ecological Management Plan and Landscape and Ecology Management Plan and include:

- *Habitat protection and pollution prevention measures during construction in accordance with industry guidance*
- *Tree protection during construction in accordance with BS 5837:2012*
- *Inclusion of autumn lady's tresses within the Landscape Strategy/working method statement for translocation*
- *Timing of works*
- *Installation of 10 Shwegler Type 1A swift boxes within both the hotel and residential units and 15 Shwegler 1B bird boxes attached to retained trees*
- *Pre-construction protected species surveys*
- *Securing of European Protected Species Licence (EPSL) in relation to bat roosts associated within Buildings TN1, TN3, TN6 and TN8 and proceeding of works under the EPSL method statement. Proposed mitigation measures include a bespoke bat house on the edge of retained woodland, installation of 20 Shwegler 1FR bat tubes, 15 Shwegler 2F bat boxes, good working practice and ecological supervision*
- *Post construction measures include incorporation of sensitive lighting measures into detailed lighting plans*
- *Strategic mitigation of recreational impacts on SSSI habitats*
- *Long-term delivery, maintenance and monitoring incorporated into the Landscape and Ecological Management Plan.*

Habitats Regulations Assessment

A Habitats Regulations Assessment has been carried out on behalf of Torbay Council in relation to effects of the proposals alone or in-combination with other plans or projects on European sites. No Likely Significant Effects are considered on South Hams SAC qualifying habitats and species in view of the application's location and bat survey findings. Subject to the prior written approval of a detailed Sustainable Urban Drainage System (SUDS) plan the Council has concluded there would be no adverse effect on the integrity of Lyme Bay and Torbay SAC (and Torbay Marine Conservation Zone) as a result of the development. Natural England concurs with the Council's assessment.

SSSI considerations

The Ecological Impact Assessment states no areas of Hopes Nose to Walls Hill SSSI are to be removed as a result of the proposed development. Recreational impacts including trampling pressure are considered within the mitigation proposals.

European Protected Species Licensing

Because the works will require a European Protected Species Licence in relation to loss of confirmed bat roosts, the Local Planning Authority is required to carry out an assessment of the proposals against the three derogation tests of the Conservation of Habitats and Species Regulations 2017:

- 1. the works are for imperative reasons of overriding public interest or for public health and safety;*
- 2. there is no satisfactory alternative; and*
- 3. favourable conservation status of the species would be maintained*

Subject to works proceeding in strict accordance with the mitigation measures and working method statement required to support the European Protected Species Licence I am satisfied the proposals meet the derogation tests of the Habitats Regulations.

Overall impact assessment

Subject to strict compliance with the proposed mitigation and monitoring measures it is considered there would no significant long-term negative effects on biodiversity and geodiversity receptors and the development would be compliant with relevant legislation and policy.

Recommendation :

- 1. No objection subject to the recommendations of Natural England and the Lead local Planning Authority. A detailed Sustainable Urban Drainage Plan is to be approved in writing by the planning authority prior to the commencement of works.*
- 2. Works to proceed in strict accordance with the submitted Ecological Impact Assessment [EAD dated September 2019] the Construction Ecological Management Plan [EAD, dated September 2019] and the Landscape and Ecological Management Plan [EAD, date September 2019] and the Flood Risk Assessment and Drainage Strategy [Pitman Associates, dated October 2019].*
- 3. Mitigation and monitoring compliance shall be confirmed in writing by the applicant's ecologist as a condition of approval.*
- 4. Approval will be subject to the applicant obtaining a relevant European Protected Species Licence prior to the commencement of works.*

Reason:

To ensure no harm to protected sites, habitats and species in accordance with the Conservation of Habitats and Species Regulations 2017, NPPF and Policies SS8, SS9, C4 NC1, W5 of the Torbay Local Plan and Policies TE3, TE4 and TE5 of the Torquay Neighbourhood Plan.

Torbay Council Housing Services: *It is disappointing to see that the applicant is suggesting that there will be no on site provision of affordable housing on this site and whilst we understand the applicants position that the plans for the site will bring significant regeneration benefits we can't agree to this being in lieu of any affordable housing. As we are sure they are aware the Council's policy is that 20% affordable housing should be provided on a scheme of this size and so 8 affordable homes. We would expect these to be a mix of tenures ½ social rent, 1/3 affordable rent and 1/3 shared ownership and the bedroom numbers to be proportionate to the scheme as a whole.*

If the suggestion is that a commuted sum would be provided instead of an onsite provision we would need to have sight of an IVA to understand the financial viability, this would be considered on its merits and we would then be in a position to provide further comments.

There are currently over 1100 households on the waiting list for affordable housing in Torbay and if none is being provided we would have no option but to object to this application.

Police Liaison Officer: *It is pleasing to note reference in the Design and Access Statement to Secured by Design. Taking steps to ensure the security and layout of the proposed residential development is to a recognised standard will provide reassurance to residents and visitors as well as increasing sustainability.*

Secured by Design (SBD) is a police owned initiative which aims to improve the security of buildings and their immediate surroundings in order to provide safer places to live, work, shop and visit.

Hotel

The lighting scheme should be to the relevant levels as defined in BS 5489:2013 and the use of 'on building' or pole mounted solutions wherever possible. Bollard lighting and low level lighting work well for wayfinding or as supplementary lighting but they are not recommended from a safety and security perspective as the limited light they do emit is generally at the wrong height to aid facial recognition.

A monitored CCTV system is required. CCTV cameras should be distributed throughout the building and external areas with a clear passport to compliance document in place prior to installation to ensure the system is fit for purpose. Coverage over access controlled areas, entry and exit points, bike and bin stores, underground parking and parking areas in general and walkways etc. are of particular importance. 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.

To increase security and reduce the fear of crime it is recommended that pedestrian routes for hotel guests do not overly intrude into the residential area. As mentioned above ideally the two developments should be kept separate wherever possible.

Hotel Parking *The police consider that the parking provision is adequate when balanced against the number of hotel rooms. The preferred advice would be not to construct buildings on top of parking areas but where unavoidable every effort must be made in preventing unauthorised access.*

Condition

It is hoped that the safety and security measures as detailed above are negotiated into any approval without having to resort to conditions but in the event this is not desirable I would be grateful if the following, which specifically relates to CCTV and lighting, could be worded into an appropriate condition:-

Details of a monitored CCTV system, passport to compliance document and an external lighting plan shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To deter and detect crime and ASB and reduce the fear of crime for guests and staff. In accordance with relevant policies of the Torbay Local Plan, Torquay Neighbourhood Plan and National Planning Policy Framework.

Torbay Design Review Panel

11.06.2018

The existing hotel building has been extended over many years and in many phases and although a substantial complex has been gradually created there is no great architectural merit, nor did there seem to be any realistic prospect of restoring historic fabric associated with the original house that occupied the site. The panel support its demolition and replacement with a modern hotel with contemporary facilities that might meet the current market demand. We are pleased to hear that the development proposition will target the upper end of the tourism market.

The site is part of a mature landscape setting and this forms an important component of greenspace for this part of Torbay. Wellswood presents here as a wooded suburb with strong tree cover and many mature / large specimens. The knoll which separates the current hotel from the main road (Babbacombe Road) helps to integrate the scale of the current building into this context and adds three-dimensional interest to the site. The trees that surmount the knoll (especially the conifers) help to define the landscape character of the major public route as it passes by the site.

The topography is quite complex and the public lane (Anstey's Cove Road) that drops down through the site creates a natural division. It was notable how the current ancillary hotel buildings form a tall 'sheer wall' alongside the lane and the pedestrian bridges over the lane are key incidents/locations within the landscape.

The recent management of the landscape has not been strong and some of the later additions to it have been poorly judged. However, there is still a strong sense of the original Italianate landscape of the original villa and the basic structure is good and

sound as an underlying basis for new proposals. We were pleased to hear that public access to the main area of parkland was envisaged in the completed project. We were re-assured to hear that the setting of the nearby Walls Hill scheduled ancient monument was not likely to be significantly affected by the proposals.

The Design Approach

We were disappointed to hear of the intention to remove the knoll – especially since this part of the site was then shown to be used as only a surface level car park.

There will need to be much more careful and further investigation to determine the visual impact of the proposals in key views from further afield. However, in the preliminary studies that we were shown, then we agreed with the initial assessment that the site could accommodate a new building of increased scale.

In terms of the cross-sectional strategy for the development then the major design challenges are clearly in the lower public/service parts of complex. We fully expect that a rational and efficient layout of rooms will influence the architecture of the upper storeys and a natural architectural expression will arise, but there are more subtle questions about the posture and language of the grounded parts of the building and the way in which these relate to the landscape:

- We do not have an accurate grasp of the topography, but fully expect that a single cross-section does not describe all the conditions...
- We do not have a strong sense of what the architectural expression of this base is really like – potentially we think it could be in contrast or counterpoint to the regular structure above?
- The interplay between built form and new landscape interventions within the immediate vicinity of the building needs to be better resolved / possibly integrated – with potential for the use of levels to subtly divide otherwise conflicting activity / occupancies?
- We felt that the ideas for new landscape need more development. We were unconvinced by the various ‘features’ that were being added to the landscape apparently inspired by random sources and we urge that the ‘genius loci’ is better understood and responded to.
- The curvilinear forms seemed to have little to do with the romantic English landscape of the parkland or the original Italianate landscape and nor did they emanate from the strict geometry of the building.
- A stronger sense of how all the languages are brought together into an harmonious whole needs to be debated within and amongst the design team.
- The colonnade idea is an attractive one, but here the question of appropriate language is writ large – its role might encourage greater visual allegiance to the landscape rather than to the built form in terms of its appearance? This component (or elements of it) seems to have the potential to extend across the wider site – binding disparate uses and demarking the primary pedestrian movement, perhaps?

The reduction in the intensity of the residential development in the northern part of the site is very welcome. The inclusion of this land-use follows the extant permission, and the lower scale, more conventional layout proposed seems to be a much better fit with the context. There are some good ideas emerging within the layout but we think this needs further refinement:

- *Ensure that the end conditions of the line of villas present well as corner sites (good secondary facades needed).*
- *Reconsider the role / use and therefore location of the small public open space serving this new neighbourhood – currently seems to be associated too strongly with a group of adjacent houses in the centre of the site (part of their defensible space/occupation by others likely to cause nuisance?) might be better positioned at a ‘node’ in the pattern of pedestrian movement?... Also, we questioned the area and proportions of the space – it seemed to be a ‘corridor’ rather than a useful breathing / activity space for the whole community.*
- *Having stated our support for a reduced height, we feel that the villas could be successful with a further storey, if this was desirable.*
- *There is some good thinking about the relationship to the wooded edge to the north, but this could go further – perhaps greater informality in the layout here?*
- *The former use of this part of the site as a walled garden could influence the design more significantly – perhaps more boundary enclosure / house types that reflect this could be developed?*
- *We are concerned by the housing that is shown being accessed directly from Anstey’s Cove Road – the character of this lane needs to be controlled more carefully and it is in danger of descending to be something of a ‘service road’.*
- *The pedestrian bridge connecting this part of the site back to the hotel needs to play a more significant role within the layout – moving the public open space to establish a positive relationship with the bridge should be considered.*

Concluding Remarks

There are many encouraging aspects to the proposals, we do however really question the wisdom of removing the knoll and although there will be several substantial design consequences we do not support this proposition.

We encourage the clever use of levels across the site to hide parking, sub-divide activity and integrate the proposals into the landscape. Further exploration / investigation into how the north-west corner of the site is utilised may well be fruitful. We see nothing wrong with maintaining the existing posture of high walls here towards Babbacombe Road. A developed Design Concept needs to be captured as a set of simple spatial diagrams that can clearly act as a guide to both how the site is structured and the language and posture of the buildings. Building and landscape relationships need more finesse – especially in cross-section. Movement around the site and the intrinsic character of the landscape ought to beneficially have a greater influence on the layout.

14.12.2018

We support the strategy to demolish the existing hotel building. The wider mature landscape setting of the site and its character is an important consideration since this is experienced by many passers-by, travelling along the main Babbacombe Road - which is one of the main arteries of the urban area.

Complex topography is a challenge but if handled well could present opportunities and provides particular character.

Original distinctive layout (Italianate Villa within romantic landscape) although denuded can still be discerned and is capable of being revived in a contemporary form.

The Design Approach

We discussed again at some length the merits of retaining the landscape 'knoll' that currently sits alongside Babbacombe Road and partially divides the site from the major road.

You mentioned that alternative strategies for parking had been explored, but it was disappointing that evidence of these studies were not presented. We also noted that the large area of car park which stretched along most of the west elevation was presented as a verdant greenspace. We thought that this was misleading and we challenge you to draw the car parking realistically, both in plan and in section. We thought that the entrance space was rather 'mean' for a grand hotel and conference centre – these spaces deserve a stronger strategy, as strong as that proposed for the eastern side.

There will need to be much more careful and further investigation to determine the visual impact of the proposals in key views from further afield. However, in the preliminary studies that we were shown, we agreed with the initial assessment that the site could accommodate a new building of increased scale.

We welcome the closer examination of the landscape characters and the recognition of 'foreground', 'medium ground' and 'background' conditions. This seems to be a very useful understanding and needs now to be more strongly influential in developing the landscape proposals. There are still ambiguities associated with the southern combe and its relationship back to the main open spaces of the site. The identity of this secondary valley is important to the structure and legibility of the site and it seems to be in danger of becoming cluttered – we urge that interventions associated with the Spa facility are more discreetly handled and drawn back to the sides of the minor valley. The Torbay vogue for creating Italianate settings in the 19th century was mentioned during your presentation with examples from the Palk/Cary era of villa development being cited. In the quoted example, the typical garden design involved a naturalised – though often engineered – setting ('La Campagna') and a formal designed element; generally on a secondary axis. We see no reason why this ethos could not be successfully replicated on the application site; with a clear distinction between the primary valley with its rolling landscape and the secondary valley's use for a more formal spa garden.

The cross-sectional ideas for the hotel building seem now to be better resolved as a general strategy. It is less clear how the colonnade relates (to the building and the landscape) and its form in plan needs to be tested against other possible alternatives. However, we commend the manner in which the building touches the ground, allowing users to flow into the parkland, the more successful relationship of the building to the northern bridge over Ansteys Cove Road, and the simplified eastern landscape design indicated on revised proposal drawings.

In our previous review we welcomed the reduction in the intensity of the residential development in the northern part of the site. The various matters that we raised with

regards to the layout and more detailed aspects seem to have been satisfactorily addressed.

We again drew attention to the triangular portion of the site adjacent to the junction with Anstey's Cove Lane – currently occupied by a garage building. This seems to us to be another potential part of the site that could be better utilised.

We welcome the further refinements and explorations in determining the architectural language of the hotel building – the simpler gridded elevation seemed to us to be the most successful option.

17.01.2019

We are now seeing the fruits of a deeper understanding and appreciation of the landscape and contextual setting of the project – the historical appraisal and Landscape and Visual Impact Assessment work demonstrates a thorough analysis of the site and its setting. The collection of relevant precedents that you included in your presentation was also a useful reference point.

We are very pleased that an alternative strategy for the western edge of the site along Babbacombe Road has been found and we commend the retention of the rocky knoll and the trees which surmount it. We are comfortable that some reduction in size will be acceptable in order to accommodate a rational layout – but the degree of necessary excavation needs to be minimized and kept under strict review. The planning authority may wish to ensure (by way of a planning condition) that appropriate protection is put in place during the construction period.

The Design Approach

The re-configuration of the car parking is supported as a better strategy – the multi-level solution adjacent to Ansteys Cove Road seems to be a good solution.

If further car-parking spaces can be found elsewhere (at lower levels) then we think that the parking area immediately next to the main entrance could be usefully reduced in size. The hotel will be an impressive building and its grandness and elegance needs to be reflected in the forecourt – the design of the parking solution here needs greater sophistication and this would be aided if fewer spaces were being attempted.

The vehicular ramp down from entrance level to the lower parking levels seems less successful as a fairly tight curve on plan and its relationship to the rest of the orthogonal geometry of the overall layout and main building makes for an awkward composition. We recommend that alternative ramped solutions are tested that might relate, more effortlessly, with the rest of the site-planning – if the inscription of a 'turning circle' can be avoided, or lost within the general landscape design then that would be welcomed.

You showed optional approaches showing how the elevation of the car park to Ansteys Cove Road might be treated. We believe that a fairly modest / honest expression is the best way forwards here, rather than to over-articulate what is merely a servant structure. The delight and interest could arise in the planting that might be arranged to grow up and over the masonry. We discussed the need to consider inter-visibility

between the car park and the new dwellings – in our view, this is not a major issue, but could be influential in the design of guardings / balustrades.

The hotel building continues to be finessed and developed in its detailed design, we are generally content with the architectural approach that is emerging, but would offer the following observations:

Of the options shown, then we favoured the compositional strategy that had 3 storey bays at the top of the elevations (surmounted by the rooftop accommodation).

The elevational detail which omitted the intermediate horizontal element was more elegant in its simplicity than the others shown.

The colonnade has a more satisfactory form in plan – there is a need to make this a bolder statement – consider its materiality and how it is articulated in relation to its junctions with the main fabric of the building. From the east, one of your perspectives indicated a secondary element perched above it and providing a horizontal roof element that unhelpfully competed with the colonnade – the balance of the formal composition here needs careful handling. The soffit of the colonnade will be another key detailed design consideration.

The southern elevation of the hotel (overlooking the Spa Garden) is more successful, but you should consider how to create better relationships between inside and outside at lower levels and if the blank façade of the car park has to remain, then how might this be mitigated in some way?

We commend the thinking and ideas so far in terms of the specification and use of high quality and locally-associated materials alongside more contemporary finishes. A distinguished palette is emerging, we would always urge restricting this to fewer materials wherever possible. We were less certain the plinth condition (behind the kitchen / herb garden) was yet resolved – this vertical surface is, logically, another part of the re-consideration that we encourage.

We are pleased to see the advances made in the thinking with regard to the landscape design and support the strategy that you are now working to:

The Spa Garden and its lineal formality drawn back from the centre of the secondary combe is a much more successful approach. We are concerned that this clear design proposition (gridded and rectilinear to the main building) is not confused and cluttered by spa apparatus and other additions and were pleased to see that you have some ideas for how this might be subtly combined with the landscape scheme. This approach need to be firmly adhered to.

We enjoyed and admired the ideas for managing the movement of surface water through the landscape and again this now seemed to respond to the landscape character – its design traditions and history much more strongly than earlier versions.

The energy strategy (serving both hotel and housing) seemed to be exemplary and we commend the use of a 'Combined Heat and Power' energy centre with local district heating.

Turning to the proposed housing, we are generally content that our earlier concerns have been satisfactorily addressed, but would observe:

We respect the wish to provide detached housing as a type, but believe that terraced solutions would be just as elegant and satisfactory and would clearly enable a higher density to be achieved.

The design strategy within plots is elegant but could suffer from inappropriate alterations and additions over time – the colonising of car ports for extra rooms, or the addition of incongruous conservatories, etc. It is suggested that legal mechanisms are explored for restricting this and/or perhaps permitted development rights could be withheld as part of the planning process – to safeguard the long term quality of the development.

The approach to highways design is applauded and we urge that really good quality hard landscape / surfacing materials are specified.

The inclusion of copper (borrowed from the hotel palette of materials) may be successful, but the overall elegance of the architectural language may be improved with fewer materials – and this might be re-considered.

We note that the relationship between the pedestrian bridge over Ansteys Cove Road and the houses immediately adjacent could give rise to concerns of over-looking / lack of privacy. This needs to be considered as the detail of this part of the layout is confirmed.

Concluding Remarks

We hope that the foregoing observations again prove to be useful in confirming the final adjustments to the design of the project, but we are content that the general arrangement and the approaches being taken to the detailed design are now well-considered and proving to be successful. The challenge is to ensure that consistency and care is pursued to the finer detail.

We have been impressed with the open-ness and willingness to respond to our earlier reports and can see substantial improvements in the design as it has progressed. We thank the design and development team for their part in what we regard as a highly successful design review process and wish the project well.

Key Issues/Material Considerations

Planning Officer Assessment

The matters for consideration are:

1. Principle of Development
2. Economic Benefits
3. Design and Visual Impact
4. Impact on Amenity
5. Trees and Ecology
6. Flooding and Drainage

7. Highways Impact
8. S106
9. Other Considerations

1. Principle of Development

Hotel site

There is an established hotel use at the site, and the proposal is therefore acceptable in principle.

The proposal would result in the replacement of the existing hotel, 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 support the local economy. 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 Local Plan, and the creation of new high quality tourism accommodation in sustainable, accessible locations.

Policy TE1 of the Torquay Neighbourhood Plan states that new tourism developments will be supported where, in particular, they make use of brownfield land. Policy TS4 (Support for Brownfield and Greenfield Development) confirms that:-

Development proposals for brownfield sites will be supported, providing there are no significant adverse impacts, having regard to other policies in this plan.

The proposed hotel would provide a larger, modern and improved tourist facility on brownfield land, and in place of a vacant hotel building. Furthermore, the Torquay Neighbourhood Plan specifically addresses tourism and highlights Torquay as a 'destination in transition'. The Neighbourhood Plan also refers to 'Turning the Tide for Tourism', which identifies an oversupply of in small B&B guest house sector (less than 10 rooms) with a significant oversupply of low quality, low value added small hotels. There is an identified lack of good quality, large hotels and branded chains.

The proposal is considered to be acceptable in principle.

Residential site

In terms of the principle of a residential use Policy H1 of the Torbay Local Plan states that proposals for new homes within the built-up area (as is the case in this instance), will be supported subject to consistency with other policies in the Local Plan. Torquay Neighbourhood Plan Policy TS4 (Support for Brownfield and Greenfield development) states that development proposals for brownfield sites will be supported, providing there are no significant adverse impacts, having regard to other policies in this plan.

The residential part of the site had been allocated as a housing site in the previous Torbay Local Plan (Policy H1.8) for the provision of 35 units.

Planning application P/2013/1209 (approved 20.06.2014) allowed the construction of an eight storey building accommodating 137 private flats on the tennis court site.

As a result of this the residential aspect of the site is shown as partially committed and partially as a site for consideration by the Torquay Neighbourhood Plan for housing, the Torquay Neighbourhood Plan shows the residential site as being a committed site (CDST18). The approved planning permission has now expired so the status as a committed site is no longer relevant. However the previous permission and local plan allocation along with the current Local Plan and Neighbourhood Plan allocations suggest that the principle of residential development on this site is acceptable.

In light of the broad aspirations of Policies H1 and TS4 and previous permissions and allocations on the site, the principle of residential use is considered acceptable, subject to broader policy considerations.

2. Economic benefits

Policy SS1 (Growth strategy for a prosperous Torbay) of the Local Plan states that development should reinforce Torbay's role as a main urban centre and premier resort. Policy SS4 (The economy and employment) 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 into the area in order to create new jobs; and it promotes the 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 and catering.

Policy SS11 (Sustainable communities) explains that proposals that regenerate or lead to the improvement of social, economic or environmental conditions in Torbay will be supported in principle.

The proposal would result in the replacement of a hotel, which has been closed since 2017 and which is now in decline, with a modern hotel facility. The proposed hotel will include generous guest areas befitting of a 4 / 5* hotel, including restaurant, bar, spa, leisure facilities, conference and events venue and a rooftop bar.

During the construction period it is estimated that the proposed development will create on average 399 full time equivalent (FTE) jobs. Once operational, the applicant has advised that the replacement hotel is proposed to create 248 (FTE) direct new jobs and circa 70 (FTE) indirect new jobs.

The applicant estimates that the hotel will attract 114,055 new overnight visitors per annum, based on 70% occupancy of 248 beds. There is expected to be a significant financial contribution to the area with new tourism expenditure alone estimated to attract over £7 million per annum (based on a 4 night average stay and an average spend of £257 per stay).

It is estimated that the proposed development will contribute between approximately £102 million and £170 million towards the local and regional economy during the construction phase. In net GVA terms the proposed development is expected to result in an uplift of over £5 million per annum.

The proposed hotel has the potential to be a significant destination in its own right, with its facilities, location and design being key attributes. The redevelopment of the

site is likely to act as a catalyst for further regeneration within the Bay and send a clear signal to other potential investors that Torquay is a first-class destination for tourists and residents alike.

The Torbay Development Agency supports the application, noting that:

The new hotel will support the development of Torbay's visitor economy, currently worth c£430m, attracting 4.6m visitors a year. The proposed hotel investment aligns to the ambitions of the English Riviera's Destination Management Plan 2017-2021 specifically:

- *Attracting new visitors (particularly international)*
- *Attracting investment*
- *Improving the quality of accommodation*
- *Improving hotel occupancy throughout the year*

The proposals present a purpose built high end, luxury hotel with spa and conference facilities which the modern fully independent traveller (FIT) expects. For overseas visitors especially, having an internationally recognised hotel brand available to book online, all year round will undoubtedly attract new visitors to the destination. The demand for quality, all year round holidays in the UK is continuing, with 'staycations' expected to increase and importantly, moving into the 'shoulder' and winter months. TDA projects that the proposed development will create:

- *Capacity for 114,055 new overnight visitors per annum, based on 248 beds and 70% occupancy*
- *Construction jobs forecast at 300-399 FTE, over the construction period*
- *248 direct FTE hotel jobs, 40-70 indirect jobs*
- *An annual GVA uplift of over £5M (assuming 5 star status)*
- *Additional tourism expenditure of £29M per annum based on a 4 night average stay and average spend of £257 per visitor.*

This is a welcome investment to support the development of Torbay's economy and develop local skills. We encourage the operator to link with South Devon College to develop accessible Apprenticeships and skills, and to also attend Torbay's annual recruitment events to employ local talent.

Given that the proposal would modernise and enhance the tourism facilities available at the site; create new jobs; and is expected to generate significant additional spend within the local economy, it is considered that it complies with the aspirations of Policies SS1, SS4 and SS11 of the Local Plan, and would bring economic benefits to the Bay 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'. New development should be sympathetic to local character and history, including surrounding built environment and landscape setting.

Accordingly, 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. Criterion 3 refers to development that helps to develop a sense of place and local identity and criterion 10 refers to delivering development of an appropriate type, scale, quality, mix and density in relation to its location.

Following on from this, 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.

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.

Policy DE4 (Building Heights) 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:

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

Hotel

The existing hotel is four storeys and 19m from ground level on the Babbacombe Road elevation, the proposed building would be nine storeys on this elevation and 31m in height from the Babbacombe Road (excluding the lift overruns).

Whilst it would be taller than other buildings in the local area, it is noted that its immediate surroundings are characterised by a range of building types and sizes, and significantly changing topography. When the prevailing ground levels are taken into consideration, the proposal, at its tallest point above ordnance datum (AOD) would be around 11m higher than Georgian Court which is 50m to the west.

To the south-east there are two seven storey buildings, Ilsham House and Asheldon House, the closest of which is 315m from the site. The existing hotel is four storeys on the Babbacombe Road elevation and the adjacent indoor tennis court building is approximately 18m in height, Georgian Court, opposite the existing hotel to the west, is set on slightly higher ground and is five storeys in height. Notwithstanding this the

proposed hotel building should be considered as a tall building in the context of the Council's Building Height Strategy which formed part of the evidence base for the Local Plan and in particular to Policy DE4.

The supporting text to this policy states that the guidance set out in the Building Heights Strategy will be used to inform the implementation of Policy DE4 and in determining planning applications. The text acknowledges that tall buildings can deliver regenerative benefits, contribute to the re-use of brownfield land and reduce development pressure on greenfield sites. If well-designed and built in suitable locations, tall buildings can form architectural and visual landmarks and help define the area.

Chapter 6 of the Building Height Strategy states that tall building proposals will be required to demonstrate either urban design or socio-economic benefits, and provides further criteria against which tall buildings should be considered. These criteria include location, conservation, views, topography, design, public realm, streetscape, microclimate, amenity, land use, and sustainability.

Chapter 7 of the Building Height Strategy states that tall buildings should seek to avoid breaking the skyline of prospect or panoramic views to preserve the landscaped character of the horizon.

This chapter also states that increasing the height of a building/the addition of a tall building can be acceptable where the topography of the land would allow them. For example...

In a dip or hollow, or against a cliffside, where the greater height would have little or no additional impact on its surroundings.

Due to the topography of the site which is that of two converging valleys, the existing hotel building is largely obscured from most medium and distant vantage points. The land to the west rises by approximately 50m over a distance of 250m with areas to the north and south-east rising in the region of 20m from the site entrance. Within the site, there is a difference in ground levels of nearly 10m between the entrance forecourt and the gardens to the west of the hotel building.

The existing hotel is set back by 7m from Babbacombe Road at its nearest point whereas the proposed hotel would be set back approximately 32m from Babbacombe Road. The proposed layout of the hotel would see it set back significantly from the road which aids in reducing its perceived height and impact on the character and appearance of the area from local views and from views further along Babbacombe Road in each direction.

The proposal would result in the replacement of a tired building with what is considered to be a significant visual and townscape improvement; that it would preserve wider public views; would strengthen the character of the area and be appropriate in terms of its visual impact; enhance local and long-distance views; bring socio-economic and

regeneration benefits, it is considered that there are sufficient grounds to allow for an exception in this case, as allowed by Policy DE4.

The proposal is not considered to be unacceptably harmful to the character of the area or local amenity, it would provide what are deemed to be acceptable arrangements in relation to parking, amenity space, landscaping, and other services, that the proposal would not result in an over-development of the site.

The proposed development was considered by the Torbay Design Review Panel, and their comments are regarded as a material consideration. It was concluded that a development along the lines proposed would be acceptable in this location. The hotel is to have vertically proportioned elevations inspired by the original Bishopstowe villa. The simple elevational grid incorporates floor to ceiling windows to provide framed views from guest rooms.

In terms of its design and appearance, the proposal is considered to be consistent with the advice and conclusions of the design review process. The palette of materials proposed for the hotel are of high quality, these reflect the local and historic character of the area with the use of gold copper alloy to line the inside edges of the elevational grid, reflecting light in different ways around the building. This is inspired from the veins of gold found at Hopes Nose which is a mile to the south of the site. Precast etched concrete is proposed for the main building grid and colonnade which echoes the render used in large modernist buildings in Torbay.

Devon Limestone is proposed for the plinth areas of the elevation, facing the spa garden terraces and retaining walls along Anstey's Cove Road. Internally the hotel lobby floor and a large wall panel within the hotel entrance are to be Ashburton marble.

The rocky outcrop to the immediate north of the entrance is retained which makes a significant contribution to the streetscene. The spa area is proposed to the south of the hotel which is sited at a lower level than the road.

Policy TH8 of the Torquay Neighbourhood Plan requires new development to be of a good quality and reflect the identity of its surroundings in terms of height, scale, and bulk. The policy is well founded as, in design terms, it is considered that the focus of design should always be about responding to the context of the site and identity of the area. Given the context of the site and the proposed height of the new hotel it would be difficult to argue that the proposal is in complete conformity with this policy. However the report details the overall design considerations and it is considered that the building will be a strong and legible landmark and in this respect, officers are satisfied that the building is of an appropriate design quality to respect the surroundings as required by the policy.

It is considered that the form and layout of the scheme would make effective use of what is brownfield land, and that the proposal responds well to the topography of the site. Given the proposal's siting, layout, scale, and overall design, it is considered that it would not result in any unacceptable harm to the character of the area. Subject to

the use of conditions to secure the use of high quality materials; a scheme of hard and soft landscaping; boundary treatment details; external lighting, bicycle, and refuse storage arrangements, it is considered that the proposal is in accordance with Policies DE1, DE4, and SS11 of the Local Plan, Policy TH8 of the Torquay Neighbourhood Plan, and the guidance contained in the NPPF.

Paragraph 175 point b) of the NPPF states that *development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*

Natural England have advised that further drainage information is required in order to confirm that the proposal does not have a potential significant effect on the Hopes Nose to Walls Hill SSSI. Subject to confirmation that sufficient suitable information has been submitted the proposal would conform with Paragraph 175 point b) of the NPPF.

Historic England have confirmed that they have no objection to the development and that it would not have a detrimental impact on the setting of the Walls Hill Scheduled Monument located immediately to the northeast of the northern part of the site.

The Lincombes Conservation Area is located some 200m to the south of the proposed hotel building but bounds south of the site. The closest Listed Building is the Grade II* Listed St Matthias Church which is approximately 430m to the south.

Para 196 of the NPPF guides that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal. Thus the decision process should weigh the benefits of the proposal against the harm arising, which in this case are considered to fall in the less than substantial category. This balancing exercise also needs to consider further advice contained within the NPPF that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should also consider an optimum viable use of a site (Para 196).

The site is well screened from wider views from within the conservation area by the existing boundary wall and mature tree lines. The increase in height of the building from that currently on site and the addition of the spa area to the south will have a limited impact on the conservation area with the built form remaining a significant distance from the conservation area boundary.

Due to the distance, the built form between the Grade II* Listed Church and the difference in topography between the sites, the proposal would not impact on the setting of the listed building to the south.

On balance, with a less than substantial level of harm, when considering the Development Plan and the NPPF, the proposals are considered suitable for approval

in accordance with Policy HE1 of the Torbay Local Plan and Paragraphs 193, 194 and 196 of the NPPF.

In reaching this conclusion Officers have duly considered the general duties as respects listed buildings under the Planning (Listed Buildings and Conservation Areas) Act 1990 c.9 para 66.

Residential development

The application proposes 38 bespoke dwellings on the site of the former indoor and outdoor tennis courts and leisure facilities to the north of the hotel site. The dwellings are 'zoned' into three character areas which take into account their historic and natural settings.

Orchard Walk provides the entrance into the residential development and takes its name from the retained 19th century cottage and an orchard which was once in this location. This part of the residential development is made up of the retained cottage which will become a pair of semi-detached dwellings and a terrace of four two storey dwellings with rooms in the roof provided by the addition of dormers. The elevations are to be brick with undercroft parking. The road surfacing here is to be a shared surface with ornamental planting and stone and brick boundary walls.

Kitchen garden mews is made up of two terraces of twelve two storey dwellings and nine three storey dwellings with red brick elevations, with timber cladding around the entrances, courtyard gardens, undercroft parking, and south-facing gardens.

The nine three storey dwellings are located adjacent to Anstey's Cove Road and the terrace of two storey buildings are located opposite to these to the north-east which results in a tight urban grain. The street between the two terraces is to be a shared surface or 'homezone'

Woodland Drive is made up of eleven modernist detached dwellings which are timber clad with zinc clad first floor roofs and aspects of pre-oxidised copper. The dwellings are screened by the road to their north by planted Devon banks. These dwellings have large rear gardens which are bound by the rear walls of the terrace of dwellings to the south.

A small park area is proposed adjacent to Anstey's Cove Road and the bridge link to the hotel development. The park will include natural play equipment and provide views over the restored hotel parkland grounds and provide connections to the wider footpath network. This is to be enclosed by raised planters along the northern edge which will provide informal seating with sensory and fruit species.

The existing bridge will be retained and provide controlled access for residents into the hotel grounds.

The overall aim of the residential design and layout is one which is bespoke and retains the landscape character of the area being framed by the woodland to the north and east and by using a palette of materials which are historically and visually suitable. The density of the area proposed for housing development is approximately 26 dwelling per hectare.

The Design Review Panel supported the design strategy and felt that although the detached dwellings were elegant, a further terrace of higher density dwellings could also be possible in their place. The approach to highways design was considered to be very good and that good quality hard landscape / surfacing materials should be specified.

They also noted that to safeguard the long term quality of the development permitted development rights for the proposed dwellings should be removed in order to prevent incongruous extensions etc. in the future.

It is considered that the form and layout of both the hotel and residential schemes would make effective use of what is brownfield land, and respond well to the topography of the site. The two developments would result in an enhancement of a site which includes dated and tired structures. There would not be any harm to heritage assets and the proposal would result in urban design benefits. Given the proposals' siting, layout, scale, and overall design, it is considered that they would not result in any unacceptable harm to the character of the area. Subject to the use of conditions to secure the use of high quality materials; a scheme of hard and soft landscaping; boundary treatment details; external lighting, bicycle, and refuse storage arrangements, it is considered that the proposal is in accordance with Policies DE1, DE4, and SS11 of the Local Plan, Policy TH8 of the Torquay Neighbourhood Plan, and the guidance contained in the NPPF.

4. Impact on Amenity

Hotel

Policy DE3 of the Local Plan states that development proposals should be designed to ensure an acceptable level of amenity.

Policy DE4 suggests that tall buildings should respect surrounding residential amenities and not have an adverse impact on living conditions in terms of overlooking, overshadowing and being overbearing.

The closest existing residential dwellings to the proposed hotel are in excess of 50m from the proposed hotel. Despite the proposed increase in height of the hotel building, the distance is considered to be sufficient enough to prevent unacceptable levels of overlooking/intervisibility. It is also noted that the existing hotel is closer to adjacent residential properties so in terms of overlooking the proposal is likely to be an improvement.

Given the distances between the proposed hotel and the existing residential properties it is not considered that the development would result in a loss of light or outlook.

The hotel building will be more visible from further views mainly from the dwellings in Kensy Close and Lydwell Park Road to the west which are located on higher ground

116m away and some of the objections have raised this as an issue. However the distance between these dwellings and the proposed hotel are sufficient so as to not result in any unacceptable loss of amenity of the occupiers of these dwellings.

The consultation response from the Councils Community Safety team suggest the use of a condition requesting a construction demolition management plan which will aim to minimise dust and noise disturbance during the demolition and construction phases.

Residential development

The residential dwellings comply with the internal and external amenity spaces set out in the Torbay Local Plan and the Torquay Neighbourhood Plan. A suitable level of parking is also provided with a minimum of 2 parking spaces per dwelling provided, plus visitor spaces.

The proposal provides shared streets, links to the wider hotel grounds and to the coastal footpath. It would retain the existing landscaped character of the area, overall the residential dwellings would provide a good quality residential environment.

Internally a concern was raised over the potential for some overlooking/intervisibility between the two sets of terraced properties which make up *Kitchen garden mews* however the applicant has amended these plans and a slight increase to the walls of the terraces of the three storey dwellings overcomes this concern.

The hotel proposal is unlikely to have a significant impact on the proposed dwellings which make up part of this application through loss of light or overbearing impact and there would be limited intervisibility/loss of privacy.

Subject to the use of conditions requiring a construction demolition management plan and conditions relating the details and implementation of bin and cycle storage and of parking areas, it is considered that the proposals, would not result in unacceptable harm to the amenities of neighbours, in terms of their outlook, access to natural light, privacy, or other nuisances such as noise, dust-drift, or light-intrusion. As such, the proposals are in accordance with Policy DE3 of the Local Plan.

5. Trees and Ecology

Policy C4 states that development proposals should seek to retain and protect existing hedgerows, trees and natural landscape features. The site is currently very limited in terms of its landscape features.

A number of trees are to be removed as part of the proposed developments a number of these are lesser specimens or poor quality and have not been managed for a number of years.

In mitigation trees are shown to be planted within the proposed car park area, ornamental and feature planting is shown in the main entrance area and there is planting within the highway area with various landscape structures being proposed within the grounds of the hotel.

The Council's arboricultural officer has advised that the number of trees being removed is understandable given the scale of the development. However concerns have been raised over the level of proposed planting and mitigation for the loss of the trees.

The Council's arboricultural officer has confirmed that the proposal is suitable for development on arboricultural grounds providing subject to conditions requiring further landscaping and planning information as well as an arboricultural method statement and a tree protection plan to cover the demolition phase.

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.

The Lyme Bay and Torbay Special Area of Conservation (SAC) and Torbay Marine Conservation Zone (MCZ) lie approximately 130m east of the site. The application lies within 7.7 km of South Hams SAC and is outside of the South Hams SAC Greater Horseshoe Bat Consultation Area.

The site lies partly within Hope's Nose to Wall Hill Site of Special Scientific Interest (SSSI) which is designated for its rich habitats including calcareous grassland supporting notable plants, rich lichen and flora and features of geological interest. Part of the site lies within Asheldon Copse Other Site of Wildlife Interest (OSWI) a non-statutory site with planted woodland and parkland habitat.

No breeding birds were recorded during the survey and trees with bat roosting potential which would be affected by the development were surveyed with no being recorded. Woodland habitat is considered sub-optimal for dormouse and is to be retained and protected from development. No badger setts were identified.

The proposals will result in the demolition of buildings with confirmed bat roosts for 3 to 4 species of bat with low to moderate conservation significance. Removal of habitats will also result in loss of autumn lady's tresses from amenity grassland, loss of potential foraging habitat for badger, potential harm to low numbers of common amphibians and potential disturbance to breeding birds. The development also has the potential for negative impacts to Hope's Nose to Walls SSSI grassland.

The submitted Ecological Impact Assessment and within the submitted Construction Ecological Management Plan and Landscape and Ecology Management Plan include a number of mitigation and enhancement measures. Subject to conditions to

ensure the development in undertaken in accordance with the proposed mitigation and monitoring measures it is considered there would no significant long-term negative effects on biodiversity and geodiversity receptors on the site or to the SSSI and the development would be compliant with Policies SS8, SS9, C4 NC1, W5 of the Torbay Local Plan and Policies TE3, TE4 and TE5 of the Torquay Neighbourhood Plan.

Habitats Regulations Assessment

A Habitats Regulations Assessment has been carried out on behalf of Torbay Council in relation to effects of the proposals alone or in-combination with other plans or projects on European sites. No Likely Significant Effects are considered on South Hams SAC qualifying habitats and species in view of the application's location and bat survey findings. Subject to the prior written approval of a detailed Sustainable Urban Drainage System (SUDS) plan the Council has concluded there would be no adverse effect on the integrity of Lyme Bay and Torbay SAC (and Torbay Marine Conservation Zone) as a result of the development. Natural England concurs with the Council's assessment.

EIA

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.

6. Flooding and Drainage

Policy ER1 (Flood risk) 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 site is in flood zone 1 however it is part of the site is susceptible to surface water flooding. The applicant has submitted a detailed site specific flood risk assessment however the Council's Drainage Engineer has requested further drainage details from the applicant. Subsequently revised details have been received and updated consultation comments are awaited.

7. Highways Impact

Policies TA2 (Development Access) 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 (Parking Requirements) states that the Council will require appropriate provision of car, commercial vehicle and cycle parking spaces in all new development. Greater flexibility on levels of provision has been provided in town centres, where there is more opportunity to make journeys through walking and cycling. Appendix F provides figures on car parking requirements, for hotels this states that 1 space per guestroom plus appropriate provision for coaches is required; in instances where the location of the hotel and its setting may limit the parking available the availability of

public spaces will be taken into account.

Policy TH9 of the Torquay Neighbourhood Plan states that new major developments must contribute to better pedestrian/cycle links where possible and encourage modal shift towards active travel. Policies THW1 (Travel Plans), THW5 (Access to Sustainable Transport), THW6 (Cycle Storage and changing facilities), and TTR2 (Sustainable Communities) are also of relevance.

The hotel development includes 264 car park spaces made up of a 178 space basement car park, an 80 space ground level car park spaces on the forecourt. Whilst the provision of parking spaces would fall short of the requirements of Policy TA3, the supporting text does explain that a site-specific approach will be taken. The Strategic Transport consultation response states that the level of parking is acceptable and that an excessive number of spaces for the hotel and conference facility would not be supported.

A condition requiring the submission of a car parking management statement prior to the first use of the hotel will be added to ensure the suitability of the parking arrangements.

The 38 residential units have 84 associated car parking spaces which provides two per unit plus some visitor parking. It is considered that the parking provision for the residential units meets the requirements of Policy TA3.

A condition requiring the submission of a separate Travel Plan for the residential and hotel aspects of the development will also be requested by condition.

Overall, it is considered that the trip rates to be associated with the proposal are unlikely to result in unacceptable harm to the operation of the highway

Additional site access details have been requested for the hotel aspect of the proposal and in particular whether the planters in the middle of the road can be safely implemented. The access to the dwellings on Ansteys Cove Road is acceptable as is the provision of access to the ground level parking for the hotel with servicing.

Further information has been requested to clarify whether the layout of the residential aspects of the development meets the Torbay highways design guide.

There is no objection in principle to the proposal of coach parking being provided on the highway but additional information on this is necessary to ensure the access points and tracking areas are kept clear.

There is a suggestion that a pedestrian link will be provided to the Anstey Road public car park. However additional details are necessary to confirm this.

A secure staff cycle parking store is available on the ground floor, this has space for 28 bikes. For hotel guests, secure storage for 48 bicycles is provided. In addition, 14 spaces are provided on the entrance plaza, for visitors.

8. S106

The application is likely to attract a contribution towards mitigation and management of Walls Hill SSSI and towards a new CCTV camera at Torbay Harbour.

The legal agreement will link the hotel and residential development to ensure both come forward.

The applicant has submitted a viability assessment which is being independently verified. Subject to the findings of this additional contributions in accordance with the adopted Planning Contributions and Affordable Housing Supplementary Planning Document, may be required on terms acceptable to Officers.

9. Other Considerations

Housing Supply

The Council cannot currently demonstrate a 5 year housing land supply, as sought by Government, and the proposal will help with the delivery of housing with a form of development that is considered to accord with the Development Plan. As stated within this report the site is allocated and the proposals are in broad accordance with the adopted masterplan for the area. Paragraph 11 of the NPPF outlines that decisions should apply a presumption in favour of sustainable development, which means approving development proposals that accord with an up-to-date development plan without delay. It is concluded that the development accords with the Development Plan and hence there is support for the grant of permission, in-line with the guidance within the NPPF (Para 11).

Sustainability

The proposal aims to deliver a high-quality development, with high performing, low carbon intensive building services design. The adoption of best practice building services technology, with high quality materials aims to yield a long service life, maintainable and sustainable design.

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 provide improved tourism facilities and housing would produce a significantly positive impact overall and help with the supply of needed quality overnight accommodation and housing.

Community Infrastructure Levy

Hotel

The proposal is for the addition to/improvement of an existing tourist facility, Torbay Council collect CIL payments for new dwellings and for larger out-of-town/district centre retail and food and drink developments. Therefore the hotel proposal would not be liable for a CIL payment.

Residential

The residential aspect of the site is situated in Charging Zone 2 in the Council's CIL Charging Schedule; this means that all new floorspace will be charged at a rate of £70/sqm. An exemption applies for the affordable housing. An informative can be imposed, should consent be granted, to explain the applicant's/developer's/landowner's obligations under the CIL Regulations

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.

Conclusions and Reasons for Decision

The proposal would result in the modernisation of the existing site, with a significantly improved hotel. It is considered that the proposal would deliver visual, economic, and regeneration benefits with minimal harm to the character of the area.

The proposal is ultimately considered a good use of a brownfield site that would provide much needed housing to help meet local need.

The proposal is considered to be acceptable, having regard to the Local Plan, Torquay Neighbourhood Plan, and all other material considerations, subject to the completion of a legal agreement and the use of planning conditions.

Officer Recommendation

Delegate authority to the Assistant Director of Planning and Transport to grant

conditional approval subject to;

1. The conditions outlined below, with the final drafting of conditions delegated to the Assistant Director of Planning and Transport;
2. Confirmation of an acceptable means of drainage and receipt of additional highways plans to satisfy the outstanding highway issues;
3. The completion of a Section 106 Legal Agreement by 15.01.2020 to secure necessary planning obligations in accordance with the adopted Planning Contributions and Affordable Housing Supplementary Planning Document, on terms acceptable to Officers. Failure to meet this deadline will provide the option to refuse the application unless the applicant agrees to an extension of time to complete the agreement and allow the issue of the decision within the required timeframe.

The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Assistant Director of Planning and Transport, including the addition of any necessary further planning conditions or obligations.

Conditions

1. No development (including demolition and ground works) or vegetation clearance works shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:
 - a) A demolition method statement;
 - b) Details of any excavation, earthworks, or piling works including the method and equipment to be used;
 - c) The parking of vehicles of site operatives and visitors;
 - d) Loading and unloading of plant and materials;
 - e) Storage of plant and materials used in constructing the development;
 - f) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - g) Wheel washing facilities;
 - h) Measures to control the emission of dust, litter and dirt during construction;
 - i) Measures to minimise noise nuisance to neighbours from plant and machinery;
 - j) Construction working hours being limited to 0800hrs to 1800hrs Monday to Friday, 0800hrs to 1300hrs on Saturdays, and at no time on Sundays, Bank or Public Holidays.

The approved Statement shall detail the ways in which harm to the safety, use, and integrity of the public highway and railway will be prevented, and shall be adhered to throughout the construction period of the development.

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 DE3, ER3, ER4, and TA1 of the Torbay Local Plan. These details are required pre-commencement as specified to ensure that building operations and vegetation removal are carried out in an appropriate manner to avoid nuisance to neighbouring uses and inconvenience to highway users.

The use of a pre-commencement condition is considered appropriate in this case as environmental and highways controls, relating to the building phase of the development, need to be agreed before the construction process begins.

2. No development above damp proof course level of the hotel development hereby approved shall take place until details of the proposed cladding materials (walls and roof) and openings for the hotel development have been submitted to and approved in writing by the Local Planning Authority. The hotel 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.

3. No development above damp proof course level of any of the residential dwellings development hereby approved shall take place until details of the proposed cladding materials (walls and roof) and openings for the residential aspect of the development have been submitted to and approved in writing by the Local Planning Authority. The residential aspect of 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 hotel 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 existing neighbouring properties and the properties approved as part of the residential aspect of the development. 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 and DE3 of the Torbay Local Plan.

5. The development shall be carried out in strict accordance with the mitigation, compensation and enhancement measures set out in section 4 of the submitted Ecological Impact Assessment (received 06.07.2019 reference 190613-P826-ECIA). This shall include the installation of;
 - a minimum of 10 Schwegler Type 1A swift boxes (or similar) to be integrated into the walls of the new hotel building,
 - 10 Schwegler Type 1A boxes (or similar) to be installed within the residential units, above 4m in height and preferably under the eaves,
 - a minimum of 15 Schwegler Type 1B boxes (or similar) to be attached to retained trees within the site; these would be positioned above 3m height and avoid south-facing aspect.

The precise locations to be determined on-site by an ecologist, the boxes shall be installed prior to the first use of the development to which they apply and retained at all times thereafter. Once the mitigation, compensation and enhancement measures have been completed, confirmation of their implementation shall be submitted to the Local Planning Authority by a suitably qualified ecologist.

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. Notwithstanding the submitted landscaping details, prior to the first use of the hotel or the first occupation of the residential properties hereby approved, whichever is first, details of all proposed hard and soft landscaping shall have been submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turving 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. The approved hard landscaping details shall be provided within four weeks of 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 Policy DE1 of the Adopted Torbay Local Plan 2012-2030.

7. No development shall take place until fences have been erected and any other protection measures put in place for the protection of trees and hedgerows to be retained in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority.

The scheme must be in accordance with the latest British Standard(s) for the protection of trees and/or hedgerows. The fences and any other protection measures required in the approved scheme shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by the fences.

Reason: To protect the trees and hedgerows to be retained in the interests of the amenities of the area and biodiversity, in order to accord with saved Policies C4, NC1 and DE1 of the Torbay Local Plan 2012-2030. This is required prior to commencement to ensure no damage occurs to retained trees and hedges.

8. Prior to the commencement of development a detailed arboricultural method statement, which shall include a statement detailing site monitoring and potential vehicular movement in the parkland area around retained tree stock, shall be submitted to the Council for its approval in writing. The approved arboricultural method statement measures shall be carried out in full during the demolition and construction phases. This information is required prior to the commencement of development in order to ensure that the trees protected by a Tree Preservation Order are not damaged during the construction phase.

Reason: In order to ensure no detrimental impact to the protected trees and in the interests of the amenities of the area and to accord with policy C1 of the Torbay Local Plan 2012-2030.

9. Prior to the first use of the development hereby approved a Car Parking Management Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Car Parking Management Strategy shall include details of car parking allocation including details of staff and visitor parking and details of signage for access and egress routes and for servicing vehicles along with the proposed measures for accommodating guest and visitor vehicles when the on-site car park is at full capacity. The development shall, at all times, be operated in accordance with the approved details. The approved signage shall be installed prior to the first use of the development, and shall be permanently retained thereafter.

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.

10. Prior to the first occupation of the hotel, a detailed 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 that accord with the

policies of the Local Plan. 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.

11. Prior to the first occupation of any of the residential units hereby approved, a detailed 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 that accord with the policies of the Local Plan. 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 in accordance with policies TA1 and TA2 of the Torbay Local Plan 2012-2030, and Policy THW1 of the Torquay Neighbourhood Plan.

12. Prior to the first occupation of the hotel hereby approved, the parking facilities shall be provided and thereafter permanently retained for the use of vehicles associated with the development.

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.

13. Prior to the first occupation of any of the residential dwellings hereby approved, the parking facilities, manoeuvring areas, and electric charging points shown on the approved plans shall be provided and thereafter permanently retained for the use of vehicles associated with the development.

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.

14. The development hereby approved shall not be brought into use until a Section 278 Highways Agreement has been entered into in order to secure the necessary works to the public highway, as indicated on the approved plans. The development shall not be brought into use until the approved S278 works have been completed to the satisfaction of the Local Highway Authority.

Reason: To provide safe and sustainable access to the site for drivers, cyclists and pedestrians in accordance with Policies TA1, TA2 and DE1 of the Torbay Local Plan.

15. Prior to the first use of the hotel development hereby approved, 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.

16. Prior to the first occupation of any of the residential dwellings hereby approved, 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.

17. 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 and Policy TH2 of the Torquay Neighbourhood Plan.

18. Should any contamination be found during the course of the development, all construction works shall cease until such time as a scheme of remediation has been submitted to and approved in writing by the Local Planning Authority. The development shall then proceed in full accordance with the approved details.

Reason: In the interests of addressing potential contamination in accordance with Policy ER3 of the Torbay Local Plan.

19. Prior to the first occupation of the hotel hereby approved, bicycle and bin storage

shall be provided in accordance with the approved plans. The bicycle and bin 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.

20. Prior to the first occupation of any of the residential dwellings hereby approved, bicycle and bin storage shall be provided in accordance with the approved plans. The bicycle and bin 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.

21. Notwithstanding the provisions of Classes A to E of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no enlargements, improvements or other alteration shall take place to the proposed dwellings within the application site, and no outbuildings or other means of enclosures shall be erected within the garden areas of these dwelling houses, unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason: In interests of visual and local amenity and in accordance with Policies DE1 and DE3 of the Adopted Torbay Local Plan 2012-2030.

22. The development shall be undertaken in full accordance with the approved Landscape and Ecology Management Plan received 18.09.2019.

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.

23. The development shall be undertaken in full accordance with the approved Construction and Environmental Management Plan received 18.09.2019.

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.

Relevant Policies

Torbay Local Plan

DE1 – Design
DE3 - Development Amenity
DE4 - Building heights
H1 – New housing on identified sites
ER1 – Flood Risk
ER2 – Water Management
NC1 - Protected sites - internationally import
TO1 - Tourism, events and culture
TA2 - Development access
TA3 - Parking requirements
C4 - Trees, hedgerows and natural landscape
SS1 - Growth Strategy for a prosperous Torbay
SS4 - The economy and employment
SS11 – Sustainable Communities
SS12 - Housing
SS13 - Five Year Housing Land Supply
TC5 - Evening and night time economy

Torquay Neighbourhood Plan

TS4 - Support for Brownfield and Greenfield development
TH1 - Housing Allocations
TH2 - Designing out crime
TH8 - Established architecture
TH9 - Parking facilities
TE1 - Tourism accommodation on brownfield sites
TE5 - Protected species habitats and biodiversity
TE7 – Marine Management Planning
THW1 - Travel Plans
THW5 - Access to sustainable transport
THW6 - Cycle storage and changing facilities
TTR2 - Sustainable Communities

