



Friday, 1 July 2016

## **DEVELOPMENT MANAGEMENT COMMITTEE**

A meeting of **Development Management Committee** will be held on

**Monday, 11 July 2016**

commencing at **2.00 pm**

The meeting will be held in the Grace Murrell Suite, Riviera International Conference Centre, Chestnut Drive, Torquay

### **Members of the Committee**

Councillor Kingscote (Chairman)

Councillor Barnby	Councillor Stringer
Councillor Cunningham	Councillor Winfield
Councillor Morey (Vice-Chair)	Councillor Pentney
Councillor Robson	Councillor Tolchard

---

**A prosperous and healthy Torbay**

---

For information relating to this meeting or to request a copy in another format or language please contact:

**Amanda Coote, Town Hall, Castle Circus, Torquay, TQ1 3DR**  
**01803 207087**

Email: [governance.support@torbay.gov.uk](mailto:governance.support@torbay.gov.uk)

[www.torbay.gov.uk](http://www.torbay.gov.uk)

(1)

# DEVELOPMENT MANAGEMENT COMMITTEE AGENDA

1. **Apologies for absence**

To receive apologies for absence, including notifications of any changes to the membership of the Committee.

2. **Minutes**

To confirm as a correct record the Minutes of the meeting of this Committee held on 13 June 2016.

(Pages 4 - 7)

3. **Declarations of Interests**

(a) To receive declarations of non pecuniary interests in respect of items on this agenda

**For reference:** Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda

**For reference:** Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

**(Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)

4. **Urgent Items**

To consider any other items that the Chairman decides are urgent.

5. **Public speaking**

If you wish to speak on any applications shown on this agenda, please contact Governance Support on 207087 or email [governance.support@torbay.gov.uk](mailto:governance.support@torbay.gov.uk) before 11 am on the day of the meeting.

6. **10 Churston Close, Brixham, TQ5 0LP - P/2016/0449/HA**

Addition of 2 dormers and opaque glazed windows to rear elevation, reduction in size of garage and, reposition of door and windows to front elevation.

(Pages 8 - 12)

7. **Oldway Mansion, Torquay Road, Paignton, TQ3 2TY - CN/2015/0081 & CN/2015/0100 (1 combined report)** (Pages 13 - 32)  
CN/2015/0081  
Discharge of conditions 3, 4, 8, 10, 11, 12, 13 and 14 for P/2011/1020 (Change of use of Oldway Mansion and Rotunda from Council Offices to hotel with ancillary conference and spa facilities. External alterations, entrance foyer and refurbishment/reinstatement of glass conservatory. Demolition of squash courts. Improvements to existing car parking area and new car parking to rear service area)

CN/2015/0100

Oldway Mansion, Torquay Road, Paignton, TQ3 2TY  
Discharge of condition re (P/2011/1021) Change of use of Oldway Mansion and Rotunda from Council offices to hotel with ancillary conference and spa facilities Cond 4 - Phasing Programme Cond 5 - CMP, Detailed Programme Conditions Survey and Structural Survey Cond 7 (Mechanical and Electrical and Civil Structural Strategy Cond 8 - Lighting Strategy Cond 9 - Flues and Extracts

8. **Paignton Zoo Environment Park, Totnes Road, Paignton, TQ4 7EU - P/2016/0455/MPA** (Pages 33 - 75)  
Provision of mixed species exhibit including new buildings and landscaping.

9. **Site visits**  
If Members consider that site visits are required on any of the applications they are requested to let Governance Support know by 5.00 p.m. on Wednesday, 6 July 2016. Site visits will then take place prior to the meeting of the Committee at a time to be notified.

**Note**

An audio recording of this meeting will normally be available at [www.torbay.gov.uk](http://www.torbay.gov.uk) within 48 hours.



## Minutes of the Development Management Committee

13 June 2016

-: Present :-

Councillors Barnby, Cunningham, Kingscote, Morey, Robson, Stringer,  
Winfield, Pentney and Tolchard

---

### 1. Election of Chairman

Councillor Kingscote was elected as Chairman of the Development Management Committee for the 2016/17 Municipal Year.

Councillor Kingscote in the Chair.

### 2. Appointment of Vice-Chairman

Councillor Morey was appointed a Vice-Chairman for the 2016/17 Municipal Year.

### 3. Minutes

The Minutes of the meeting of the Development Management Committee held on 9 May were confirmed as a correct record and signed by the Chairman.

### 4. Land South Of Yalberton Road, (Yannon's Farm), Paignton - P/2014/0983/MOA

The Committee considered an update to the application for outline mixed use proposal for phased residential development (Use Class C3) of up to 192 dwellings and employment development (Use Classes B1 and B8) of between 7,400 sq m and 9,200 sq m floor area, together with the provision of ecological mitigation measures, public open space and other associated infrastructure. (Means of access to be determined only) (Revised Scheme).

The Committee noted that the application had been approved at the Development Management Committee meeting on 14 December 2015 subject to successful resolution of technical issues, ecology, completion of a Section 106 Agreement and conditions within six months of the date of the meeting. During this time work had continued on resolving the outstanding matters, but it has not been possible to resolve all issues within the six month deadline, as a number were complex. Therefore a further extension of time was requested.

Resolved:

- (i) That an extension of time until 31 August 2016 be granted to resolve the existing outstanding matters and to allow for a number of minor amendments to the Section 106 Agreement in respect of:
  - (a) deletion of the requirement to provide up to 5% self build plots as part of the provision of affordable housing. The level of affordable housing provision to remain at 30%;
  - (b) pedestrian, cycle links and public transport links to be provided from development to adjoining land at Yannons Farm and to the Western Power Distribution site;
  - (c) provision of an off-site bat barn; and
  - (d) inclusion of provisions to ensure that no less than 2.09ha of the site is available for employment purposes and to ensure that the employment land is actively marketed.
- (i) final drafting of the conditions to be delegated to the Executive Head of Business Services which should include one relating to archaeology.

**5. Land Between 101 And 105 Penwill Way, Penwill Way, Paignton - P/2015/0793/PA**

The Committee considered an application for the erection of two detached houses with integral garages and parking.

Prior to the meeting, Members of the Development Management Committee undertook a site visit.

Resolved:

That the application be refused on the grounds that the proposal was considered to be overdevelopment, out of keeping with the character of the area and was contrary to Policy DE1 of the Torbay Local Plan.

**6. Abbey Crescent, Torbay Road, Torquay - P/2015/0963/MVC**

The Committee considered an application for a variation of conditions P1, 01, 07 and 09 of P/2013/0470/MPA to allow residential occupation of 13 holiday flats on level 1 and 2.

At the meeting the Team Leader for Development Management read out 4 late representations.

Resolved:

That the application be refused on the grounds that it would be contrary to Policy TO2 of the Adopted Local Plan 2012-2030 as the loss of this holiday accommodation would not maintain or enhance the tourism role of the defined Core Tourism Investment Area.

**7. Beacon Cove, Park Hill Road, Torquay - P/2016/0159/PA**

The Committee considered an application for the provision of five residential beach huts and kiosk; access steps; and alterations to retaining wall.

Prior to the meeting, Members of the Development Management Committee undertook a site visit.

Resolved:

Approved subject to:

- (i) the imposition of conditions, as set out in the submitted report;
- (ii) the receipt of a Habitat regulations assessment; and
- (iii) a Deed of Variation to tie payment of a £1,000 monitoring contribution, already secured via a Unilateral Undertaking.

**8. Tor Manor, 11 Tor Church Road, Torquay - P/2016/0348/MPA**

The Committee considered an application for the formation of 9 dwellings comprising one four bed, five three bed and three two bed units in a two to three storey terrace building with 9 car parking spaces (variation of P/2012/1093).

Prior to the meeting, Members of the Development Management Committee undertook a site visit.

Resolved:

Subject to the receipt of satisfactory drainage information, approved with the conditions set out in the submitted report and a Unilateral Undertaking or S106 agreement to secure highway improvements.

**9. Spatial Planning Performance Report April 2014 to March 2016**

The Head of Spatial Planning presented a report which provided a summary of the performance of the Spatial Planning Team against Government targets, against other Local Planning Authorities for the period 1 April 2014 – 31 March 2016.

Members and officers were commended on the performance over the last two years. There was recognition of the importance of partnership between Members, officers and investors. There was also recognition of the need to secure delivery of new jobs, homes and infrastructure.

Resolved

That the report be noted.

Chairman

---

# Agenda Item 6

**Application Number**

P/2016/0449

**Site Address**

10 Churston Close  
Brixham  
TQ5 0LP

**Case Officer**

Gary Crawford

**Ward**

Churston With Galmpton

**Description**

Addition of 2 dormers and opaque glazed windows to rear elevation, reduction in size of garage and, reposition of door and windows to front elevation

**Executive Summary/Key Outcomes**

The application is for a number of revisions to the extensions approved under application reference P/2015/0221. A number of the changes are relatively minor alterations.

The most significant element of the proposal is construction of two dormer windows on the rear elevation of the property. Under the previous application the case officer asked for dormer windows on the front and rear elevations to be deleted because of the effect on the amenity of the neighbouring property and the effect on the visual amenity of the area. It is a finely balanced judgement as to whether the proposed rear dormer windows are acceptable in terms of the impact on the property to the rear. In this case it is considered that due to the distance between the application site and the property to the rear, which is approx. 40 metres between facing windows, the proposal would not result in an unacceptable loss of residential amenity and the relationship of buildings would be consistent with policies DE3 (Development Amenity) and DE5 (Domestic extensions) of the Torbay Local Plan and. On balance the proposal is therefore considered to be acceptable in terms of impact on the amenity of adjoining occupiers.

The proposed development would have an acceptable effect on the appearance and character of the area. In terms of visual amenity it would meet the requirements of Policy DE5 (Domestic extensions) in the Torbay Local Plan.

**Recommendation**

Conditional approval (condition at end of report).



### **Statutory Determination Period**

The eight week target date was 21st June. This date has been exceeded due to including the application on the agenda for DMC.

### **Site Details**

The site, 10 Churston Close, Brixham, is a detached residential property located at the end of a cul-de-sac. Planning permission (P/2015/0221) was recently granted for an extension to provide additional ancillary accommodation to the dwelling and this extension is currently being constructed.

### **Detailed Proposals**

The application seeks permission for the addition of two rear dormers, four obscure glazed side windows, a reduction in the size of the garage and, repositioning of the door and windows in the front elevation.

### **Summary Of Consultation Responses**

None

### **Summary Of Representations**

One letter of objection was received which raised the following issues:

- Overlooking and loss of privacy

This has been forwarded electronically for Members consideration.

### **Relevant Planning History**

P/2015/0221: Extension to provide additional ancillary accommodation, approved 17/6/2015. This application originally included an extension to the front of the property and dormer windows on the rear elevation. These two elements were removed from the proposal at the request of the case officer.

DE/2016/0071: Addition of dormers to approved application P/2015/0221. Response sent on 23/3/2016.

### **Key Issues/Material Considerations**

The key issues to consider in relation to this application are 1)the impact it would have on the amenity enjoyed by the occupiers of neighbouring properties, and, 2) the impact on the character and appearance of the original property and streetscene.

## **1) Impact on amenity of adjoining occupiers**

As stated above, the rear dormer windows the subject of this application were originally submitted as part of application reference P/2015/0221 and were deleted from the proposed scheme at the request of the case officer.

It is material to the determination of this application that the case officer advised the applicant to delete the rear dormer windows from the previous application. Local Planning Authorities should be consistent in their decision making and therefore there should be an identifiable reason if the Local Planning Authority consider that the rear dormer windows are acceptable in this application.

The two proposed dormer windows would be inset into the roof. They would be slightly lower than the ridge level of the roof and would be set above the eaves line. Each window would serve a bedroom.

Policies DE3 (Development Amenity) and DE5 (Domestic extensions) are relevant to the determination of this application. Policy DE3 seeks to ensure that new development would not unduly impact upon the amenity of neighbouring uses and Policy DE5 states that an extension should “not cause harm to the amenity of nearby properties, for example through overlooking, overbearing impact, loss of light or privacy”.

The proposed dormer windows would be situated approximately 27m away from the rear boundary of No.19 Churston Close and approximately 40m from the rear elevation of No.19 Churston Close. It is acknowledged that the proposed rear dormers may result in an element of overlooking and loss of privacy to the rear garden area of No.19 Churston Close. An objection has been received from the neighbour that advises that the proposal would result in an unacceptable loss of privacy and amenity.

However, given the substantial distance between the proposed dormer windows and the rear boundary of No.19 Churston Close, it is considered to be a close judgement as to whether the proposal would be significantly harmful to warrant a refusal of the application. In the suburban environment of the application site where potential observation from first floor windows is commonplace, it could be argued that the impact of the proposal would not amount to a significant impairment of neighbouring living conditions. A reason for refusal relating to a similar relationship at 102 Sandringham Drive was not supported by the Planning Inspectorate in an appeal decision dated 3.2.14 where the Inspector considered the depth of the rear gardens, the separation of the backs of properties and the degree of intervening boundary screening and filtering vegetation was relevant and concluded that a proposal raising the roof height and provision of first floor accommodation was acceptable in terms of the relationship to the property to the rear. In this case the distance between properties was 22 metres. It should be noted that the Inspector did also refer to a difference in levels between the two

properties in this case.

It is a close judgement as to whether the proposed dormer windows would result in an unacceptable loss of residential amenity. On balance because of the distance between the application site and the property at the rear it is considered that the proposed dormer windows would not result in a significant level of intervisibility and overlooking and would therefore be acceptable and accord with Policies DE3 and DE5 in the Torbay Local Plan.

The proposal also includes the addition of four windows in the flank elevations of the dwelling which will be conditioned to be obscure glazed. As the proposal would be smaller in terms of its size than the previously approved scheme (P/2015/0221), it is deemed that the proposed development would not result in any harmful overbearing or overshadowing impacts upon neighbouring properties.

## **2. Impact on the appearance and character of the original property and the street scene**

Given the secluded location of the host dwelling at the end of a cul-de-sac and the position of the proposed dormers to the rear of the host dwelling, it is considered that the proposal would not result in any adverse impacts on the character and appearance of the original property and streetscene. As such the appearance and the design of the proposed extension would be consistent with Policy DE5 (Domestic extensions).

## **Conclusions**

This is a finely balanced decision. In planning terms it is normally accepted that a distance between facing windows serving different properties should be a minimum of approximately 20 metres to ensure that there is sufficient privacy for occupiers. It should be noted that there is no published guidance specifying this distance and it is not identified in the Council's policies in the Local Plan or the urban design guide.

In this case the distance between facing windows is approximately 40 metres which exceeds the distance that is generally sought in similar applications. In a built up location it is normally accepted that some intervisibility between dwellings is likely. In this instance it is concluded that the proposed development would not result in an unacceptable level of loss of privacy and therefore the proposed dormer windows would be an acceptable alteration to the property.

## **Condition(s)/Reason(s)**

01. The ground floor dining room window and first floor bathroom windows in the north west flank elevation of the dwelling and the ground floor

lounge window in the south east flank elevation of the dwelling, as shown on plan reference XY-01-74-15 Revision B received on 19 April 2016, shall be fitted with obscure glazing to Pilkington level 4, or an equivalent standard. Such windows shall be fixed shut unless opening parts are located higher than 1.7m above finished floor level or they are fitted with a 100mm opening restrictor. The windows shall thereafter be permanently retained in that condition.

Reason: In the interests of privacy of the neighbouring properties, in accordance with Policy DE3 of the Torbay Local Plan 2012-2030.

**Informative(s)**

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

**Relevant Policies**

DE1 - Design  
DE3 - Development Amenity  
DE5 - Domestic extensions

**Application Number**

CN/2015/0081 &  
CN/2015/0100

**Site Address**

Oldway Mansion  
Torquay Road  
Paignton  
Devon  
TQ3 2TY

**Case Officer**

Mrs Ruth Robinson

**Ward**

Preston

## UPDATE REPORT

### **Introduction**

This report updates the Development Management Committee on the progress made to secure a new development programme, that itself results in repair and refurbishment of the listed buildings on site through delivery of enabling development.

As previously advised, and as referred to in this report, there is an ongoing legal dispute between the Council - as landowner - and Akkeron. That is being dealt with separately from the Council's role as Local Planning Authority. The Council, as Local Planning Authority, must make a decision on this application on the planning merits of the proposal. However, until the legal issues between the Council and Akkeron are resolved, there is no prospect of work being undertaken by Akkeron on site. Consequently, Development Management Committee should not feel obliged to make a quick decision on this application in order to ensure repair / protective works to the listed buildings are undertaken in the near future.

### **Background**

Detailed background information in relation to this matter can be found in the appended reports which were considered by DMC at its meetings of the 9th February and the 14th March 2015.

The approved mechanism for securing delivery of the restoration proposals for Oldway is contained in the Outline Development Programme (ODP) August 2012. In broad terms this established a time scale for delivery and identified that funding would be largely derived from selling the approved enabling development (101 new homes) within the grounds to third party developers.

This can no longer be complied with and approval is sought, through this discharge of condition application, for a revised ODP. The developer now intends to carry out the enabling development themselves rather than dispose of the sites 'upfront' and requires a longer time frame within which to carry out the restoration proposals. To mitigate for the delay in securing the future of these key listed buildings, a schedule of protective works is proposed. It is this Revised Development Programme that is for consideration.

### **Progress to date**

DMC considered, at its meetings in February and March this year, applications to discharge of a range of pre-commencement and other conditions in relation to the planning and listed building applications to change the use of Oldway Mansion, the Rotunda and Stables to provide a Hotel and Spa.

Of particular significance were conditions relating to phasing which link the implementation of the enabling development (the 101 dwellings) to the restoration works to the listed buildings and grounds and secure an enforceable structure/ timeframe for delivery of these restoration works.

These are Condition No's 3 and 4 related to P/2011/1020/PA and No 4 related to P/2011/1021/LB.

**Condition 3** requires the applicant to 'adhere to the timetable for restoration of the buildings as set out in the outline development programme (ODP dated 6th August 2012) unless otherwise agreed in writing with the LPA'.

**Condition 4** required (inter alia) the submission and approval of a detailed delivery programme (based on the ODP) for this phase of the scheme which identified key stages in the restoration of the buildings and grounds and provided a timetable for delivery of the whole project.

The condition was imposed to ensure that the scheme is delivered in its entirety, in an appropriate manner and in a time frame that will secure the future of the listed buildings on the site.

The information to discharge these conditions was included in a revised Outline Development Programme (ODP) which sought to change the time frame and mechanism for delivery.

### **Key Concerns Regarding the Revised Outline Development Programme**

There were a number of concerns about the ability of the revised ODP to deliver the restoration of these key listed buildings and consequently officers at the

meeting of the 9th February recommended that the application submitted to discharge these conditions should be refused. In summary, concerns related to:

- a. The extended time frame for delivery.
- b. The change in the delivery strategy whereby the capital receipt anticipated from the disposal of the enabling plots would not be delivered upfront but on a more piecemeal basis creating a more tenuous link between the implementation of the enabling development and the restoration of the heritage asset.
- c. The reliability of the financial appraisal of the project included in the IVA (Independent Viability Assessment) which underpinned the decision to approve the initial applications (in 2011) given the increased restoration costs and erosion of the financial receipt following sale and development of the Fernham site. A critical issue from the LPA's perspective is whether this would lead to a need for additional enabling development to meet an increased restoration budget deficit.

A decision was consequently deferred on the matter to allow the IVA (Independent Viability Assessment), a key document which helped underpin the decision to approve the scheme, to be updated, to allow officers to explore matters such as the time frame for delivery and the means of achieving greater security over delivery of the restored listed buildings and grounds. In addition, Akkeron suggested more funding had become available for the project.

At the meeting of the 14th March it was explained that the review of the financial data had taken longer than anticipated but that it was hoped that a further two months would be sufficient to resolve these matters and to allow Historic England's Enabling Team to review the financial appraisals and mechanisms for securing delivery.

This report provides a further update following completion of the IVA.

### **Outcome of the IVA**

The IVA of the scheme has been undertaken by the same assessor as for the original approval. The assessor has, necessarily, worked closely with the Council and Akkeron.

In simple terms the IVA confirms that the scheme as originally devised, and as included in the Original Development Programme i.e. selling off enabling residential development in Zones A, C, and D to a third party developer, is no longer a viable proposition. Although the ODP secured an upfront capital receipt, which is an advantage in terms of getting works to the listed buildings carried out quickly and with some surety about delivery, the marginal viability coupled with the increased costs of refurbishment of the listed buildings mean that it is no longer fundable on normal commercial terms.

The assessor, who looked at a range of issues around delivery, confidence, timescales and access to funding streams, suggested three alternative options which could potentially deliver the scheme. These are:

**Option A:** This broadly follows the revised ODP submitted to discharge the relevant condition, but now includes increased upfront funding (£1.2m, as offered by Akkeron) to help mitigate concerns about the delay in restoring the listed buildings. This would allow a greater scale of protective works to be carried out than provided for in the initial discharge of conditions application.

This option involves the developer carrying out the development themselves rather than disposing to a third party and reinvesting the developer's profit into the refurbishment of the Mansion. This achieves in the region of an extra £3m pounds profit. It would however incur a significant delay in achieving the full restoration of the buildings as funding is reliant on construction, subsequent sales and the 'drip feeding' of profits into the development pot. This is likely to be a lengthy and uncertain process in terms of timescale.

The necessary link between implementation of the enabling development and delivery of the restoration proposals is eroded as the two cannot be carried out in tandem. Apart from initial works essential to arrest further decline of the listed buildings, the enabling development will need to be delivered in advance of the rest of the restoration proposals in order to fund that project.

The restoration of the Rotunda and Stables is reliant on achieving external funding on the back of a restored Mansion, which the assessor is reasonably confident is achievable.

**Option B:** This is similar to Option A but involves achieving external funding earlier in the process to reduce the delay in implementation of the enabling development and restoration of the mansion. It is likely that the repairs and refurbishment of the Rotunda and Stables would not be achieved until the end of the development. The assessor is again reasonably confident that this option would be achievable once the legal issues between the developer and the Council as landowner are resolved. It is clearly difficult to confirm funding options whilst the current legal situation prevails.

**Option C:** This looks afresh at the development strategy and identifies where the problems in funding and delivery occur. It concludes that the overall scheme would benefit from an alternative scenario for early delivery of residential development in Zone A, without the need to provide a replacement for the existing Indoor Bowling Club. This would help overcome the timing and financial implications on the scheme through the need to secure replacement of the existing Indoor Bowling Club, which is a requirement of the Development Agreement between the Council – as landowner - and Akkeron. Members



should note that the existing planning permission does not require (through planning conditions) delivery of a new indoor bowling club (or Orangery).

Under the terms of the Development Agreement, the 24 dwellings comprised within Zone A cannot be constructed until the Bowling Club is relocated. Under The new facility is to be constructed within the Hippodrome to the front of the Mansion. The costs of construction are high due to the sensitive and very public position the building would occupy and it has to be in place before the development in Zone A can proceed. This introduces significant delay and requires a large capital investment upfront which detracts from the speed and availability of funds to resolve the future of the at risk buildings.

There is provision in the Development Agreement for a payment to be made to the Council by the Developer in lieu of its replacement on site. Under the terms of the lease between the Council and the Bowling Club there is provision for the Council to give 6 months notice for development purposes subject to payment of a capital sum to compensate the Bowls Club for historic costs incurred on the original building.

The advantages of this revised scenario are significantly shorter timetables for restoration of the buildings and, if the site were disposed of to a third party, an earlier and additional injection of capital to fund more of the restoration works upfront. The assessor envisages that this might enable the works to the buildings to be complete within two years; but as importantly, it would allow far closer correlation between the implementation of the enabling development and restoration of the heritage asset, as more capital would be available early in the process to front fund the restoration proposals.

### **Need for S106 Agreement**

As part of all the proposed options, there is a need for a series of 'triggers' to tie packages of the enabling development to guaranteed stages in delivery of the restoration of the buildings and grounds. This would vary in detail depending on the option selected and delivery would be secured via a S106 agreement. Although greater clarity about interleaving between the implementation of the enabling development and restoration of the buildings and grounds has been requested from the applicants for some time, a draft document has only just been received and with insufficient time available to include an assessment of it in this report.

### **Preferred Way Forward**

Options A and B would, subject to securing external funding, deliver the restoration of the buildings and grounds. However both options will involve significant delay to the restoration of all the heritage assets. Whilst the additional external funding should be achievable, according to the IVA assessor, it cannot

be guaranteed. It also establishes a less straightforward correlation between implementation of the enabling development and the restoration of the heritage asset as the enabling development has to be built out to fund the restoration works. A staged relationship between the two elements can be achieved via the S106 agreement but there is an element of risk, particularly with the longer timescale envisaged under Option A.

Option C presents the most attractive proposition from a planning point of view; it would allow restoration works to begin more quickly and, if Zone A is sold on, could deliver a far more sizeable injection of capital upfront. A much closer correlation between the implementation of the enabling development and delivery of restored buildings and grounds is possible, subject to completion of a S106 Agreement.

Historic England are currently assessing the three options for delivery. The possible terms of a S106 agreement have not been subject to any scrutiny therefore a further period of time to identify a way forward is needed.

It is clear that the resolution of the future of Oldway is not purely dependent on a discharge of these conditions; but primarily requires a resolution of the legal differences between the Council as landowner and the Developer. Indeed, a resolution of the legal differences is necessary for any of the options to proceed. It is not possible to give a clear indication of the timescale that could be involved in resolving the legal differences. Furthermore, the way forward from a Planning perspective may to some extent be dictated by the way in which these legal issues are resolved.

Consequently, there is further time, before resolution of the legal issues, to discuss the options with Historic England and to fully resolve a watertight framework for delivery as part of a possible S106 agreement will not contribute to the delay in resolving the future of this site. Indeed, it is very important that Historic England provides formal advice in advance of a decision by the Local Planning Authority on this application.

### **Recommendation**

To defer a decision on the application until:

- a. There is further detail and refinement of Options A, B and C as outlined in this report;
- b. The views of the Historic England Enabling Team have been received, as its views are extremely important in informing the Council's decision;
- c. Appropriate heads of terms of a S106 agreement have been drawn up, for the preferred option, for consideration by DMC when making a decision on the application

## **APPENDIX 1**

### **Executive Summary from report to DMC on 9th March 2016**

*Applications to discharge of a range of pre-commencement and other conditions in relation to the planning and listed building applications to change the use of Oldway Mansion, the Rotunda and Stables to provide a Hotel and Spa were considered by DMC at its meeting of the 9th February.*

*Of particular significance were conditions relating to phasing which link the implementation of the enabling development (the 101 dwellings) to the restoration works to the listed buildings and grounds and secure an enforceable timeframe for delivery of these restoration works.*

*These are No's 3 and 4 related to P/2011/1020/PA and No 4 related to P/2011/1021/LB.*

*Condition 3 requires the applicant to 'adhere to the timetable for restoration of the buildings as set out in the outline development programme (ODP dated 6th August 2012) unless otherwise agreed in writing with the LPA'.*

*Condition 4 required (inter alia) the submission and approval of a detailed delivery programme (based on the ODP) for this phase of the scheme which identified key stages in the restoration of the buildings and grounds and provided a timetable for delivery of the whole project.*

*The condition was imposed to ensure that the scheme is delivered in its entirety, in an appropriate manner and in a time frame that will secure the future of the listed buildings on the site.*

*The information to discharge these conditions was included in a revised Outline Development Programme (ODP) which sought to change the time frame and mechanism for delivery.*

*The executive summary of that report is appended which explains the key alterations to the ODP and its deficiencies.*

*In summary, concerns related to:*

- i) The extended time frame for delivery.*
- ii) The change in the delivery strategy whereby the capital receipt anticipated from the disposal of the enabling plots would not be delivered upfront but on a more piecemeal basis.*
- iii) The reliability of the financial appraisal of the project included in the IVA (Independent Viability Assessment) which underpinned the decision to*

*approve the applications given the increased restoration costs and erosion of the Fernham receipt. Whether this would lead to a need for additional enabling development to meet an increased conservation deficit is a critical issue from the LPA's perspective*

*Officers had recommended that the information submitted to discharge these conditions should be refused because it failed to ensure that the scheme would be delivered in its entirety in an appropriate manner and in a time frame that would secure the future of the listed buildings on the site and it would also fail to ensure that the Mansion, Rotunda, Stables and Banqueting Hall are restored in line with agreed details and their future secured as part of the hotel complex.*

*In addressing Members at the meeting of the DMC on 9th February 2016, the applicant raised a series of points that he wished to be taken on board. In summary these were:*

- i) That protective works would be carried out sooner than anticipated in the original ODP*
- ii) That the implementation of the enabling development themselves rather than through upfront disposal would deliver a greater profit that could be directly invested in the restoration of the listed buildings*
- iii) That only £3.5m would have been available in the form of a 'bond' due to the need to extract fees and the costs of relocating the bowling club from the anticipated £5m enabling pot.*
- iv) That greater monies have been committed to the project than anticipated in the original ODP.*

*The applicants also agreed to consider two key items which they had previously been reluctant to do.*

*These were the use of a joint account or replacement 'bond' to provide a similar level of security regarding the delivery of restoration works to that delivered via the 'upfront' capital receipt and to rerun the IVA to examine the financial robustness of the project and whether its delivery was feasible given the increase in costs and the erosion of the Fernham receipt.*

*On that basis, Members agreed to defer the decision for a period of one month to allow these two factors to be explored and whether any greater security about delivery of the restored buildings and grounds could be achieved.*

*Discussions were held with the applicant immediately following the DMC decision. Agreement has not been reached about the form that a replacement 'bond' could take although some progress was made.*

*It was agreed that the consultant who carried out the original IVA should be used to carry out the reappraisal. However, due to holiday arrangements it has not*

*been possible to carry this out in the time frame Members requested. A meeting has been set up for the 9th March to establish terms of reference and to take this forward. It will also enable the claims of increased investment to be properly analysed.*

*In view of this, Members are requested to allow a period of a further 2 months for this assessment to be carried out and for further discussion regarding the options around securing delivery of this project.*

**Recommendation**

*A further 2 months be allowed for a reappraisal of the IVA to be carried out and for further discussion regarding the options around securing delivery of this project.*

## **APPENDIX 2 ORIGINAL REPORT TO DMC ON 9TH FEBRUARY 2016**

### **Statutory Determination Period**

*These applications were submitted on the 18th August should have been determined by the 14th October. The delay is due to ongoing negotiations.*

### **Site Details**

*Oldway Mansion is a Grade II\* listed building formerly used as Council offices. The Rotunda and Stables are Grade II listed and in an extremely poor state of repair. All are currently vacant. They are set within a Grade II entry in the Register of Parks and Gardens. The site has the benefit of a series of related planning and listed building consents designed to achieve restoration of the buildings and grounds for hotel purposes.*

### **Detailed Proposals**

*These are applications to discharge various conditions in relation to the planning and listed building consents for the change of use of Oldway Mansion and the Rotunda from Council Offices to a Hotel with ancillary conference and spa facilities.*

*CN/2015/0081 relates to the discharge of conditions 3, 4, 8, 10, 11, 12, 13 and 14 pursuant to P/2011/1020/PA*

*CN/2015/0100 relates to the discharge of conditions 4 5 7 8 and 9 pursuant to P/2011/1021/LB.*

*Conditions 3 and 4 in relation to P/2011/1020 and condition 4 in relation to P/2011/1021 are of particular significance in terms of delivery of the project.*

*The remaining conditions are of a more technical nature and information sufficient to satisfy these has been submitted. These could be discharged under delegated powers as they do not go to the heart of the permission. The development could not however proceed unless all relevant pre commencement conditions are formally discharged.*

### **Summary Of Consultation Responses**

*Historic England has been consulted and a response is awaited.*

### **Summary Of Representations**

*None.*

### **Relevant Planning History**

*A scheme to deliver a Hotel and Spa in the Mansion, Rotunda and Stables funded by residential development within the grounds was approved by DMC in April 2012. The planning permissions were issued on the 24th August 2012.*

*Planning and Listed building applications to achieve this are:*

*P/2011/1020: Change of use of Oldway Mansion and Rotunda to hotel with ancillary conference and spa facilities. Approved: 24.08.12.*

*P/2011/1021: Listed building consent in relation to the above. Approved by Secretary of State: 10.10.12.*

*P/2012/1011: Change of use and restoration of Stables to hotel use: Approved 24.10.12*

*P/2012/1012: Listed building consent in relation to the above. Approved by Secretary of State: 11.12.12.*

*P/2011/0925: Development within the grounds of Oldway Mansion to provide 46 3 and 4 bed houses, new 4 rink bowling centre, reconfiguration of 6 tennis courts, new public car parking, restoration of historic gardens and landscape, construction of 55 sheltered units. Approved 12.09.12*

### **Key Issues/Material Considerations**

*The key issue is whether the information submitted to discharge conditions 3 and 4 of permission P/2011/1020/PA and condition 4 of permission P/2011/1021/LB which relates to the submission of a revised outline delivery programme (ODP) for the project as a whole delivers adequate confidence about delivery of the restoration package for the Mansion, Rotunda and Stables.*

*These conditions were of significance in Members reaching a determination on the parent applications. They tied implementation of the scheme to the timetable and delivery strategy embodied in Development Agreement between the Council as landowner and the applicant.*

*For this reason it is considered appropriate that any changes to the ODP and the implications this has in relation to delivery are considered and determined by Development Management Committee.*

### **Background:**

*In 2007 an informal brief was published to provide guidance about the options for securing investment in the site. This suggested hotel development in the key listed buildings with limited residential development within the Registered Park and Garden to fund restoration of the declining heritage asset.*

*Separate planning and listed building applications were submitted in August 2011 in relation to the change of use of the main buildings to a hotel complex and the inclusion of residential development in the wider grounds. The applications were agreed in principle by DMC in April 2012.*

*The residential development within the Registered Park and Garden comprised 'enabling development' and was only approved on the basis that it was necessary to secure the restoration of the Mansion, Rotunda, Stables and grounds.*

*The enabling development comprised the development of Fernham to provide 55 sheltered units, which is now complete, and within the grounds, the provision of 46 dwellings in the less sensitive parts of the Registered Park and Garden. These are Zones C/D adjacent to Oldway Road and Zones A on the site of the Indoor Bowling Club.*

*The scheme was required to meet the key tests in Historic England's document 'Enabling Development and the Conservation of Significant Places' (2008). This requires that:*

- The 'achievement of the heritage objective is securely and enforceably linked' to the enabling development so that delivery is guaranteed and the LPA is not left in a position where the enabling development is built out but the benefits it was approved to pay for are not secured. This can be done through a S106 agreement, use of a bond or through the use of conditions related to phasing agreements or triggers on occupation.*
- The enabling development also has to be shown to be the minimum needed to secure the restoration of the heritage asset. This requires a detailed financial assessment of the costs of restoration balanced against the value of the project to ensure that whilst it is indeed the minimum required to secure the heritage asset there is sufficient value to ensure that the project in its entirety can be delivered and the LPA won't be faced with demands for additional development to fund increased costs. This was confirmed through an Independent Viability Assessment (IVA) and Members were briefed accordingly.*

*When the decision was made to approve the development on the site, there was an Outline Development Programme (ODP) which was embedded in the Development Agreement between the Council as landowner and the applicant. This was considered to meet these key tests and to provide adequate security about delivery of the project.*

*In summary, it secured the timely restoration of the buildings against a defined timetable and crucially secured an upfront capital receipt of £5m from disposals of the residential plots to be placed in a jointly managed account. It was sufficient to cover about 2/3rds of the estimated costs of restoring all the listed buildings and about half of the cost of the overall project. This acted like a bond and provided security about delivery of the scheme. It meant that the construction of enabling development could not commence until the money to fund restoration was delivered to the joint account and that necessary restoration works to the*



*listed buildings could commence quickly.*

**1. The use of conditions to secure delivery of the wider project.**

*Historic England's guidance in relation to enabling development recommends that assets should be repaired before the enabling development commences or the funds necessary to do so deposited as a bond. In this case, the bond was to be secured via the Development Agreement.*

*Phasing conditions were therefore applied to all the permissions in relation to the site to tie them together and to ensure that the scheme was delivered in accordance with the approved site-wide ODP and that any changes to it would have to be agreed with the LPA in writing.*

*A pre commencement phasing condition applied to the residential development (P/2011/0925) was not discharged in advance of works commencing in respect of the sheltered flats on Fernham. It was not considered that enforcement action should be taken as commencement was broadly in line with the ODP. The funding derived from the sale of the site was secured and it did not appear that there was any demonstrable harm arising.*

*However, no further development on the site can proceed without this condition being discharged in view of the changes now proposed to the ODP. A condition was also imposed on all relevant consents to secure weatherproofing of the Stables within a defined time frame as this was the most at risk of the buildings. These weatherproofing works have not been commenced.*

*The applicants have not sought to challenge the conditions attached to the last planning permissions and listed building consent. The opportunity for challenge of those conditions has long since passed. It can be concluded that the applicants considered the conditions to be reasonable and acceptable.*

**2. Phasing Conditions in relation to the applications for change of use of the Mansion, Rotunda and Stables to hotel use.**

*The relevant 'phasing' conditions in relation to the applications for conversion of the Mansion, Rotunda and Stables to Hotel use are numbers 3 and 4 pursuant to P/2011/1020/PA and number 4 in relation to P/2011/1021/LB.*

*For information, the specific wording of the conditions and the reasons for imposing them is provided at Appendix A.*

*These applications involve a revised timetable and delivery strategy for implementation of the project and additional information to satisfy the Conservation Management Plan. This proposed approach changes significantly the anticipated guarantees around delivery.*

*Information to discharge these conditions was submitted days before the applications became time expired despite many requests to the applicants to address the matter, since it became apparent that timetables were not capable of being met.*

*Immediately following submission, works were carried out on site with the intention of preserving the permissions in relation to the future use of the Mansion, Rotunda and Stables in perpetuity.*

*If the pre commencement conditions are discharged, this could retrospectively legitimise the alleged start. This would need to be established via a Certificate Of Lawful Development.*

*If the LPA is unable to discharge the conditions, the applications to change the use of the Mansion to a hotel will become time expired, if the acceptability of these applications is not subsequently secured through a planning appeal.*

### **3. Why changes to the Phasing Conditions require careful consideration.**

*The phasing conditions are important as they tie restoration of the heritage asset to the ODP. It is necessary to critically assess whether the revised phasing strategy delivers similar guarantees about securing restoration.*

*Condition 3 required the applicant to 'adhere to the timetable for restoration of the buildings as set out in the outline development programme (6th August 2012) unless otherwise agreed in writing with the LPA'.*

*Condition 4 required (inter alia) a detailed delivery programme (based on the ODP) for this phase of the scheme which identified key stages in the restoration of the buildings and grounds and provided a timetable for delivery of the whole project.*

*This information is required, as explained in the reason accompanying the condition, to ensure that the scheme is delivered in its entirety, in an appropriate manner and in a time frame that will secure the future of the listed buildings on the site.*

### **4. How does the Revised ODP compare to that referred to in the relevant conditions?**

*The revised ODP is of concern because it does not deliver the restoration of the Mansion, Rotunda, Stables and grounds in the time frame originally set out when permission was granted and there have been fundamental changes to the delivery strategy and financial position the decisions were predicated upon.*

*These matters have to be taken into account in dealing with conditions that seek approval for an alternative programme of works.*

*A. Changes to Timeframe*

*In terms of time frame, the 'approved' ODP indicated that leases would be drawn down on the residential enabling development in January 2013 so the sites could be disposed of to realise funds for the works to commence on the restoration of the listed buildings.*

*Contractors would be appointed in April 2013 to start work on the Mansion in July 2013 and the Rotunda in October 2013 with completion in October 2014. The position in relation to the Stables was complicated by the need for bat surveys but a condition was imposed to ensure that the hotel use could not commence in the Mansion and Rotunda until the restoration of the Stables (for purposes ancillary to the hotel) was substantially complete.*

*The revised ODP, leaving the future of the Stables unresolved, would be at variance with the requirements of this condition.*

*There has been a significant delay in the start of the works. The update to the Conditions Survey 2014 (submitted to satisfy in part the requirements of condition 4) shows that this has led to a substantial increase in the number of defects in all of the listed buildings. This has increased restoration costs by 26% and any further delay in urgent repairs will exacerbate this.*

*The revised ODP which originally accompanied this application, involved a significantly extended time frame for delivery and the implementation of 'priority works' to the Mansion only (the Rotunda and Stables were to be mothballed).*

*These 'priority works' comprise a detailed schedule of remedial works.*

*Further, these works were only to be completed when the 'enabling development' in Zones C/D and A within the gardens was constructed and available for sale. This introduced an unacceptable delay to necessary protective works being carried out and carried a risk that the houses could be built without any works carried out to secure the future of the listed buildings.*

*Following several months of discussions the revised ODP has been amended to secure the implementation of all the 'priority works' to the Mansion prior to the sales of the first tranche of enabling development in Zones C/D (providing 22 homes) along with undefined protective works to the Rotunda and a contract for weatherproofing the Stables.*

*Whilst this is an improvement on what was originally submitted, it is all that can be guaranteed through the revised ODP. This revision explains that the works to*

*convert the Mansion to a hotel will rely on the sales of residential dwellings comprised within zones C/D and A along with possibly quite substantial loans. The works to restore/convert the Rotunda and Stables will rely on mortgaging the hotel when complete. The Applicant is not able to provide guarantees regarding the availability of this additional funding. This provides considerably less certainty than before that the listed buildings and Registered Garden will be repaired and renovated and as such fails to meet both the Council's planning requirements and Historic England's enabling development requirements.*

*It should be noted that when the decision to approve the scheme was granted in 2012 a significant proportion of the 'priority works, were considered unnecessary, except in relation to the Stables. The listed buildings are now more 'at risk' than before and the 'priority works' are now all necessary, which is a key consideration.*

*Whilst the improvements negotiated to the revised ODP will ensure that the remedial works to the Mansion might at least begin more promptly, that has to be balanced against the increased uncertainties over delivery of the whole project.*

*B. Changes to Development Strategy.*

*Much of the concern regarding delivery stems from the proposed changes to the development strategy. The approved ODP involved the upfront disposal of the enabling development to third party developer which would have secured substantial capital receipts of around £5m to be held in a jointly managed bank account. This would have acted as a 'bond' to secure delivery. It meant that enabling development could not commence until the money was secured and it would have allowed works to proceed quickly on protective works and towards delivering a restored Mansion, Rotunda and Stables. Prompt delivery is an important factor in dealing with remedial works to listed buildings, especially buildings of the quality of Oldway Mansion.*

*Whilst additional funding would have been needed to complete the overall project, the Independent Viability Appraisal (IVA) indicated that a significant proportion of the costs of restoration of the listed buildings would have been covered by the size of this receipt and having this 'banked' makes raising additional funding if required a less risky proposition.*

*The approach to delivery embodied in the approved ODP was validated through the IVA.*

*The revised ODP effectively deletes the bond as the applicants have decided to develop the housing plots themselves rather than dispose of them 'upfront'. This results in a significant delay in achieving any capital receipt as the funding is reliant on individual sales of completed dwellings. The link that existed between the enabling development and the prompt implementation of restoration works to*

*the historic buildings is thus seriously weakened.*

### **C. Changes to the Financial Position.**

*The financial position in relation to the Oldway development is also relevant because condition 4 was imposed “To ensure the scheme is delivered in its entirety, in an appropriate manner and in a time frame that will secure the future of the listed buildings on the site”.*

*If the proposed development programme does not contain sufficient safeguards to ensure that restoration works are delivered promptly, the LPA has no assurance that delays will not lead to further increases in costs which could lead to a failure to complete the renovation works or pressure for additional dwellings on the site.*

*The factors which informed the IVA in 2012 have, as a result of the matters described earlier in this report changed, these are rising costs, further deterioration in the buildings and the fact that approximately £1.3 million of the £2.1 million secured from the sale of Fernham has been spent on fees. The IVA, which thoroughly assessed all development costs indicated that only £1.2 million was needed to cover the fee requirements for the entire project.*

*Historic England only recommended support for the scheme on the basis that the IVA confirmed the level of enabling development was the minimum needed to achieve the stated goal of restoration and was based on realistic and achievable financial modelling. Whilst this was demonstrably the case in 2012, and substantially underpinned Members’ decision to support the scheme, confidence in its conclusions can no longer be assured given now many of the inputs to the assessment have changed.*

*In view of this, it is considered that the IVA should be re assessed to ensure that Historic England’s enabling development tests can still be met and particularly that no further development will be required to fund the increased scale and costs of restoration works. The applicants question the need for this and have not confirmed they will cover the cost of such work (as is necessary to meet the Council’s policy on viability assessment work).*

### **5. Other matters.**

*The timing of restoration of the grounds, as required by the phasing condition is not addressed other than being carried out in ‘pockets of relevance’ which is as described in the original applications.*

*The overall scheme for the conversion of Oldway to hotel use included a range of other requirements which formed part of the ODP such as replacement registry office, café, and tennis courts, restoration of the Grotto /historic gardens and new*

car parking. These matters are not addressed as part of this submission other than by reference to dates.

There are no particular planning reasons to insist on guarantees regarding delivery of the Registry office, tennis courts or café. However the issue of delivery around the historic garden and grotto is very much of concern.

## **6. Is there a way forward?**

It was made clear to the applicants that for a revised ODP to be acceptable there needed to be a greater interleaving between the implementation of the enabling development and the delivery of the restored Mansion, Rotunda and Stables for hotel use and that this needed to be related to defined enforceable triggers rather than on a phasing programme that relied largely on dates.

There is no means of enforcing compliance unless key outcomes are tied to restrictions on occupation, sales, letting of contracts or there is a bond available to the LPA to effectively mitigate any default.

The applicants have been advised what key outcomes are essential and how these can be tied to defined stages in the implementation of the enabling development. Whilst some suggestions have been taken on board, such as completion of specified protective works prior to any sales of the new housing, this still provides no surety over the delivery of the hotel or the future of the Rotunda or Stables beyond a series of anticipated dates and hoped for outcomes.

The applicants do not appear to understand the Council's reservations, as expressed by officers, about securing delivery against dates as the previous ODP was partly reliant on a time frame for implementation.

They find it difficult to understand why a more robust stance should be taken now. There are three reasons for the LPA's stance.

Firstly, and most importantly, the approved ODP secured a substantial upfront capital receipt, nearly half of the necessary funding for the entire project and a significant proportion of the restoration costs of the listed buildings as confirmed by an IVA. It provides confidence that the scheme will deliver. In the absence of this comfort, it is necessary to be more vigilant over delivery and to try and secure a similar outcome by alternative means.

Secondly, the implications of relying heavily on an unenforceable timetable are now apparent from the current position on the site. The Development Agreement (through which the Council as landlord could exercise control) cannot now, for various legal reasons, be relied on.

*Finally, the applicants have been advised that it would be useful to have a comparable understanding of the financial capacity of the scheme through a re run of the IVA given the changes in circumstances. The applicant is reluctant to engage in this.*

*However, discussions have now stalled and there is a need to reach a determination on the matter given the lapse in time since submission of the details and lack of progress in negotiations.*

## **7. Conclusion.**

*Officers have secured improvements to the revised ODP which will ensure that all the 'Priority Works' are carried out prior to the sales of the first tranche (22 houses) of enabling development.*

*However against this has to be balanced the fact that it is only these works that can be guaranteed and conversion works to deliver the hotel use are not secured. The future of the Rotunda and Stables is also uncertain. As it was the rescue of these particularly at-risk buildings that underpinned the original approval this is clearly a retrograde position to be in. The delivery of restoration of the gardens is similarly unresolved.*

*The applicants will argue that the original ODP did not fully guarantee these matters however the availability of a substantial bond up front provided a significant degree of comfort.*

*This contrasts sharply with the position should the revised ODP be accepted. If this was approved the speed and certainty of delivery would be reduced; the link between the enabling development and delivery of the restored historic buildings would be eroded and the more dubious viability and uncertainty regarding funding sources could expose the Council to a risk of pressure for more enabling development to prop up the project at a later date.*

*These concerns could be mitigated by the applicants agreeing to a greater degree of interleaving between the restoration of the heritage asset (buildings and grounds) and the implementation of the enabling development and exposing the revised financial components of the scheme to a re-run of the IVA.*

*This was pivotal in informing Members views in relation to the original approval and any changes to costs, values or the development strategy to be used should be subject to a similar level of scrutiny.*

*The options available to Members are to:*

- *Defer the decision on the matter and the applicant be asked to provide more comfort regarding delivery. It is however unlikely to produce a*

*change in the outcome.*

- *Refuse the application for reasons relating to uncertainty about delivery of the project. However due to the timing of these submissions the applications for planning permission and listed building consent would become time expired unless the matter was subsequently approved on appeal. This has ramifications for the project as a whole.*

## **8. Recommendation**

*Officers advise that the information submitted to discharge Conditions 3 and 4 pursuant to P/2011/1020 and condition 4 pursuant to P/2011/1021 in the form of a revised ODP should be refused because it fails to ensure that the scheme is delivered in its entirety in an appropriate manner and in a time frame that will secure the future of the listed buildings on the site and it fails to ensure that the Mansion, Rotunda, Stables and Banqueting Hall are restored in line with agreed details and their future secured as part of the hotel complex in line with policies HE1 and SS10 of the Adopted Torbay Local Plan.*

### **Relevant Policies**

-



**Application Number**

P/2016/0455

**Site Address**

Paignton Zoo Environment Park  
Totnes Road  
Paignton

TQ4 7EU

**Case Officer**

Mr Alexis Moran

**Ward**

Goodrington With Roselands

**Description**

Provision of mixed species exhibit including new buildings and landscaping.

**Executive Summary/Key Outcomes**

Paignton Zoo is around 80 acres in size. It has over 2,000 animals representing nearly 300 species. It was founded in 1923 and is owned by the Whitley Wildlife Conservation Trust, which also owns Living Coasts (Torquay), Primley Park and Clennon Gorge, Paignton. Paignton Zoo Environmental Park is one of the most respected tourist attractions in the South West and welcomes nearly half a million visitors a year with numbers increasing year on year. It currently employs over 100 permanent staff and an additional 120 seasonally.

The application seeks permission for the creation of a mixed species exhibit themed on an African savannah. The key aim of this is to provide a more open area for visitors to view the animals. The savannah also includes an African village themed area consisting of buildings for viewing animals, a café, an educational building and toilets (see pages 18 &20 of the attached Design and Access Statement (D&A)). Improvements to visitor circulation are also proposed (see page 16 of the attached D&A).

The zoo is within a Core Tourism Investment Area as such consideration must be given to Policy TO1 (Tourism, events and culture) of the Torbay Local Plan 2012-2030. This Policy states that Torbay's tourism will be developed in a sustainable and competitive manner, to enhance its role as a premier tourism destination. The proposal helps to deliver the key requirements of this Policy by providing improvements to the facility in order to attract new visitors to what is already a key tourist attraction in Torbay.

In order to provide the open savannah area a number of existing stables and paddocks will need to be demolished and re-built with some of these being closer to existing off site residential dwellings. The new stable and paddock buildings have been designed to limit their impact on the amenity of neighbouring occupiers, are not deemed to be over-dominant and are considered to have an acceptable impact on the residential amenity.

The application is deemed to be acceptable in principle however further information with regards to the relocation of the existing Badger sett, revised tree plans, further drainage information and the result of further ecological surveys and Habitats Regulation Assessment are required.

### **Recommendation**

Conditional Approval, subject to receipt of a revised tree removal plan to indicate T16 being retained, additional information regarding the relocation of the Badger sett, a revised CMS, submission of drainage details, the submission of results of ecological studies with regards to bats and the completion of an HRA.

### **Site Details**

The site is within Paignton Zoo which is located off of the Totnes Road. The Zoo is within a Core Tourism Investment Area in the Torbay Local Plan 2012-2030 and is adjacent to a semi-ancient woodland and the Clennon Hill/Roselands Valley Urban Landscape Protection Area (ULPA).

### **Detailed Proposals**

The application seeks permission for provision of a mixed species exhibit including new buildings and landscaping.

The proposal aims to combine a number of existing animal exhibits within the zoo into a mixed species exhibit with an African savannah theme. The aim is to create the impression of a single integrated area with a landscape planted and themed in the appearance of the African Savannah. A variety of African animals are proposed to be within the new savannah area, amongst these area Elephant, Black Rhino, White Rhino, Rothschild's Giraffe and Hartmann's Mountain Zebra.

A number of structures are also proposed which include a netted aviary, bridges, walkways and buildings for education (see pages 23-30 of the attached D&A). The aviaries are to be constructed of lightweight netting and the largest is to be a maximum of 9.3m high at its highest point.

The "village" themed area (to the north-east of the site) also includes buildings for viewing animals, animal houses, a café, an educational building and toilets. These are designed in the architectural character of the Matobo National Park. Six units of staff accommodation to the north-east of the site will need to be demolished.

In order for the mixed species paddocks to be created a number of the animal stabling buildings require relocation. The ideal location for replacement buildings, in order to open up the savannah area, is around the perimeter of the site.

A dry river bed and waterhole add to the savannah themed image as well as providing some surface water attenuation and a physical barrier. The waterhole

also provides an opportune viewing area. Enclosures for the smaller animals, such as the Aardvark and Meerkats, allow closer encounters with the animals through various viewing areas. A crashed vehicle adjacent to the watering hole acts as a visitor barrier and viewing platform whilst adding to the overall safari/savannah theme (see pages 27-29 of the attached D&A).

The proposal includes improvements to visitor circulation with a new route through the zoo. This route integrates with existing paths but provides a more clear and legible pathway.

An existing Badger sett in the centre of the site is proposed to be moved to an area of semi-ancient woodland to the south of the site. Further details of this relocation are required, in terms of whether there would be an adverse impact on the semi ancient woodland from the relocated sett. The applicant will also need a license from Natural England to move the badger sett which is a separate procedure to the determination of the planning application.

### **Summary Of Consultation Responses**

Arboricultural Officer - The character of the zoo is reflected in the name Paignton Zoo & Botanical Gardens where a long history of diverse plant selection and establishment is evident from the original beech, oak, ash & lime trees occasionally encountered, through to younger redwoods, maples, trees of heaven. The tree numbers and pollution diversity is exceptionally good. This is amplified by the location of the site in wider Paignton urban area.

Plan CPP422-TPP1 notes that 41 individual trees are to be removed with large groups of Leylandii also to be removed. Whilst the need for tree removals is understood in terms of facilitating the new exhibit spaces, it will result in a loss to visual aesthetics, habitat potential and canopy cover. To address this, a significant landscaping plan detailing appropriate species for the location, use and climate will be required to mitigate the tree losses.

The scale of the application requires a Landscape and Ecological Management Plan (LEMP), which should include details of species mix, tree sizes, locations and management arrangements.

It is proposed to relocate the Badgers on the site to an artificial sett to an area within the Clennon Hill Ancient Woodland at the south of the zoo. The need to relocate the sett here is understood and the proposed site appears suitable. However, the constraint posed by the designation of the site requires the consideration of an alternative location. Zoo owned woodland to the East outside of the Clennon Hill site may be more suitable for the artificial sett and further assessment of that location is required.

It is considered that the proposed removal of the trees will improve the visual aesthetics of the site and a robust mitigation planting scheme will be needed to

ensure that the impact on visual amenity and biodiversity is acceptable.

The Construction Method Statement (CMS) will need to be amended to provide details of exclusion zones for all new structures including those required for the aviary netting. Further information regarding details of material storage, pre commencement pruning for access and the appointment of a clerk of works are also required.

On a more detailed level it is proposed to remove a Small Leaved Lime tree (T16, shown on plan CPP422-TPP1). This is regarded as a principal tree within the zoo, and is likely to be one of the original plantings dating to the setting out of the grounds. As such its retention is required on both aesthetic and historic grounds.

The overall view of the arboricultural officer is that the scheme be suitable for approval on arboricultural merit in relation to all matters excluding the removal of T16 and further information with regards to the siting of the artificial badger sett.

Greenspace Infrastructure Co-ordinator - The application is accompanied by an Ecological Impact Assessment (EclA), comprising an Extended Phase 1 Habitat Survey and Phase 2 surveys for bat roosts, hazel dormouse (nest and nut search) and badgers (submitted in a separate confidential report).

The report notes that not all of the bat roost surveys are complete, with emergence surveys of the bungalows and garages on Brantwood Close (assessed as having moderate potential for bats) to be completed in summer 2016. In accordance with best practice, the results of these surveys should be submitted prior to determination.

The report notes that the western part of the site falls within the sustenance zone and a strategic flyway associated with Greater Horseshoe Bats (GHB) from the Sharkham Point to Berry Head component of the South Hams SAC. Natural England has advised that no GHB activity surveys are required and that the proposal would be considered to be 'minor development' as set out in the 2010 South Hams SAC GHB Consultation Zone Planning Guidance. Torbay Council has commissioned a Habitats Regulations Assessment Screening to consider whether there are any Likely Significant Effects in relation to Greater Horseshoe Bats associated with the South Hams SAC.

The proposed new native boundary planting detailed in the planting specification is welcomed and will provide benefits for wildlife. Further detail, including detail regarding on-going management, will need to be secured by planning condition.

With regards to the Badger sett the proposed mitigation approach is agreed subject to further clarification to the re-siting of the sett.

Senior Historic Environment Officer - no objection to the proposal.

Drainage Engineer - testing has still not been undertaken at the location of the final SuDS feature as requested. This information is required prior to determination.

### **Summary Of Representations**

Two letters of objection have been received which raise the following concerns:

- o Loss of privacy and amenity;
- o Insufficient detail submitted with the application;
- o Impact on ecology;
- o An increase in noise;
- o An increase in odour;
- o An increase in vermin.

### **Relevant Planning History**

None specific to this application.

### **Key Issues/Material Considerations**

The key issues to consider in relation to this application are the impact the proposed developments would have on:

- improving the existing tourist facility;
- the amenity of neighbouring residential occupiers (through noise and visual intrusion); and
- trees and ecology on the site.

### **Improving the existing tourist facility**

Policy TO1 (Tourism, events and culture) of the Torbay Local Plan 2012-2030 supports the principle of improvements which provide high quality facilities to existing tourist attractions and in particular those, such as the zoo, which are within Core Tourism Investment Areas (CTIAs). The Policy states that Torbay's tourism will be developed in a sustainable and competitive manner, to enhance its role as a premier tourism destination.

The African savannah theme has been designed to appear visually unobtrusive in order to increase the immersive experience enjoyed by visitors to the zoo. The proposed development also intends to provide an educational experience by demonstrating how humans and wildlife can co-exist in a sustainable manner.

The application includes an A5 element (hot food takeaway) which is defined in the NPPF as a town centre use and usually would require a sequential test to determine whether its use should be out of the town centre. However in this instance the use is in support of a tourism facility and is in accordance with a policy in an up to date Local Plan (policy TO1). Therefore a sequential test is not required in this instance.

The proposal helps to deliver the key requirements of this Policy by providing improvements to the facility in order to attract new visitors to what is already a key tourist attraction in Torbay and one which has a proven record of increasing visitor numbers year on year. Thus providing an economic benefit to Torbay, it is therefore considered that the proposal is compliant with Policy TO1 of the Torbay Local Plan 2012-2030.

### **The amenity of neighbouring residential occupiers (through noise and visual intrusion)**

The key Policy to consider in relation to residential amenity is DE3 (Development amenity). This requires developments to be assessed to determine whether their addition would result in an increase in noise and visual intrusion which would unduly impact upon the amenity of neighbouring and surrounding uses.

The site is bounded by residential development on its northern (Leyburn Drive & Oatlands Drive) and eastern edges (Brantwood Drive and Brantwood Close). The siting therefore of larger buildings in which the animals are housed around the perimeter is a material consideration in terms of visual impact on these properties. These buildings and associated external hardstanding areas are to be largely level in order to minimise risk of injury to animals as they are run in and out of the stabling areas. This will require the existing ground to be dug down or built up as required. All new buildings are proposed to be single storey with low pitched roofs.

### **Camel and Zebra Stables**

The site of the Camel and Zebra stables is to be in the area where the Camel paddock and Takin stable are currently located which is to the east of the site. This area backs on to Brantwood Drive.

The Camel and Zebra stables will be combined into a single building with shared keeper access, to minimise the built footprint. The building has been orientated so that the narrowest point backs on to the residential dwellings behind. The roof of the building is also single storey to this boundary and approximately 26 metres from the rear of the nearest dwellings on Brantwood Drive.

This area of the zoo has housed hooved animal stock of various species for a number of years and therefore there will be little change to the type and nature of animals being accommodated in the vicinity of the neighbouring properties.

The ground between the plot and the adjacent properties will be battered down towards the site boundary and the buildings and fences are to be screened further with native planting, details of which are covered by proposed conditions.

Given the orientation of the building, its height and the distance to the nearest residential properties, it is considered that it would not have an overbearing or over-dominant impact on the privacy or amenity of the occupiers of neighbouring

properties. As this part of the site has been used to accommodate animals of a similar nature in the past it is not likely that the proposal would result in a significant increased in noise and disturbance. The Camel and Zebra stables are therefore deemed to comply with Policy DE3.

### **Ostrich and Lechwe Stables**

The Ostrich and Lechwe stables and paddock are proposed to be sited to the north of the site and the main savannah and backs on to the properties on Leyburn Grove. The proposed stable is to be single storey. The current stables, which include the Zebras, will be demolished to allow for the construction of the exhibit and village building.

The topography of the land in this area of the site allows the single storey building to be set below the single storey eaves height of the houses to the rear (as shown in drawing ref: 3756(22)14-04). The closest of these properties is some 20 metres from the stables. In addition further screening and mitigation planting will be added between the building and the boundary. Details of this will be required via condition.

Given the difference in levels, the proposed boundary planting and the distance of the proposed development to the properties to the rear, it is considered that the proposal would have an acceptable impact on the residential amenity of neighbouring occupiers. It is unlikely that the proposal would result in a significant increased in noise and disturbance and would therefore comply with Policy DE3.

### **Takin Stables**

The Takin stable is to be relocated into the quarry in the south-east corner of the site providing them with access to terrain which would be more in keeping with their natural habitat. The stable building would be over 50 metres from the nearest adjoining property and screened by trees and other foliage. It is therefore considered that its addition would have an acceptable impact on the residential amenity of neighbouring occupiers and would not cause a significant increase in noise or visual intrusion. The Takin stables are deemed to comply with Policy DE3.

### **Village**

The buildings which make up the village are all single storey and located towards the east of the site. The buildings are set sufficiently far away from the site boundary and are well screened by existing planting which is proposed to be reinforced. The village buildings would not therefore cause visual harm or result in detriment to the residential amenity of neighbouring occupiers and complies with Policy DE3.

### **Aviaries**

The aviary structures are located to the west of the site and well away from any

residential properties. These will be the largest of the proposed developments in terms of height being 9.3 metres from ground level. However they are to be constructed/covered by a lightweight net material and would therefore not be highly visible or obtrusive from surrounding viewpoints into the zoo. The additional aviaries are deemed to comply with Policy DE3.

It is considered that the overall impact of the development would have an acceptable in relation to the amenities currently enjoyed by the neighbouring residential occupiers and would comply with Policy DE3 (Development amenity).

### **Impact on trees and ecology**

In general the removal of trees to open up the Savannah area is considered to be acceptable subject to submission and agreement of details of replacement planting. A revised plan showing the retention of the Small Leaved Lime Tree (T16) is required.

In principle the proposal to relocate the Badger sett is acceptable, and will be subject to Natural England licensing, however further details are required in relation to the precise location of the new artificial Badger sett.

Details of on-going management of the new planting shall be secured through a Landscape and Ecological Management Plan (LEMP) to be submitted to Torbay Council for approval.

Construction should be carried out in strict accordance with the mitigation measures in section 4.1 of the Ecological Impact Assessment (EclA) to ensure no construction impacts on habitats, reptiles and amphibians, nesting birds, bats, hazel Dormouse and Hedgehog. It is recommended that these measures are incorporated into a Construction Method Statement submitted for approval to Torbay Council prior to commencement.

A Habitat Regulation Assessment (HRA) has been commissioned by Torbay Council and the results of this are pending. No decision should be issued until the outcome of that assessment has been provided to the Council. If the HRA concludes that the proposal would have a likely significant effect on the SAC a further report will be provided to DMC.

The submitted Ecological Impact Assessment (EclA) which includes Extended Phase 1 Habitat Survey and Phase 2 surveys for bat roosts, hazel dormouse and badgers notes that not all of the bat roost surveys are complete. However emergence surveys of the bungalows which are and garages on Brantwood Close (which are to be demolished) are to be completed in summer 2016. It is noted that the mitigation currently proposed is based on the presence of a breeding colony and therefore additional mitigation is considered unlikely as a result of the bat surveys. In accordance with best practice it is considered that the application should not be determined until these results have been submitted



however.

The applicant has not requested an Environmental Impact Assessment (EIA) screening opinion. However the case officer has undertaken a screening opinion the result of which was that an EIA is not required.

### **Conclusions**

Conditional Approval, subject to receipt of a revised tree removal plan to indicate T16 being retained, additional information regarding the relocation of the Badger sett, a revised CMS, submission of drainage details, the submission of results of ecological studies with regards to bats and the completion of an HRA.

Headlines of conditions.

- Prior to commencement of work on site a LEMP shall be submitted to the Council for approval
- Prior to commencement of work on site details of all boundary treatments shall be submitted to the Council for approval
- Prior to commencement of works, full landscaping details shall be submitted to Torbay Council for approval. Details shall include proposed species, plant sizes and numbers/densities. Boundary planting shall be undertaken in the first available planting season following commencement.
- The development shall be carried out in strict accordance with the approved CMS
- Prior to demolition of the bungalows on Brantwood Close, Torbay Council should be provided with either:
  - A copy of a license issued by Natural England pursuant to The Conservation of Habitats and Species Regulations 2010 in respect of bats authorising the works to go ahead; or
  - A statement in writing from Natural England, or a suitably qualified ecologist, to the effect that they do not consider that the works will require a licence.
- No external lighting should be installed unless approved in writing by Torbay Council to ensure no adverse impacts on bats.
- 18 Schwegler 2FR bat tubes (or similar approved) should be installed within the fabric of the new buildings above 2m in height in locations not subject to lighting as shown on Drawing 3756(SK)102 Rev 01: Proposed Bat Box Locations, 19/04/2016.
- Further conditions shall be delegated to the Head of Spatial Planning.

### **Relevant Policies**

-

**Paignton Zoo  
Savannah! Mixed  
Species Exhibit  
Design and Access Statement  
April 2016**

**Contents**

Introduction		Original Proposal	
Preface	02	Layout	12
Brief	03		
		Expanded Brief	
Context		Initial Layout	13
Site Plan	04	Updated Proposal	14
Site Overview and Photos	05		
Existing Site Photos	06	Circulation	
Existing Buildings	07	Legibility	16
		Vehicle Access	17
Analysis			
Existing Routes	08	Buildings and Landscaping	
Scattered Exhibits	09	Structures	18
Constraints & Challenges	10	Planting	19
Opportunities	11		
		Visitor Experience	
		Village	20
		Play and Exploring	21
		Masterplan	
		Exhibit and Species	22
		Theming	23
		Theming	
		Materials	24
		Indigenous Art	25
		Savannah Landscape	26
		Route Event	
		Meerkat Exhibit	27
		Savannah Themed Viewing	28
		Giraffe Feeding Walkway & Sheltered Viewing	29
		Visual Impact	
		Off-show Buildings	30
		Village & Education Space	31
		Accessibility	
		Inclusive Access	32
		Construction	
		Phasing	33

# Introduction:

## Preface

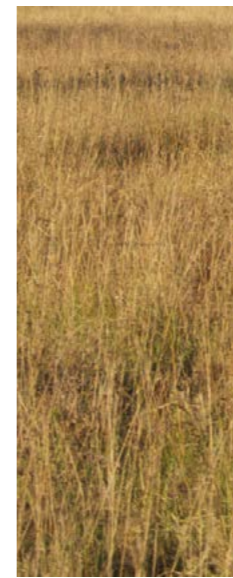
This document should be read in conjunction with the architectural drawings and other reports produced by the relevant design team members in support of the application, including:

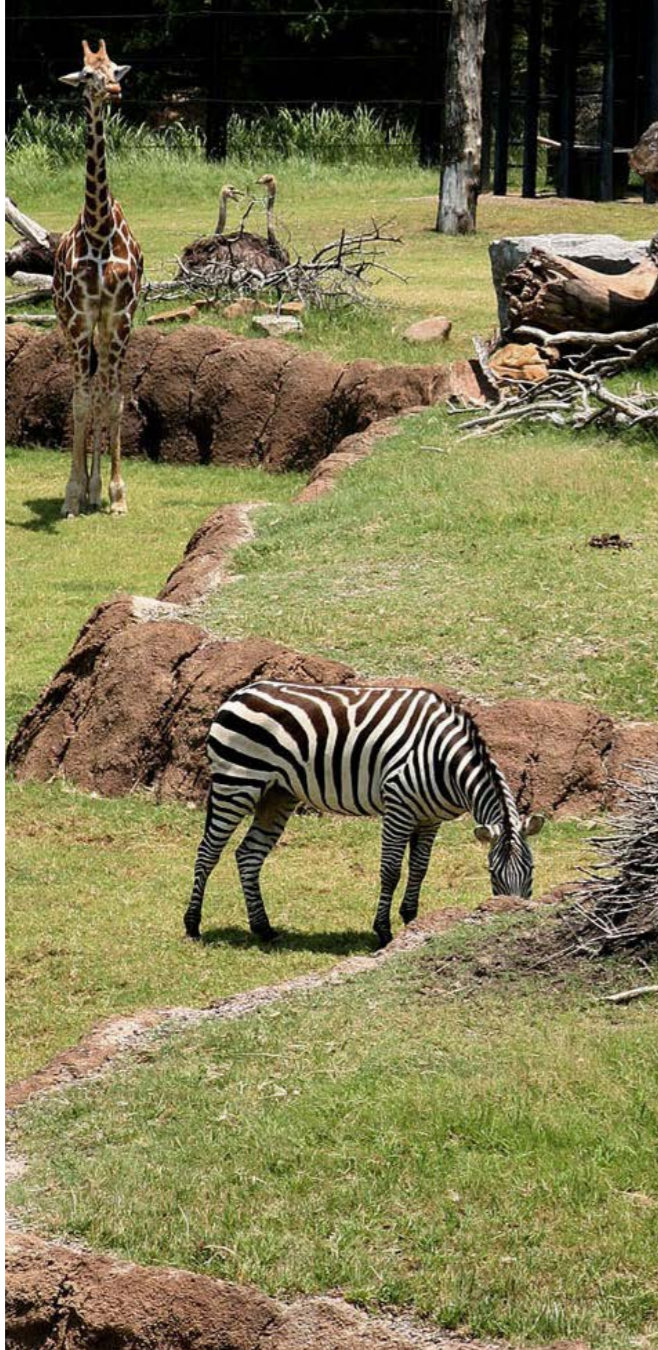
- Flood Risk Assessment**
- Archaeological Statement**
- Ecological Statement**
- Arboricultural Impact Assessment**
- Tree Survey**
- Tree Protection Plan**
- Proposed Planting Plan**

This document supports the application of detailed planning permission for the alteration and combination of several existing animal exhibits in Paignton Zoo into a mixed species exhibit.

The purpose of this document is to assist Torbay Council and other interested parties in understanding and appraising the design. It outlines the design aspirations for a new mixed species exhibit which will create an immersive and educational experience for visitors whilst responding to the individual needs of the animals, the constraints of the site and the objectives of relevant planning policy.

It aims to describe the scheme's design principles and provides insight into its layout, appearance, accessibility and underlying themes.





The overarching requirement of the brief is to combine and alter a number of existing exhibits within the zoo into a mixed species exhibit themed on the African Savannah. The aim is to create the impression of a single integrated area, displaying exclusively African animals and with a landscape planted and themed to match. Boundaries between animals and the public will be designed in such a way as to appear visually unobtrusive in order to amplify the immersive experience enjoyed by visitors to the zoo

The major theme of the exhibit will be: Living with Wildlife. The intention is to demonstrate how, with due care, planning and consideration, it is possible for human beings to co-exist with wildlife and to use a specific exemplar from the African continent to illustrate it. The exemplar to be used will be the Matopos Hills in Matabeleland, Zimbabwe.

The reasons for this are:

- The Whitley Wildlife Conservation Trust (Paignton Zoo's parent charity) supports the Dambari Wildlife Trust which is based in Bulawayo, Zimbabwe, and carries out conservation and education work in the Matopos Hills
- The Matopos (or Matobo) Hills, a recognised world heritage site and a National Park, has some of the most extraordinary rock landscapes in the world, which could provide an apposite and striking background to the exhibit
- The last surviving populations of white and black rhinoceroses in western

Zimbabwe are in the Matopos Hills

- Matabeleland, in which the Matobos are situated, has a beautiful indigenous style of African art – Ndebele – that will provide an attractive theme to visitor areas of the new exhibit

The theming of the exhibit will be based heavily around Ndebele. Ndebele art uses primary colours – red and dark red, yellow to gold, a sky blue, green, and sometimes pink.

The patterns are one of the most important aspects in Ndebele communication through painting. The patterns are geometric and are usually repeated throughout their design with only a very slight variation and different colour choice.

Cave paintings and unusual rock formations feature in the Matopos Hills and these will also be included in the theming of the exhibit. The use of earth colours, such as yellow ochre, red ochre, terracotta, burnt umber and natural greens, will feature throughout.

It is proposed that a wide variety of African animals, mostly mammals and birds, will be exhibited, some of which will be new to Paignton Zoo's collection. However, the key animals will be: elephant, black rhino, white rhino, Rothschild's giraffe, Hartmann's mountain zebra, aardvark and vulture.

The following messages will provide the impetus for visitor engagement within the exhibit which

## Introduction: Brief

will be delivered through a combination of signage, presentations and social media, etc.:

- 'Why Biodiversity Matters'
  - o Interconnectivity between species (e.g. food chains at a very simple level)
  - o For the local economy (tourism and trade)
  - o Provision of resources such as building materials, medicines, food
  - o Local cultural/spiritual beliefs
  - o Value of plants/local knowledge
 With the overall message that humans should learn to live alongside wildlife; the benefits are mutual and strong.
- 'Conservation Advocacy'
  - o The greatest threat to rhinos, and many other animals and plants, is the illegal wildlife trade
  - o Rhino horn does not have any more medicinal properties than human hair
  - o The only surviving rhinos in western Zimbabwe are in the Matopos Hills
  - o Conservation works: The white rhino was once the rarest large mammal on the planet, but it is now the only rhino that is not Critically Endangered
- 'About WWCT & PZ':
  - o Paignton Zoo is part of the WWCT
  - o WWCT supports Dambari Wildlife Trust
  - o WWCT has in situ projects both in the UK and overseas
  - o Paignton Zoo breeds black rhino for conservation purposes

**"To create a 'Panorama of African animals' that offers our visitors opportunities to look out over an aesthetically pleasing scene of animals uncluttered by traditional fences"**

**Context:**  
**Site plan**



**Context:**  
**Site overview and photos**



**Context:**  
**Existing site photos**

Page 47



## Context: Existing Buildings

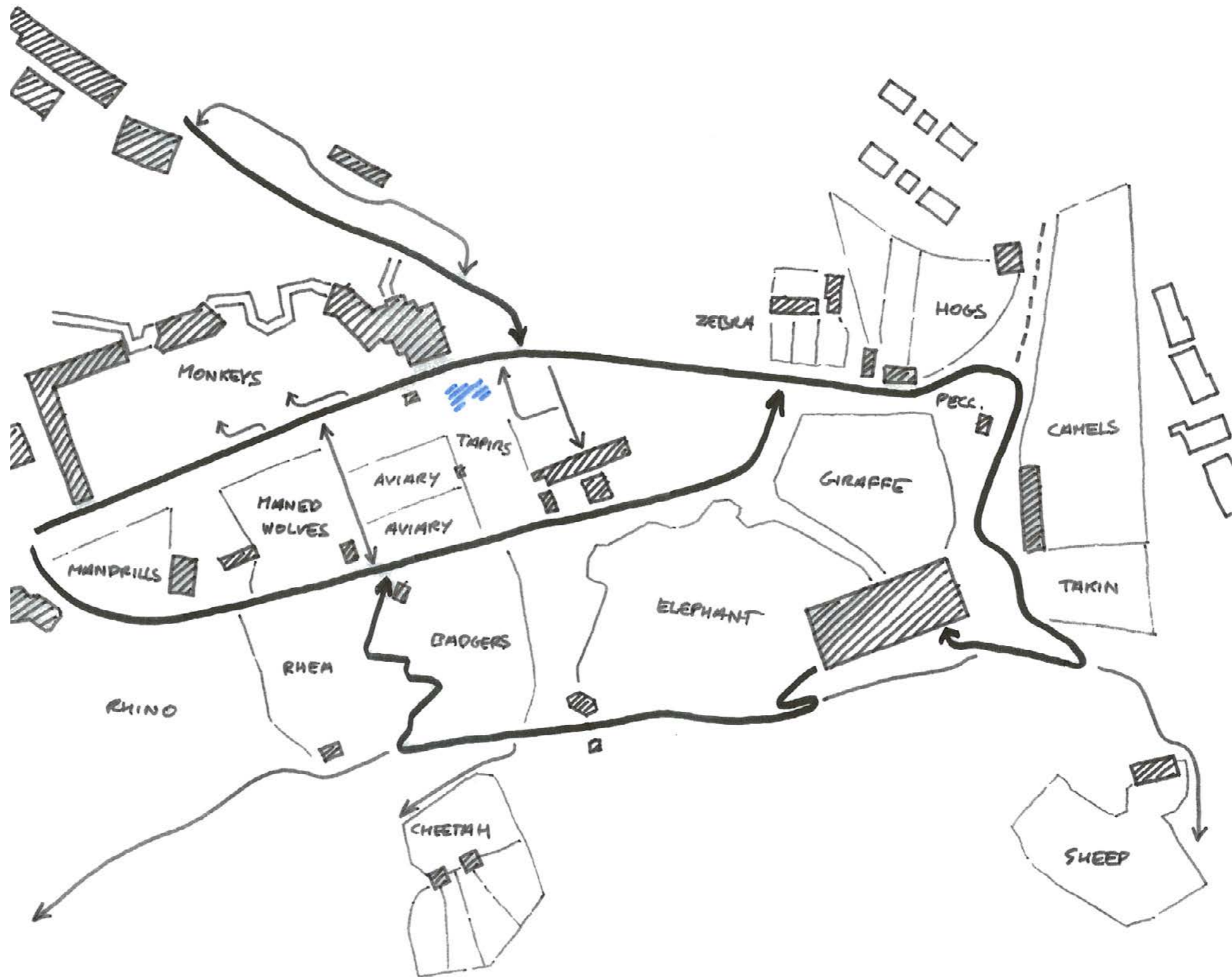




## Analysis: Existing routes

Routes through the zoo are used both for pedestrian and vehicular access. Many of the existing pathways are long linear routes that aid in orientation but do little to create a sense of immersion or discovery. Exhibits are viewed concurrently with others and from a distance along long pathways. A number of routes run in parallel between animal exhibits without a clear primary route, meaning many visitors either bypass an exhibit or circle back along routes already taken.

Fences and barriers along these routes are a mixture of high and low fences, double fence lines and ditches. Sections of some of the primary pathways are steeply sloping, due to the rolling topography.



Right and above: A number of the existing pathways run in long linear routes in parallel between animal exhibits



## Analysis: Scattered Exhibits

The exhibits in this area of the zoo are primarily segregated with few animals sharing a common paddock. Large mammals are primarily African, with the some key exceptions being the European badger, takin, tapir, capybara and peccary. Opportunities exist for some of the paddocks to be joined creating a larger exhibit which would allow visitors to enjoy a more immersive and connected experience.



Left and above: Exhibits are primarily segregated with few animals sharing a common paddock

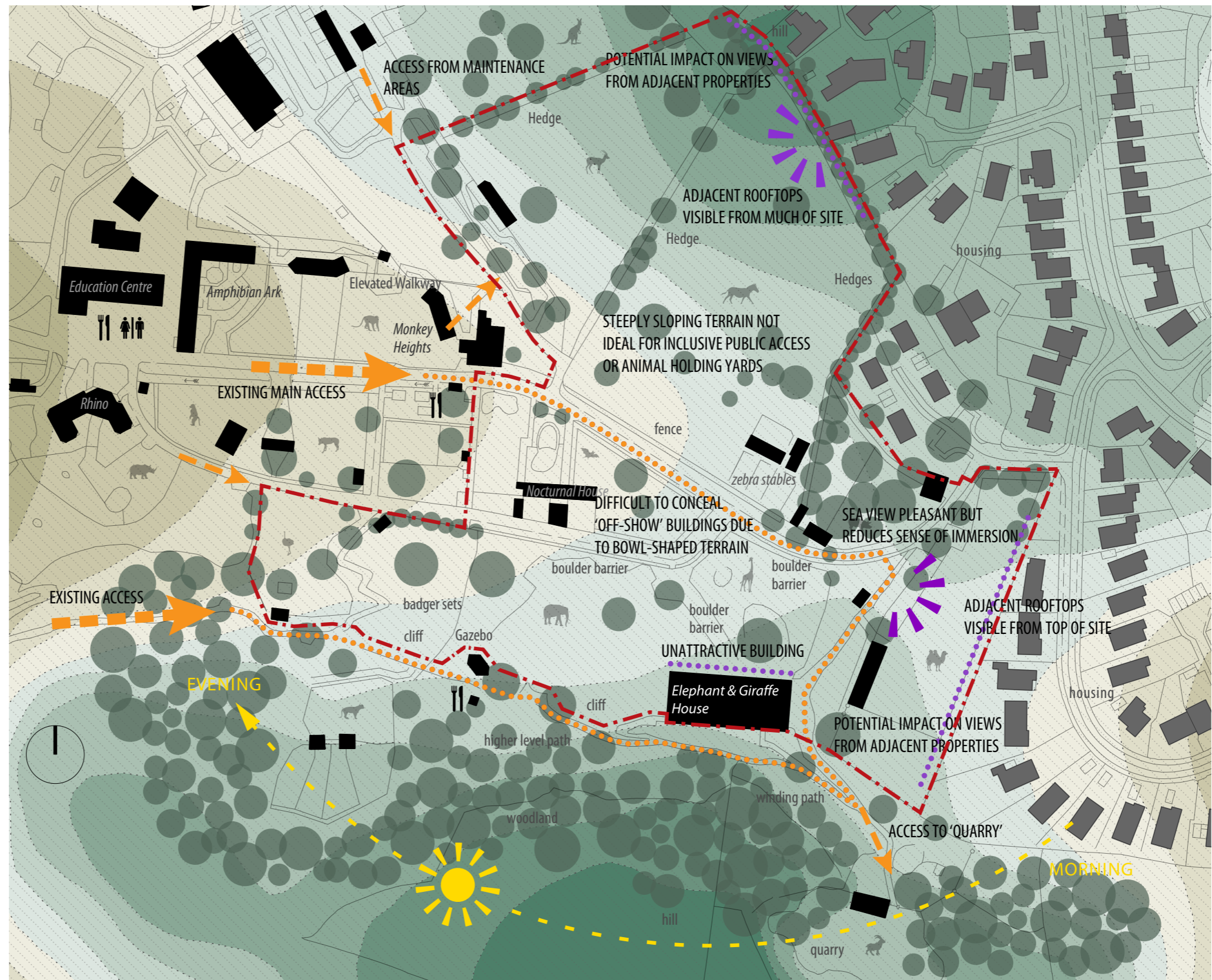
## Analysis: Constraints & Challenges

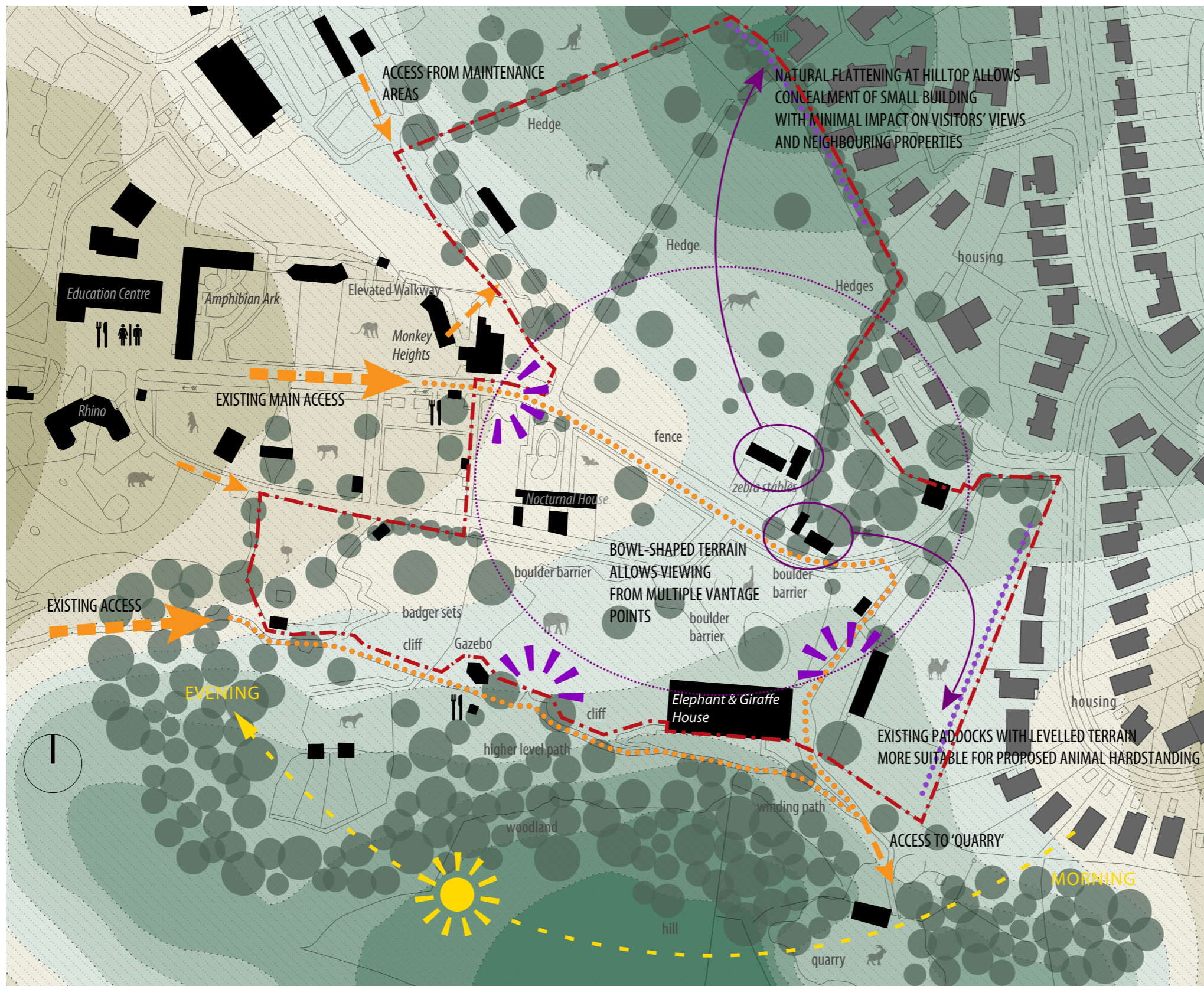
The site is bounded on the south by wooded hillside, the east and northeast by housing and on the west and northwest by adjoining areas of the zoo. There are a number of challenges presented by the nature and setting of the site. Back gardens of the adjoining properties typically abut the site boundary, with a double fence separating those properties from the adjacent animal paddocks. Any development against these edges will need to be sensitively considered in the context of views from these properties. A further challenge thrown up by the proximity of these properties is that the sense of immersion is diminished by the buildings' visibility between the foliage along the boundary. Views of the sea to the east, although pleasant, will also reduce this sense of immersion. The rolling terrain is challenging both in terms of inclusive access for disabled visitors and in meeting animal husbandry requirements for level containment yards. A number of the existing buildings are located towards the centre of the site area and will need relocating in order to allow for a visually uninterrupted exhibit.

Page 51

### The rolling terrain is challenging both in terms of inclusive access and meeting animal husbandry requirements

The site and surrounding area contains numerous trees and a variety of other foliage. Some of the trees have been identified as being of significant value and consideration will need to be given to their retention within the proposals. The majority of the remaining trees are appropriate to the aesthetic required by the exhibit and should be proposed for retention (the grasslands of the Matopos are characterised by rocky outcrops with isolated trees and small wooded areas dotted between). In developing the layout of animal paddocks and visitor routes, a high degree of consideration should be given to the location of significant and otherwise appropriate trees.





## Analysis: Opportunities

The topography of the site, although challenging from the perspective of access, could allow for a combination of routes at various levels and provide the visitor with panoramic views across the entire exhibit. As noted on the previous page, trees identified as being of value should be retained within the proposals and could be appropriate to the desired aesthetic. These retained trees could also act as focal points, nodes or as screening between separate sections of pathway. This screening would allow visitors to enjoy the animals from different vantage points without losing the sense of immersion due to direct views of other visitors. The opportunity also exists for further new planting to reinforce this screening.

Relocating large stables towards the perimeter of the site would allow the central exhibit sufficient space without interruption by sizeable buildings, fences and holding yards

Although the site has very few level areas, some terrain is more shallowly sloped towards the far north and south-east. These areas might be more appropriate for stables and associated animal yards. The natural terrain in the south-east was historically more steeply sloping but has already been levelled in part to provide a paddock for the Mishmi takin. The location of these areas towards the perimeter of the site, as well as being more appropriate to this use, would allow the central exhibit sufficient space without interruption by sizeable buildings, fences and holding yards.

# Original Proposal: Layout

The existing natural characteristics of the site are used to enhance visitor experience of the Savannah.

Animals are seen as part of the landscape which they co-occupy with the viewer.

High level viewing points including a cafe and savannah overlook are accessed from pathways off a main drive which weaves through the savannah exhibit. The design also includes a dry 'river bed' running down through the valley, a watering hole and a themed village which will provide further viewpoints as well as visitor facilities. Many of the existing stabling blocks were retained within this proposal

Following early development of this proposal it was clear that the route up to the top of the northern paddock would require significant amounts of pathways winding due to the large level change. This would prove challenging both in terms of disabled access and in terms of cost. The proposal also considered the incorporation of a safari ride, however the overall scale of the exhibit would be unlikely to support the additional space required for queueing and the view was that this would compromise the overall visitor experience.

The brief was then expanded to include the quarry at the south-east corner of the site. This freed up the opportunity to relocate the takin exhibit and allow the zebra stables to move, creating more space for the main savannah paddock. The extent of the savannah exhibit also expanded to the west, allowing creation of a meandering pathway that passed smaller birds and mammals before opening onto the main mixed species area.



Right: Initial proposal showing a single main route with a panoramic lookout point at the top of the current zebra paddock

# Expanded Brief: Initial Layout

Page 54



Right: updated proposals responding to the expanded brief - the main paddocks are given more space due to relocation of existing stables; above: analysis of proposals showing a single meandering route (top) and exhibits combined and connected with a common theme

Expanded Brief:  
Updated Proposal

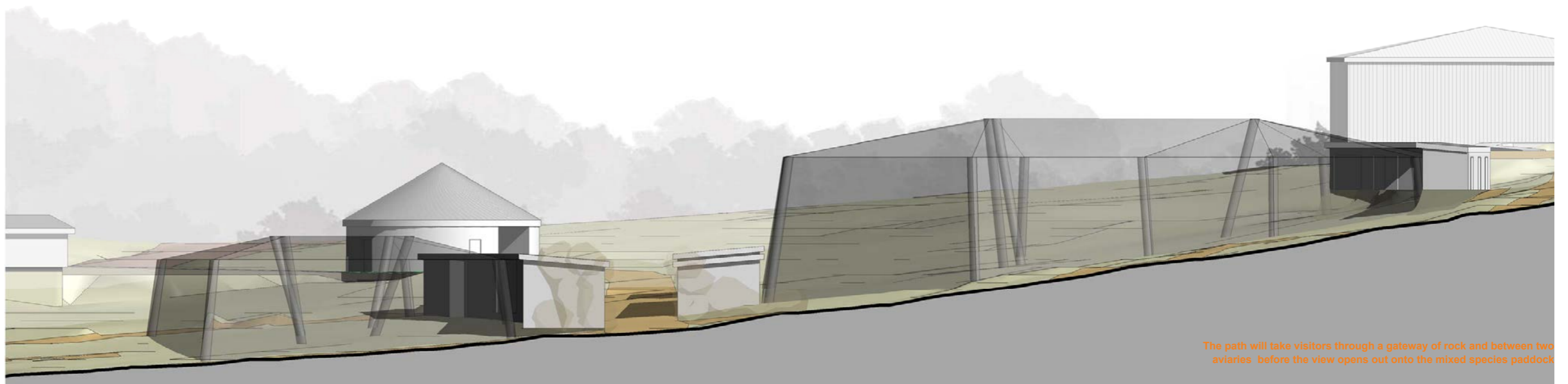
Page 55



## Expanded Brief: Updated Proposal

The final updates to the scheme included the addition of two large aviaries at the entrance. On the approach to these aviaries a new path configuration has been added to remove the circular path around the mandrill enclosure and create a feature around one of the finest existing trees on the site, a category A oak. Off this will be a viewing area into the monkey paddocks to the north, the mandrills and the maned wolves.

The visitor will then continue around the path, past a rhino viewing area and through a themed rockwork wall (shaded on the below image to show the buildings behind) which will act as a gateway to the Savannah exhibit. The site area was also extended up into the north-east corner to include the group of bungalows at the end of Brantwood Close. These properties will be demolished to make way for an education facility with associated screening planting along the northern edge.



The path will take visitors through a gateway of rock and between two aviaries before the view opens out onto the mixed species paddock



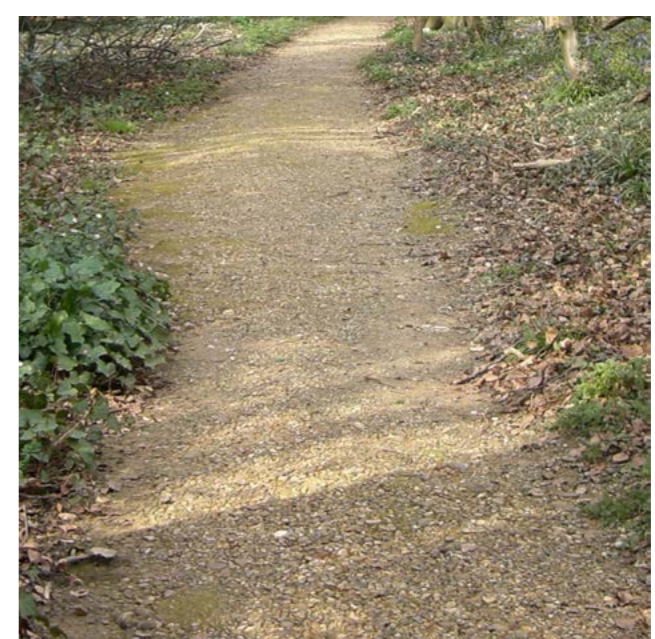
# Circulation: Legibility

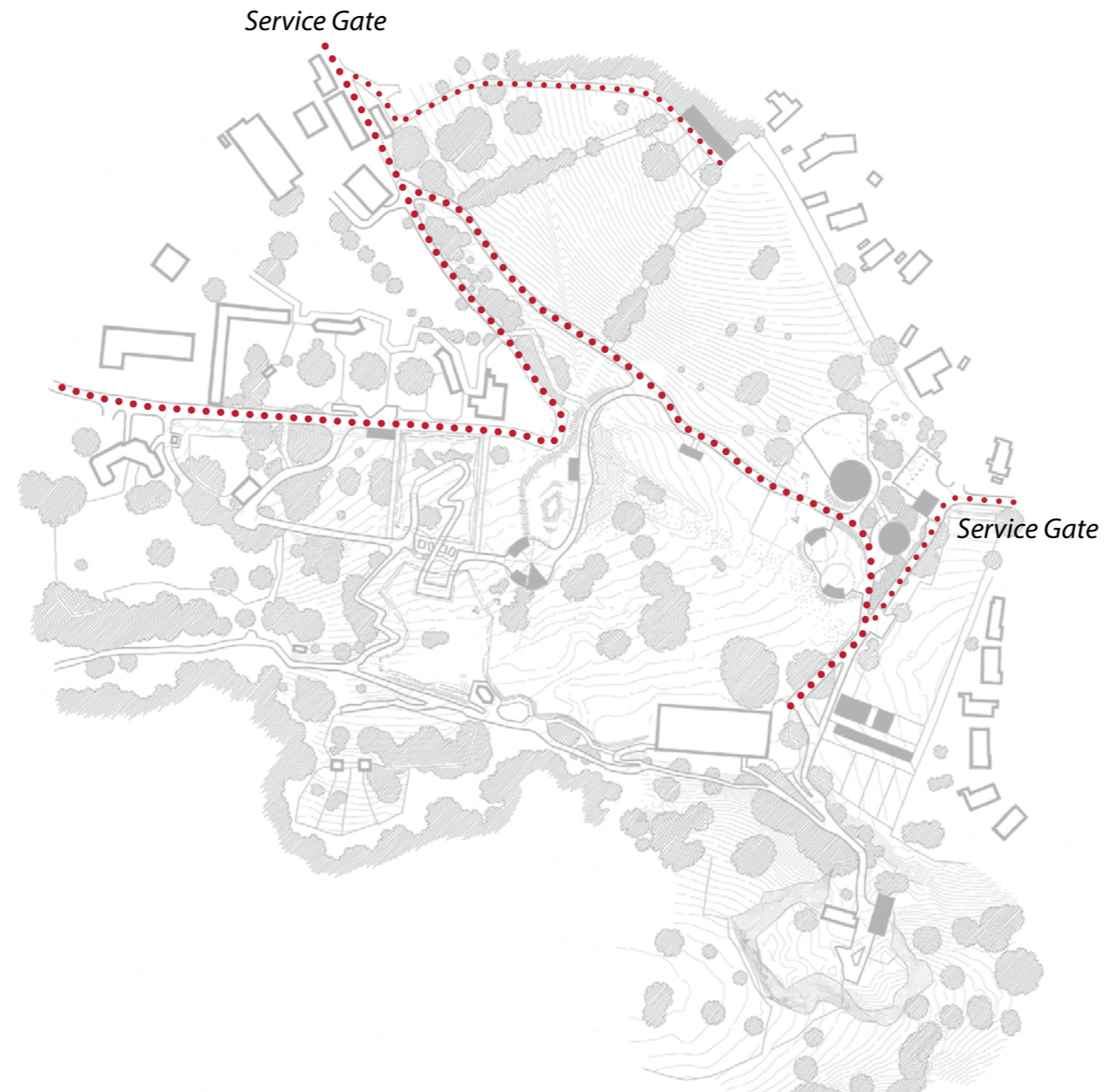
The newly proposed routes integrate with existing pathways to ensure new routes are clear and legible. The proposal ensures that the visitor experience is varied throughout and minimises cross-viewing when looking at animals and exhibits through control of view directions and strategic location of natural and man-made barriers.

The current layout on site suffers from a long stretching main path with continuous edge barriers. The proposal looks to reduce the perceived length of paths through creating meandering pathways, shortening views along the path, eliminating continuous views of the exhibits and augmenting the sense of anticipation by sequential staging of approach views before the animals are actually seen.



A single clear route will lead visitors through the exhibit. Secondary pathways add interest and provide different viewing experiences and perspectives





## Circulation: Vehicle Access

All of the main points in the exhibit are vehicle accessible. New paths will have suitable radius and turning circles to allow for fire and emergency vehicle access. Primary pathways (right, indicated red) will be the main routes for maintenance vehicles and to transport animals as required.

All buildings and structures will accessible for necessary periodic maintenance and refurbishment.

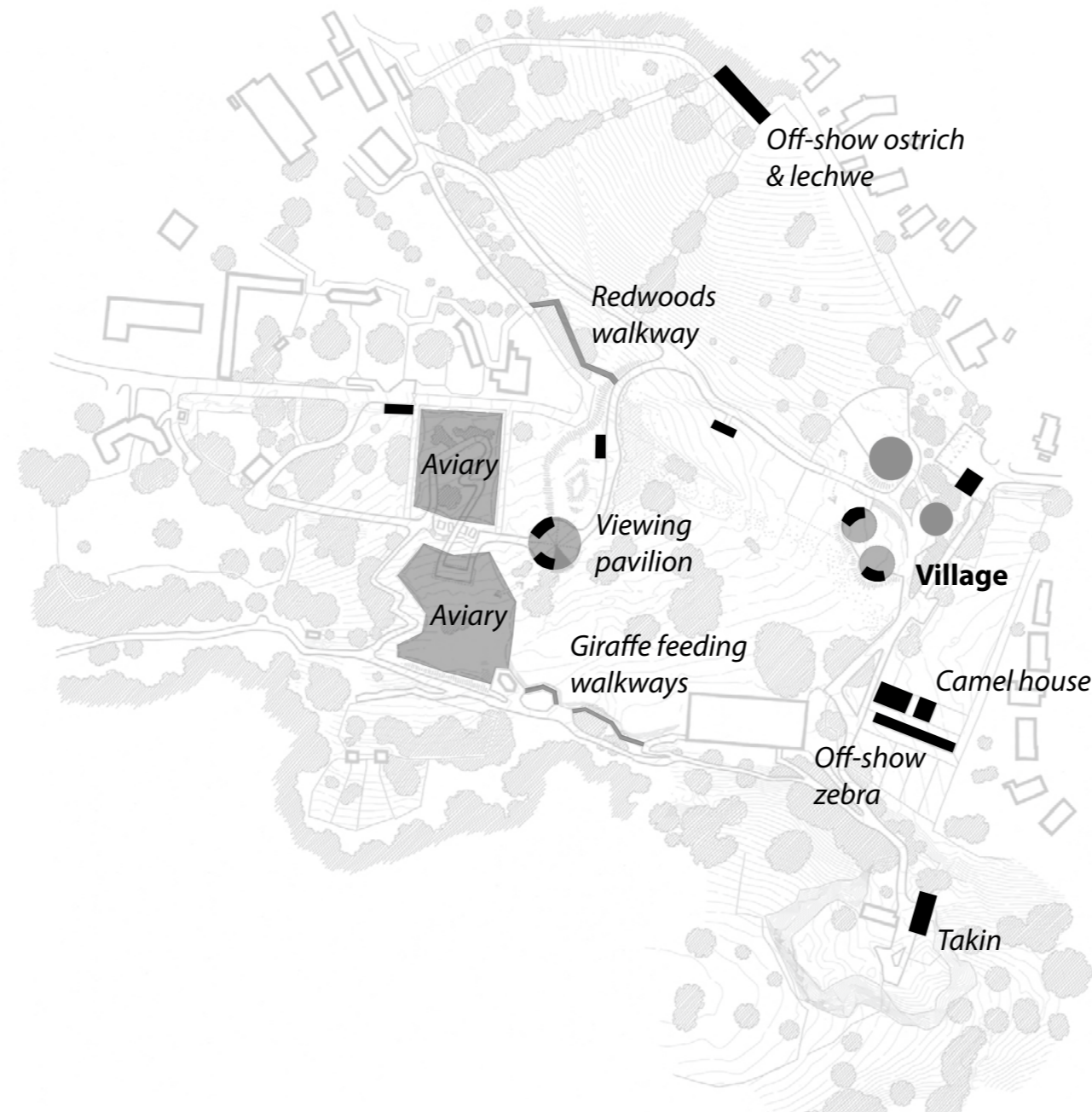
The existing vehicular routes are largely maintained in the new exhibit. New primary pathways will be designed to withstand vehicle loadings.



# Buildings and Landscaping: Structures

The proposed Structures will appear to grow out of the landscape, and are compatible and subordinate to it. They incorporate a minimum use of materials, each specifically suitable to the visual and functional use it is designed to perform. The proposals include netted structures, bridges walkways, shelters and buildings.

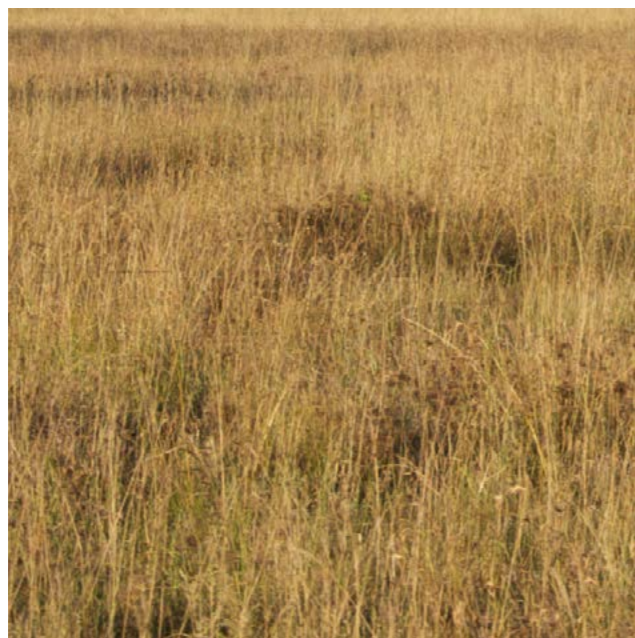
Wherever possible, materials will be of an elemental or industrial nature, such as stone, wood, brick, concrete, iron etc. Refer to subsequent pages for details of some of the theming elements that will be incorporated into the buildings and structures



Page 59

Proposed structures include bridges, walkways and retaining structures as well as buildings and viewing pavilions

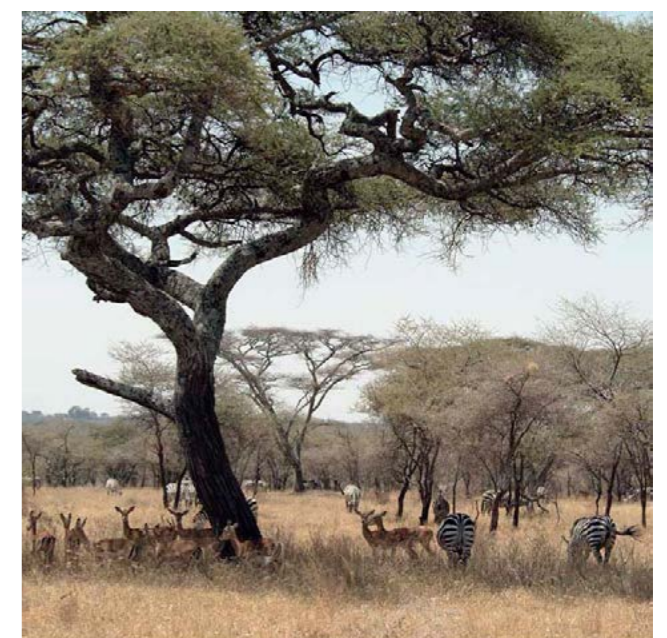




## Buildings and Landscaping: Planting

New and existing planting will be carefully selected to enhance the savannah theme. Strategic location of new planting and enhancement of existing will help to screen and focus views and eliminate cross-viewing. Vegetation will be encouraged to grow onto buildings joining them with the landscape. The proposed planting specification, which accompanies this application, describes the proposals in more detail.

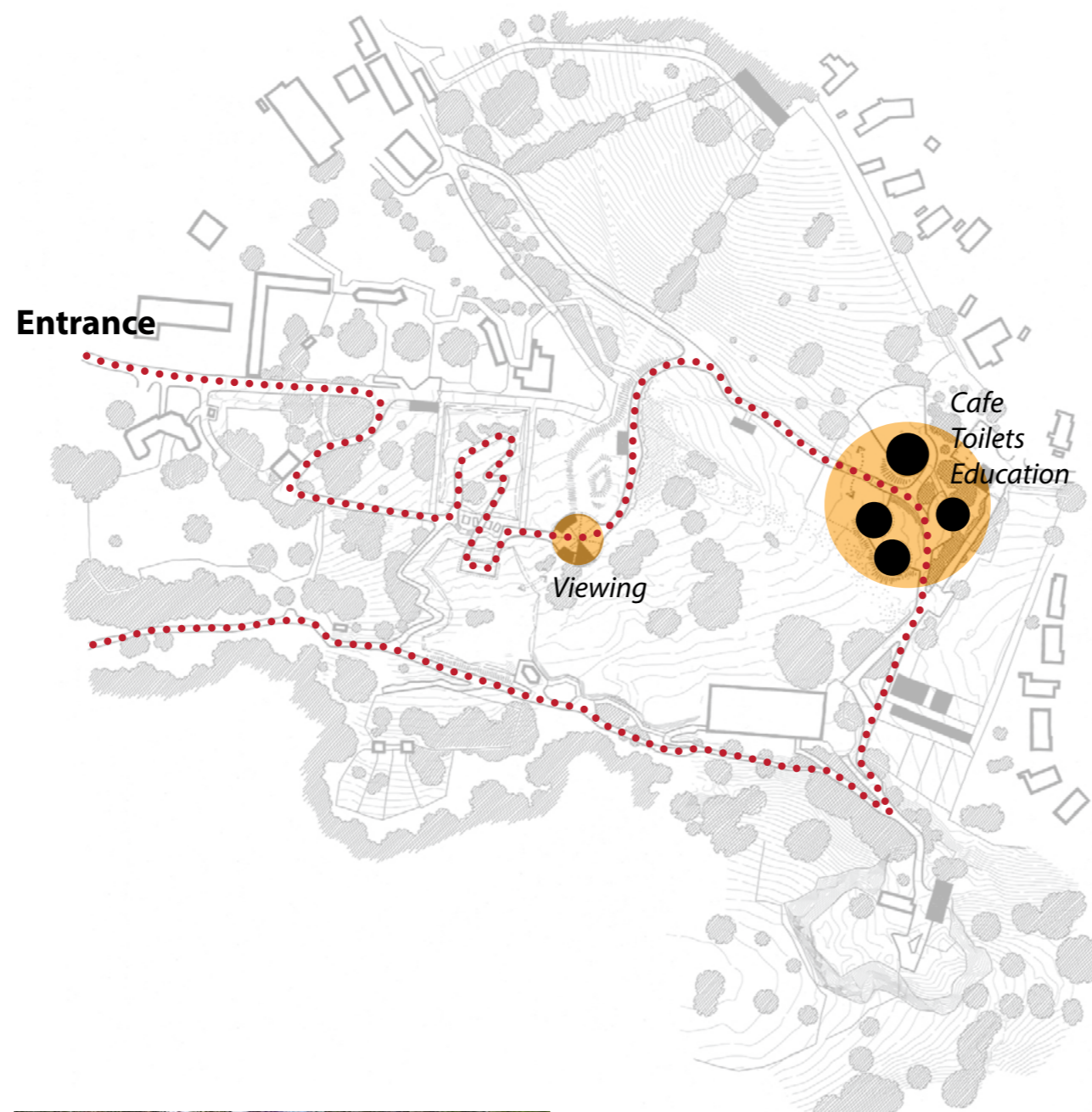
The proposals will combine native planting around the perimeter with species throughout the exhibit which will enhance the savannah theme. Images shown here are indicative only - refer to planting specification for details



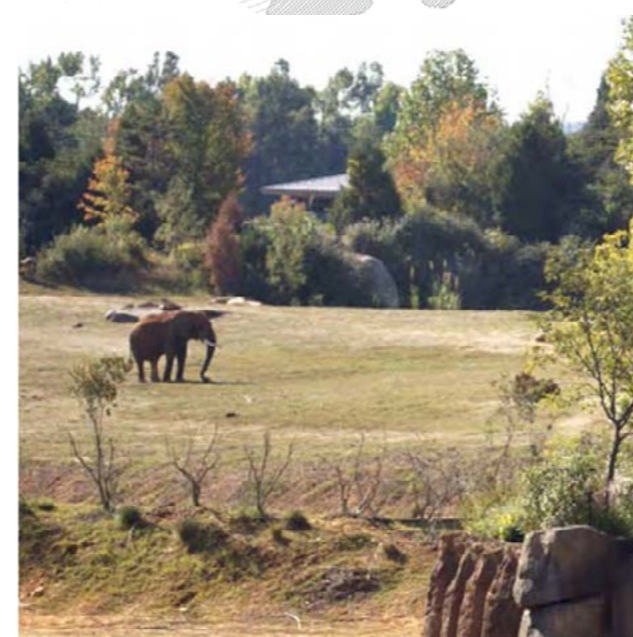
# Visitor Experience: Primary Nodes

On emerging from the aviary walk, visitors will encounter a viewing pavilion which will mark the entry to the mixed species areas. This pavilion will allow visitors to take in the scale of the exhibit and note further points of interest along their route ahead.

The proposed new village buildings will create a destination and focal point to the Savannah exhibit. In addition to drawing people further into the zoo the new village will provide much needed toilet facilities to the east of the site. In addition to the cafe, toilet facilities and an exhibit an education building will provide teaching space for larger groups than the zoo can currently accommodate.



The covered viewing area and the village will provide markers for visitors to orient themselves on entry and during their journey through the exhibit



## Visitor Experience: Play and exploring



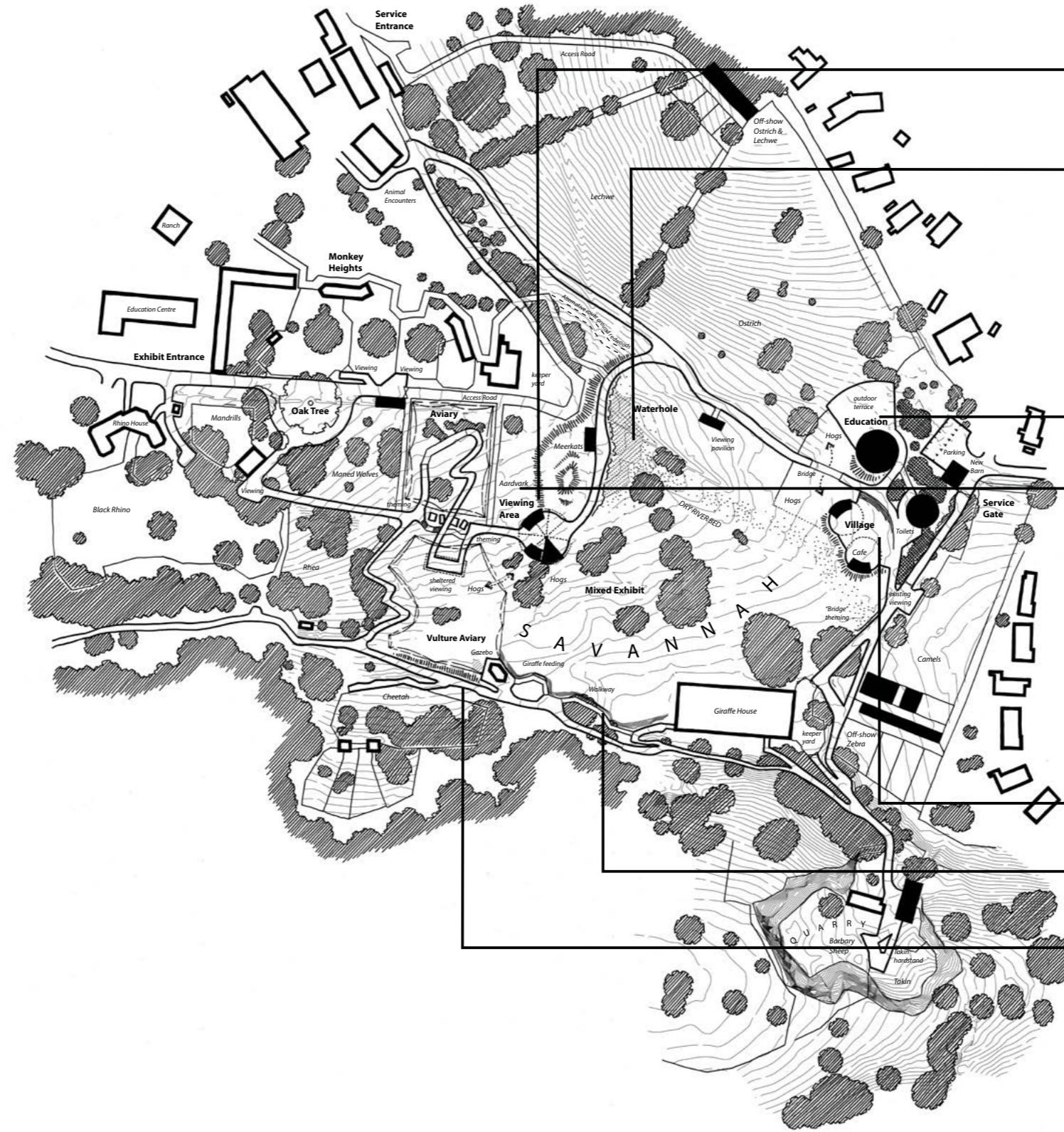
Giving children the opportunity to play and explore can be made integral to the exhibit. Devices like child-only shortcuts and child eye level viewpoints can help engage young visitors with the exhibit. Education can then be incorporated into these to provide more interesting, hands on learning.

Play equipment will be visually integrated with the exhibit, to create harmony often lacking with off-the-shelf equipment. This will help to create an environment where the children engage with the exhibits. Spaces for children such as viewpoints and routes help make the experience personal to them and the zoo a place for them to want return to. The Forestry Commission provides good guidelines and ideas for creating successful "Natural Play". This naturalistic approach to play equipment can be a very cost effective solution.



Play equipment and routes for children integrated into the exhibit: bottom right: National Arboretum, Westonbirt; all other images: Eden Project, Cornwall;

# Masterplan: Exhibits and Species



# Masterplan: Theming

Here are some examples of how the ideas of education, theming and architecture discussed here will be combined to form a coherent exhibit. The elements shown here will be combined with informative signage, various different media & interactive displays to create a multi-layered visitor experience.

## Small animal enclosures

### Waterhole



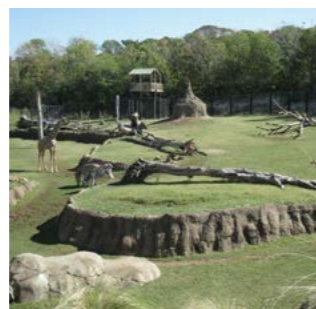
Waterhole acts as a theming device, surface water attenuation and a physical barrier.



Enclosures for the smaller animals such as the aardvark and meerkats allow closer encounters with the animals through various viewing areas and scales.

## Education

### River Bed



The dry river bed theming, like the waterhole, will play a part in water management as well as to provide "invisible" barriers within the mixed exhibit. It will feature rocks, broken logs and embankments.



The exhibit will feature a covered place for gatherings and talks. Due to its size it may be more appropriate to use "safari" theming such as canvas or more contemporary materials used in Africa such as corrugated steel sheet.

## Village

### Paths



Paths will feel like trails worn into the landscape with undefined edges and natural aggregate.

## Giraffe Feeding



The natural elevation of the site will be used to provide views as well as an opportunity for animal interaction.



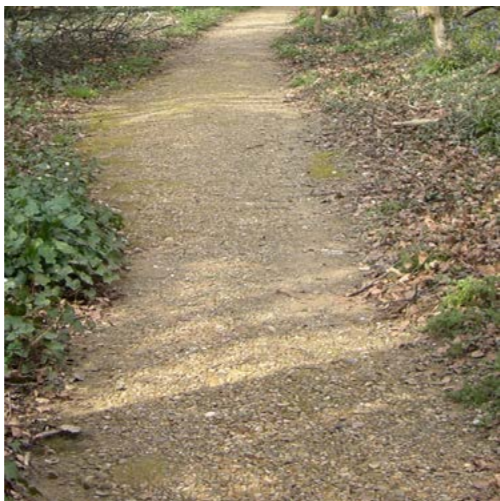
The village – theming to contain a café, viewing, animal houses and toilets – will be largely inspired by the local vernacular architecture in the proximity of Matobo National Park. Features of this will include rammed earth walls, indigenous paintings and agricultural barriers.



**Theming:**  
**Materials**



Page 65



Theming:  
Indigenous Art

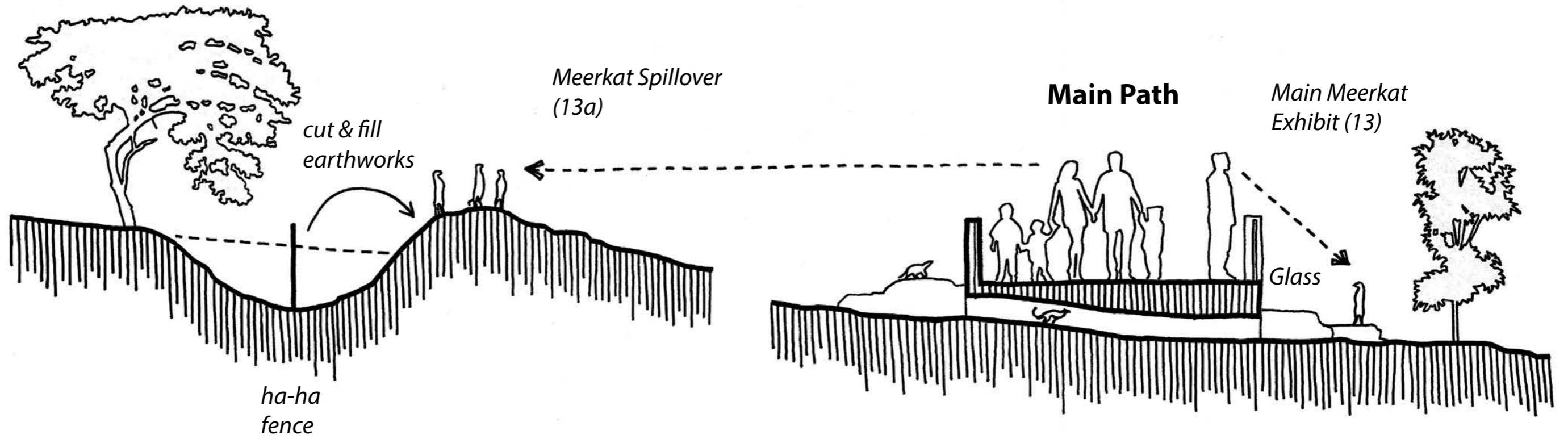


**Theming:**  
**Savannah Landscape**



Route Event:  
Meerkat Exhibit

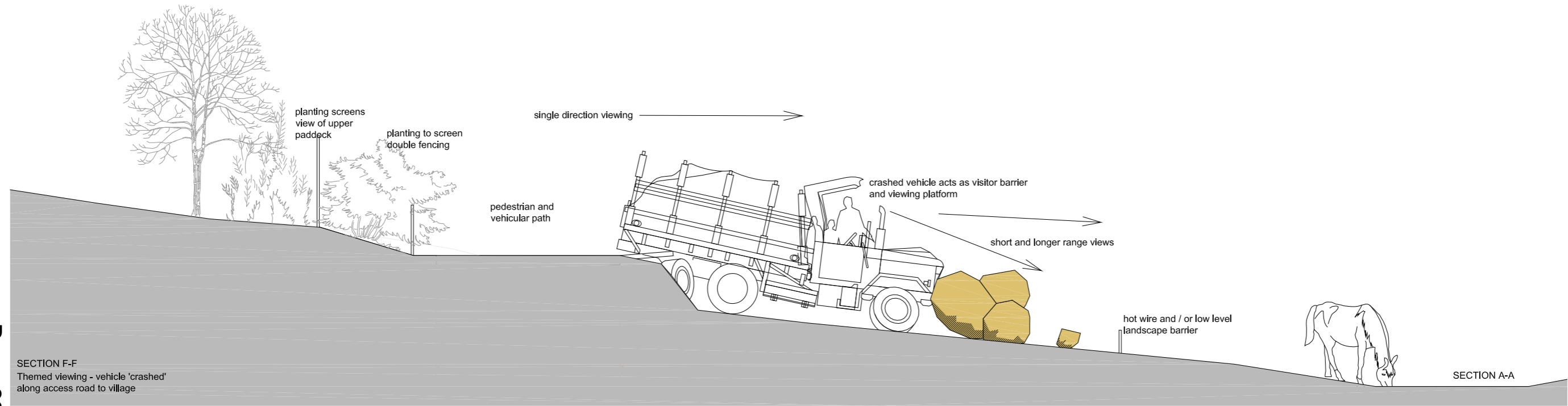
Mixed Exhibit



Page 68



# Route Event: Savannah Themed Viewing

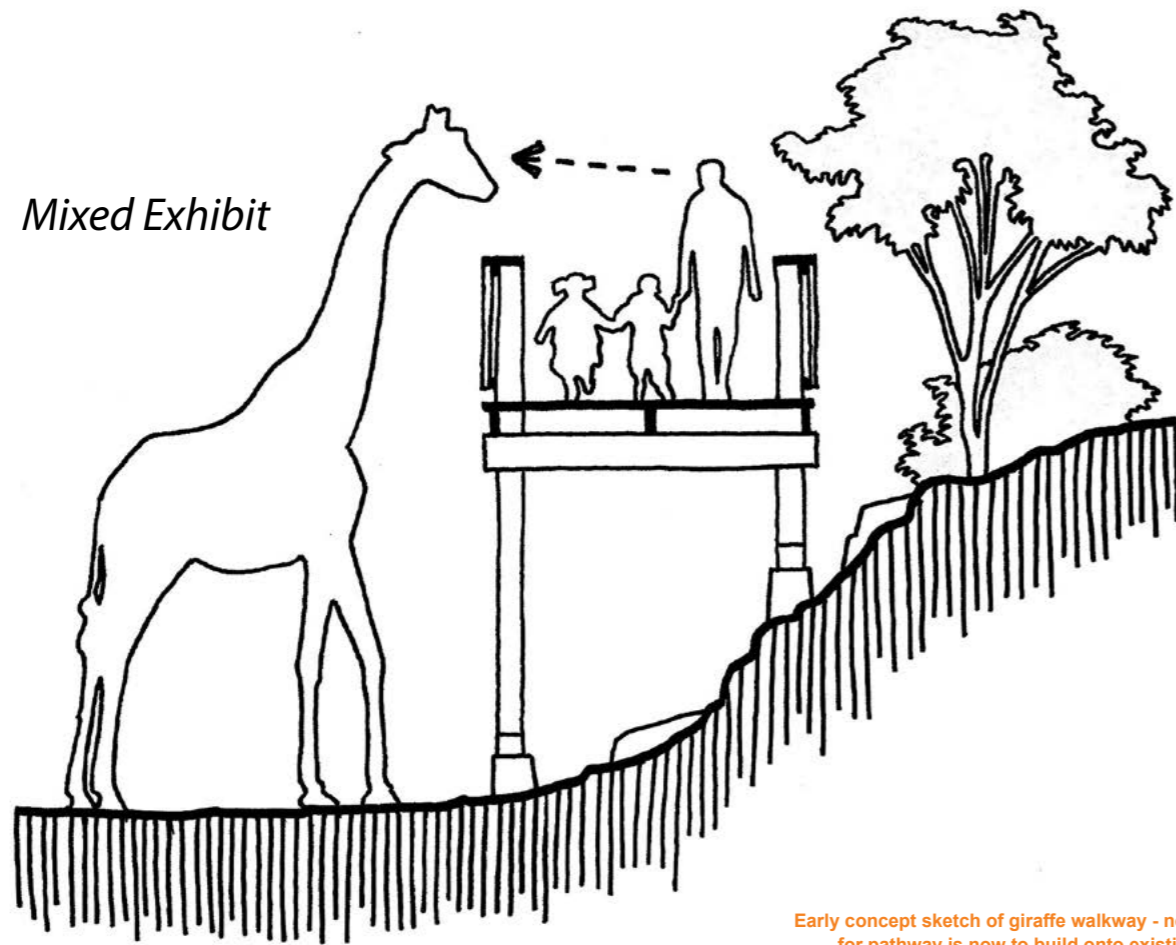


Page 69

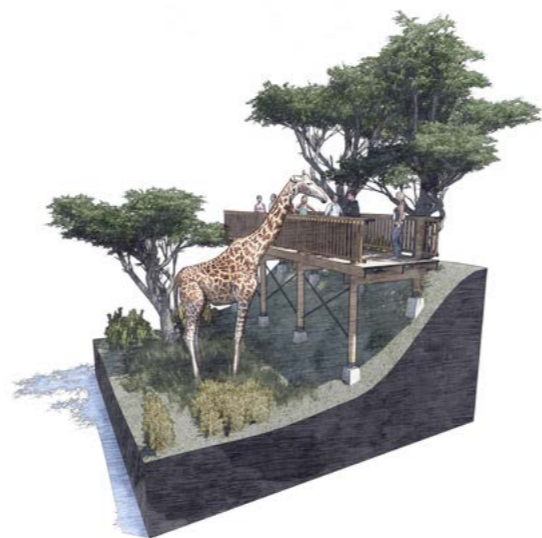
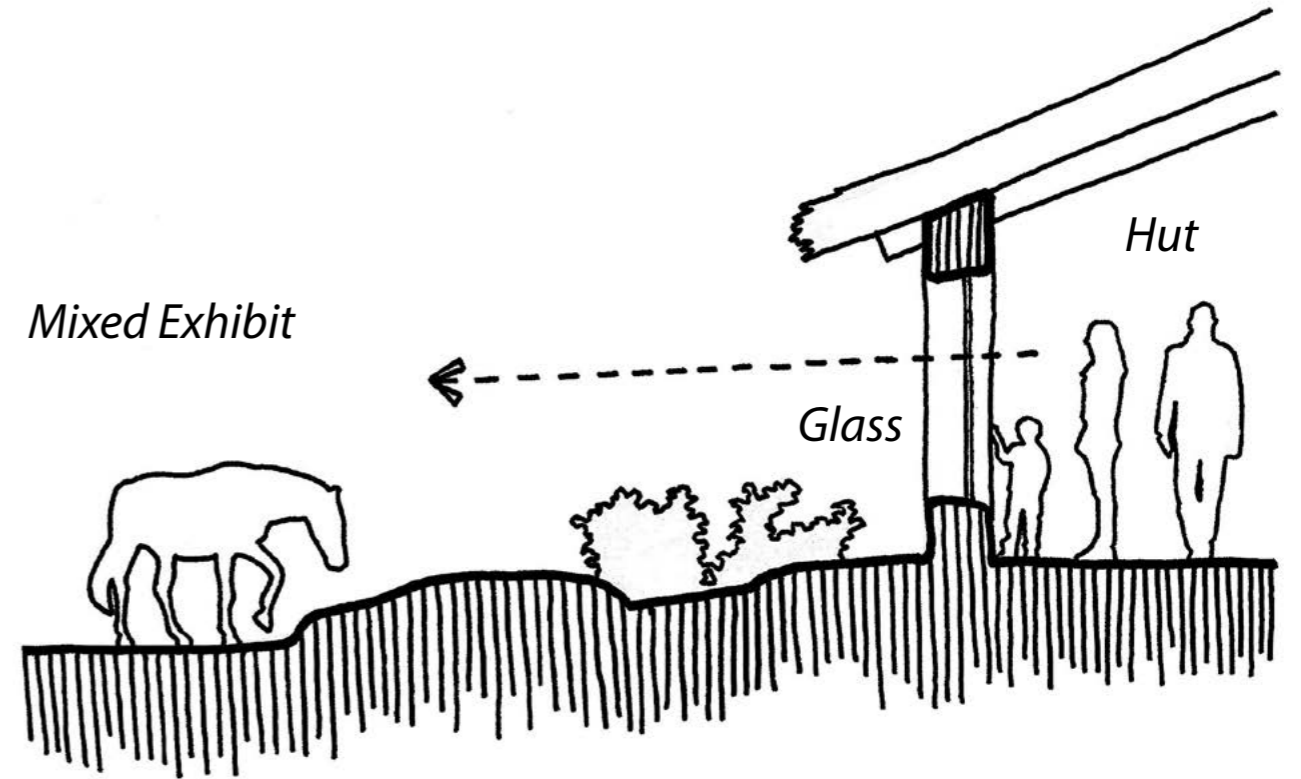


**Route Event:**  
**Giraffe Feeding Walkway  
 & Sheltered Viewing**

Page 70



Early concept sketch of giraffe walkway - note proposal for pathway is now to build onto existing cliff edge



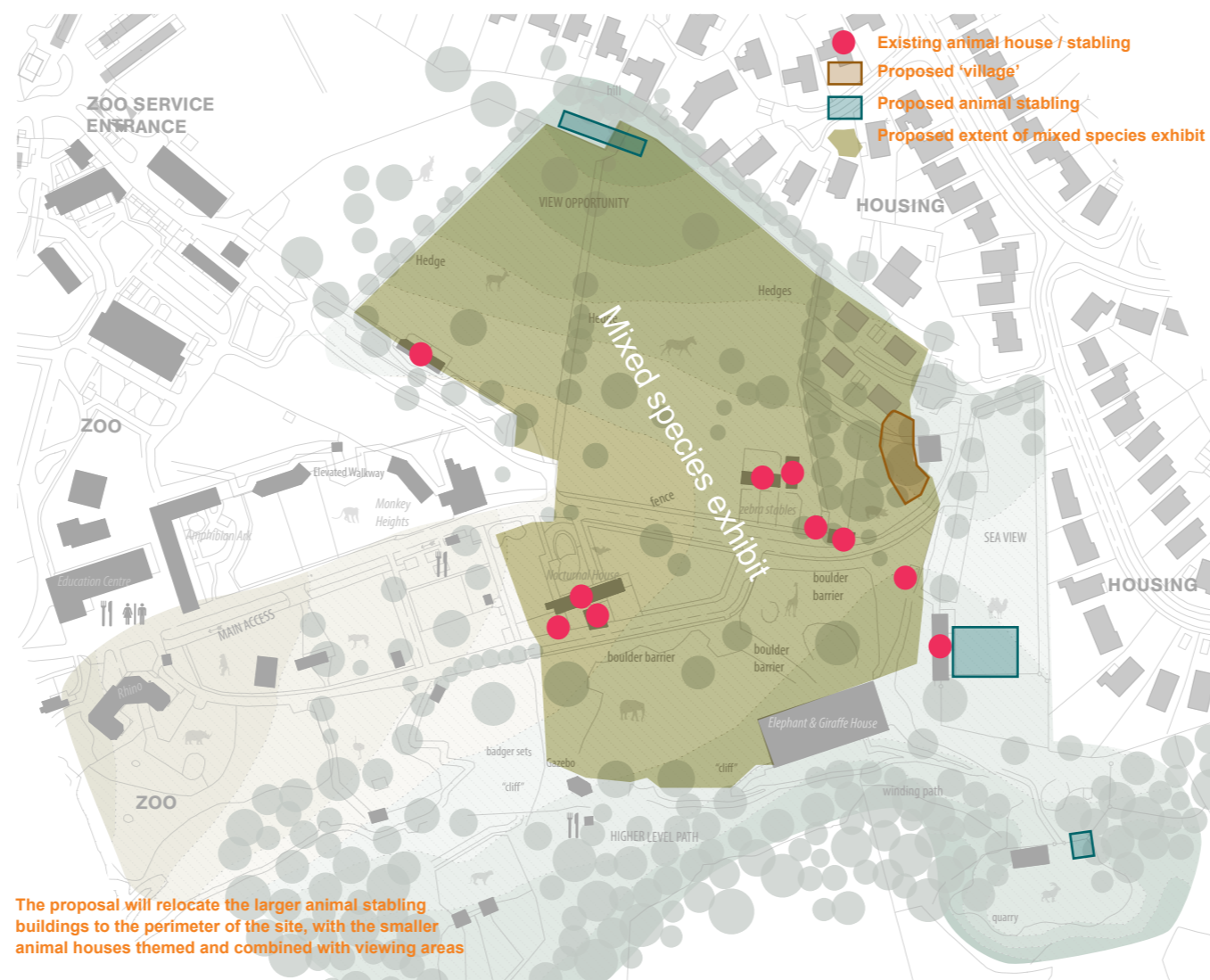
# Visual Impact: Off-show Buildings

In order for the mixed species paddocks to be created a number of the animal stabling buildings require relocation. Many of the existing buildings themselves are also reaching the end of their useful life, and a number of the sloping hardstanding yards are problematic for the zoo's keepers to effectively manage movement of the animals. The ideal location for replacement buildings from a visitor experience and animal husbandry viewpoint is around the perimeter of the site. This is in order that the buildings and extensive containment fencing do not detract from the sense of immersion created by the exhibit and also that the necessary servicing and animal care can take place out of the public eye. The site is bounded by residential development on its northern and eastern edges, as such siting the larger off-show buildings around the perimeter creates an issue in terms of visual impact on these properties. This issue is further exacerbated by the need for the buildings and external hardstanding areas to be largely level, requiring the existing ground to be dug down or built up as required. The requirement for level hardstanding is in order to minimise risk of injury to animals as they are run in and out of the stabling areas. The buildings themselves are level internally due to their requirement for highly flexible interconnected layouts.

As well as the buildings all being single storey with flat or low-pitched roofs, we have used several further measures to eliminate, minimise and mitigate the visual impact on adjacent properties.

## Takin Stables

The existing takin and camel stable will be demolished as part of the proposals, with the takin relocated into the quarry in the south-east corner of the site. This will allow the takin access to terrain more akin to its natural habitat and also free up space for relocating the zebra stables. In order to take advantage of the natural sense of immersion created by the quarry and to maximise paddock space for both the takin and barbary sheep, the building will be aligned with the existing barbary sheep building to form a gateway. This places the building over 50m from the nearest adjoining property and screened from view by significant retained trees and other foliage.

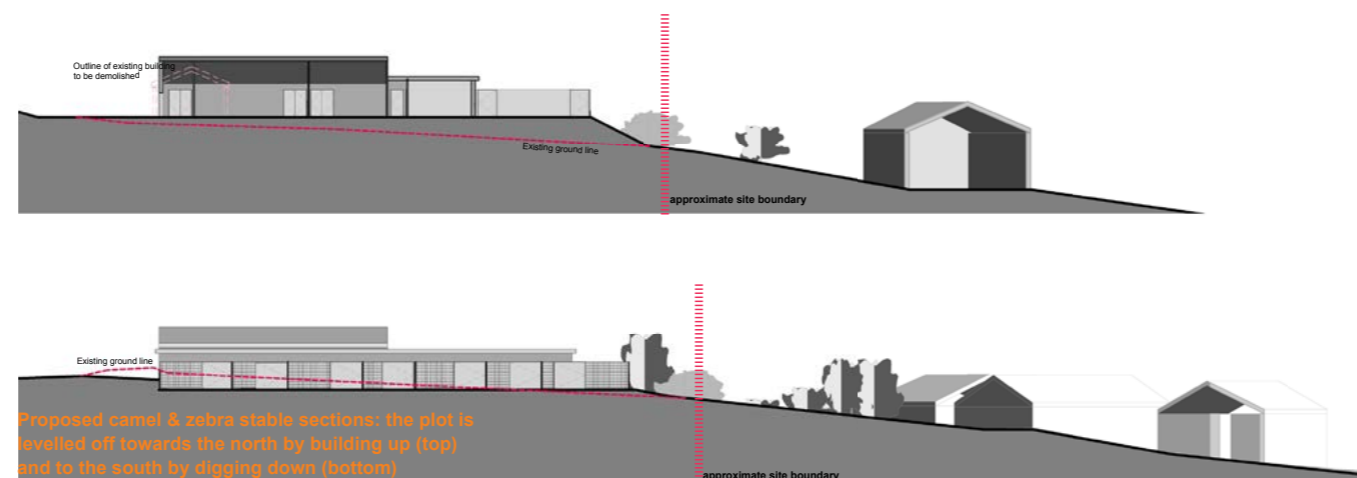


The proposal will relocate the larger animal stabling buildings to the perimeter of the site, with the smaller animal houses themed and combined with viewing areas

## Camel and Zebra Stables

Relocation of the takin stable and paddock will free up area adjacent to the current camel paddock for the zebra stables to be placed. This location is ideal to allow the zebras to enter the mixed exhibit over the public footpath via a gated crossing. Having accommodated hoof stock of various species for a number of years there will be little change to the type and nature of animals being accommodated in the vicinity of the neighbouring boundaries. The plot, as with the vast majority of the application site, has a sloping topography. The advantage however that this location has over alternatives that were considered is that it is surrounded by retaining walls that have considerably reduced the steepness of the slope. However in order to be suitable for the new building and hardstanding yards it will need to be levelled further. In order to allow the main pathways to meet inclusive access standards, the terrain bordering the plot to the west cannot be significantly lowered. As such the plot will be levelled off with excavation and a deeper retaining wall to the south but built up to the north to allow a minimal drainage fall across the site.

Limiting impact: both the camel and zebra stables will be combined into a single building with shared keeper access, to minimise the built footprint. Early proposals set the building up against the inner perimeter fence however perspective studies showed this to appear imposing on neighbouring properties. As such the internal arrangement was changed to allow the footprint to set back by approximately 7.5m from the site boundary and further alterations were made to lower the roof profile of the eastern end of the building. The camel stable will now include an on-show section and also requires a metre more in height than the zebra. As such, this portion of the building was relocated towards the west end of the plot. In contrast, the zebra stable which extends further east has been kept as low as possible, with a flat roof to minimise visibility. The ground between the plot and the adjacent properties will be battered down towards the site boundary and the buildings and fences screened further with some native planting.



Proposed camel & zebra stable sections: the plot is levelled off towards the north by building up (top) and to the south by digging down (bottom)

## Visual Impact: Village & Education Space

### Ostrich & Lechwe Stables

The ostrich & lechwe paddock will be to the north of the main savannah walkway, with views both from along the path and from the upper walkway to the south of the site. The current stables, which include the zebras, will be demolished to allow for the construction of the exhibit and village buildings, and a new stable building will be placed at the northern corner of this paddock.

Limiting impact: The topography of this section of the paddock, in addition to the significant extent of dense foliage will allow the building to be largely screened from the exhibit below and houses on the crest of the hill. Unlike the camel and zebra stables whose level is dictated by inclusive access issues this building is able to be set down into the terrain, rendering it largely obscured from nearby properties. Where existing foliage has been removed to allow for construction of the building, further screening and mitigation planting will be added between the building and the boundary.

Limiting visual impact: the education space (right) will be set down into the terrain, and screening planting will be introduced to minimise or eliminate visual impact on adjacent properties (left). The existing buildings to be demolished are dashed in red (existing and proposed trees shown indicatively)

### Village

The village is a collection of buildings themed after traditional buildings of Southern Zimbabwe. All single storey, they will house a cafe, red river hog house, WCs and covered viewing areas. The village is sited towards the east of the site so as to look out over the exhibit and maximise its visual scale. As such the buildings are relatively close to the site boundary and have been considered in terms of visual impact on nearby properties.

Limiting visual impact: In limiting the visual impact of the building, much of the existing planting will be retained, with mitigation and screening planting added. This planting will also serve the purpose of screening views of the properties from within the exhibit.

### Education Space

The education space is a covered but unenclosed multi-function space with an external terrace intended for scheduled talks, educational displays and panoramic viewing of the savannah exhibit. It is set slightly apart from the other village buildings to allow some separation both in terms of acoustics and pedestrian flow. Its siting, along with the village, towards the eastern corner of the site is designed to maximise the visual scale of the exhibit for the visitor. As such the building is relatively close to the site boundary and has been considered in terms of visual impact on nearby properties. The four existing residential properties at the western end of Brantwood Close will be demolished to allow for the building and associated landscaping and planting. The footprint of the building has also been placed to avoid the root protection areas of adjacent category B trees which will be retained as part of the proposals. This places the building approximately 24m from the nearest adjoining property.

Limiting visual impact: The proposed building's location is more than twice the distance than the existing buildings are from the nearest property though it is taller at its apex. In limiting the visual impact of the building, much of the existing planting will be retained, with mitigation and screening planting added. This planting will also serve the purpose of screening views of the properties from within the exhibit.





# Accessibility: Inclusive Access

## Inclusive Access

In preparing the proposals, consideration has been given to the principles of inclusive design and accessibility for everyone, including staff and visitors with a range of physical, sensory, cognitive and learning impairments. Inclusive access has been viewed in its broadest sense and the design approach has considered accessibility with reference to both regulatory and various best practice guidance documents.

## Arrival to the Zoo Main Entrance

The zoo has 29 parking spaces dedicated for disabled use, 21 of which are located on the first level with a gentle slope to the Zoo main entrance. The drop-off area outside the main doors can also be used if preferred. Free use of manual wheelchairs and hire of

## Toilet Facilities

Toilet facilities are provided in the Visitor Entrance, Island Restaurant, Jungle Fun play centre, Avian Breeding Centre and at the top of the Primley section of the Zoo. Currently there is a lack of facilities to the East of the zoo, which the 'village' wc's will address.

## Circulation between Buildings

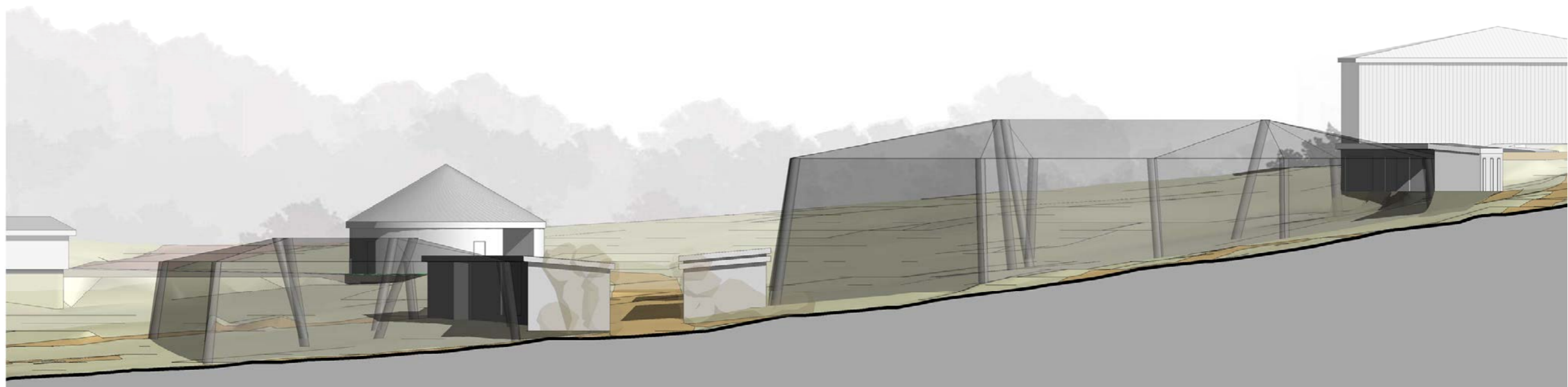
All new external footpath links between exhibit buildings will aim to achieve a maximum 1:20 slope with regular level resting areas. If not possible due to localised steep topography an alternative ramped step-free route will be provide. Buildings and shelters have been located along routes to reduce long distances between covered shelters in case of poor weather.

## Building Entrances

All public entrances into the Covered Exhibits will have level access from the footpaths. Generally doors will be avoided with access being through an opening only unless a door is required to prevent animals escaping. ie. The aviary.

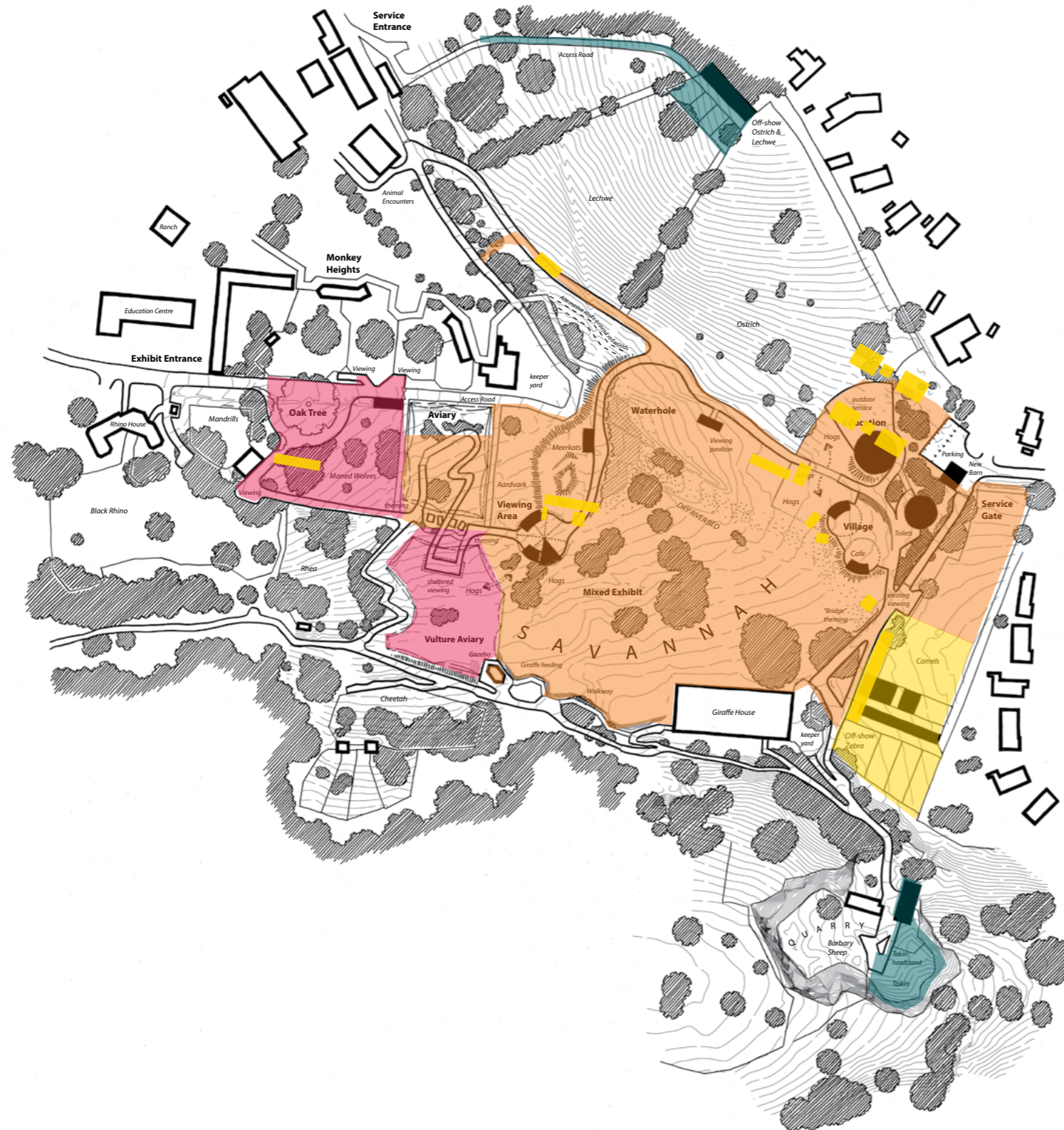
## The Buildings

All internal areas within the new build areas of the development will meet current accessibility standards, with inclusion of best practice measures where practical to do so. The detailed design of the buildings will be completed in close collaboration with the zoo in order that the inclusive design of the building can be tailored to meet the needs of its visitors.



## Construction: Phasing

In order to successfully manage the development of the proposals, the construction will be phased. This will minimise disruption to the animals, whilst allowing exhibits and attractions in this area of the zoo to remain open for as long as possible and during peak periods for tourism. As such, construction of new stabling and animal containment will be commenced first, with demolition to follow, allowing then for construction and landscaping of the main exhibits.



(Right) Phasing plan showing sequencing of proposed development on the site; (below) key to phases

- Phase 1: construction of ostrich & lechwe stables and takin stables
- Phase 2: demolition generally and construction of camel & zebra stables
- Phase 3 (not illustrated): infrastructure works - off-show access & below ground services
- Phase 4: construction of main exhibit landscaping and buildings; softbill aviary
- Phase 5: construction of vulture aviary & approach path landscaping works

Architecture  
Landscapes  
Interiors  
Urban Design

**Kay  
Elliott**

5-7 Meadfoot Road  
Torquay  
Devon TQ1 2JP  
United Kingdom

T +44 (0)1803 213553  
F +44 (0)1803 298578  
admin@kayelliott.co.uk  
www.kayelliott.co.uk