

**Application Number**

P/2010/1080

**Site Address**Conway Court Hotel  
Warren Road  
Torquay  
Devon  
TQ2 5TS**Case Officer**

Mrs Ruth Robinson

**Ward**

Tormohun

**Executive Summary/Key Outcomes**

This application, to redevelop the former hotel, Conway Court to provide 14 flats was considered by the DMC at its meeting of the 29.11.10. Members approved the application in principle subject to a S106 agreement and greater clarity about design details, materials and landscape. They also requested that revised plans be submitted that set the building line back by 1m and reduced its height by 200mm. Additional conditions regarding samples of materials and an Engineers Report on the Foundation Design/Construction of the building were also required.

The requested details in relation to height and set back were received on the 2.10.12 along with revised details in relation to the means of accommodating car parking. The amended plans have been advertised and neighbours consulted. An objection has been received to these plans.

The original Committee Report is appended as appendix No 1.

**Recommendation}**

Approval: Subject to the conclusion of a S106 agreement within 6 months of this Committee date; subject to the receipt of the additional information required in relation to design details, materials and landscaping including conditions in relation to samples of materials and an engineers report as requested at the DMC meeting of the 29.11.10. That the application be refused in the event that the 106 is not completed within 6 months of the date of this committee meeting.

**Site Details**

The site was formerly occupied by a redundant hotel. It has since been destroyed by fire and is now covered with debris from the demolition that took place due to its structural condition.

Its condition has attracted many complaints. Action under a S 215 notice is been taken to tidy the site up and the site is now programmed to be cleared on January 7th 2013.

Originally laid out in the Victorian period, this prominent ridge development of Villas within substantial landscaped plots was characterised by a consistent skyline and a pattern of gaps between buildings. Perched above Rock Walk Gardens, which is included as a Grade II entry on the Register of Parks and Gardens, this townscape typifies Victorian Torquay.

### **Detailed Proposals**

This is a full application for a building containing 14 flats comprising 1 one bed flat, 12 two bed flats and 1 three bed flat. It also includes basement car parking for 14 cars.

### **Summary Of Consultation Responses**

Please see attached previous committee report for details

### **Summary Of Representations**

Two letters have been received in response to the current consultation. One suggests that the scheme should be encouraged for speedy completion as the plans are acceptable and the current dereliction cannot be allowed to continue.

One raises concerns about the degradation of the Victorian character of the area, height and appearance of the replacement building, impact of 14 cars on the road and stability of the cliff, use of materials and air conditioning in opposition to the environmental goals of the Council. Judicial review is threatened if this proceeds

These letters have been re-produced at Page T.203.

### **Relevant Planning History**

Please see attached previous report for details

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

This application was considered at the DMC meeting of the 29.11.10 and was agreed in principle subject to the conclusion of aS106 agreement, additional information in relation to design, materials and landscaping and revised plans which moved the building line back by 1m and reduced the height by 200mm.

These plans were received on the 2.10.12 and included revisions to the car parking which deleted the proposed stacked car parking and replaced it with basement car parking accessed by a ramp between this and the adjacent site. It results in changes to the seaward elevation as car parking now occupies what was the elevation to a flat and the inclusion of a ramp along the western elevation. It is considered that the changes to the seaward elevation, whilst producing a less 'open' and attractive elevation are still acceptable given approvals that have been granted elsewhere along Warren Road to

accommodate car parking. The plans to reduce the height and set the building back have not raised any objection from neighbours to the site.

The issue of the height and appearance of the replacement building was rehearsed at some length when the application was originally considered in 2010 and is detailed in the attached report. Members were satisfied that the scheme, which was designed to be a contemporary interpretation of a Victorian villa and included the reinstatement of substantial 'gaps' which typify the townscape in this area was acceptable, subject to some greater clarity about appearance and setting and the revisions to its location and height.

In 2010, the application was evaluated against the relevant policies in the Torbay Local Plan and advice contained in PPS5 'Planning for the Historic Environment'. This has now been superseded by the NPPF but the requirement for good quality design that will 'enhance or better reveal' the significance of heritage assets remains a key requirement.

In terms of the environmental impact of the materials and air conditioning, advice will be sought about means of ameliorating this.

It is important that this site is redeveloped as it is in a poor state and it is adversely affecting the quality of the conservation area and the amenity of neighbours.

### **S106/CIL**

The S106 should secure the following contributions to community infrastructure.

Waste	£ 700
Sustainable Transport	£37,580
Stronger Communities	£ 2,620
Lifelong learning	£ 5,200
Greenspace	£31,260

Given the condition of the site it is important that its redevelopment is encouraged and for this reason, it is recommended that a 6 month time limit be imposed on concluding this agreement.

### **Conclusions**

The amended plans are acceptable and a time limit of 6 months on finalising the S106 is recommended in an attempt to encourage the applicants to move forward more quickly in resolving the future of this site.

## **Appendix No 1.** **Original Committee Report**

### **Description**

Demolition of hotel and formation of 14 residential apartments with car parking and vehicular/ pedestrian access

### **Site Details**

Comprises a vacant former hotel occupying a prominent and sensitive location above Rock Walk and within the Belgravia Conservation Area. It comprises a two to three storey building on the Warren Road elevation extending to four/five storeys on the seaward elevation. It has been substantially extended over the years and whilst the original villa is still distinguishable by two bracketed gabled elevations with quoins, raised stucco window surrounds and sliding sash windows it is in a dilapidated state and the various extensions result in the building occupying the entire width of the plot. Originally laid out in the Victorian period, this prominent ridge development of Villas within substantial landscaped plots was characterised by a consistent skyline and a pattern of gaps between buildings. Perched above Rock Walk Gardens, which is included as a Grade II entry on the Register of Parks and Gardens, this townscape typifies Victorian Torquay.

### **Relevant Planning History**

P/2002/1833: Demolition and erection of 13 flats: Refused 3/12/2002.

P/2004/1346: Demolition and erection of 13 flats: Refused 30/09/2004.

P/2005/1349: Demolition works Approved 5/12/2005.

P/2005/1350: Alteration and extension to create 13 flats: Approved 6/10/2005.

P/2006/1448: Alteration and extension to create 14 flats: Refused 6/10/2006.

P/2007/0089: Alteration and extension to create 14 flats: Refused 19/02/2007

P/2007/0910: Alteration and extension to create 14 flats: Approved 8/08/2007.

P/2010/0233: Demolition and redevelopment to create 14 flats: Withdrawn  
23/09/2010.

### **Relevant Policies**

PPS1 Delivering Sustainable Development

PPS5 Planning for the Historic Environment

*Saved Torbay Local Plan 1995-2011*

HS Housing Strategy.  
H2 New Housing on unidentified sites.  
H6 Affordable Housing on unidentified sites.  
H9 Layout, Design and Community Aspects.  
H10 Housing Densities.  
CF6 Community Infrastructure Contributions.  
L8/L9 Retention of trees  
TU7 Retention of Holiday accommodation outside PHAAs  
BES Built Environment Strategy  
BE1 Design of new development.  
BE5 Policy in Conservation Areas  
BE8 Historic Parks and Gardens.  
T25/T26 Access/ car parking.

**Proposals**

Is a full application for demolition of the building and its replacement with a block containing 14 flats comprising 1 one bed flat, 12 two bed flats and 1 three bed flat. It also includes a stacked garage system for 14 cars.

**Consultations**

*English Heritage* Advise that they do not object to the loss of the building and are content with the scale and design of the latest proposals but stress that success will depend on attention to detail and materials. Their comments in relation to this, and the previously submitted scheme P/2010/0233 are attached as T.203.

*Arboricultural Officer* Advises that he has no objections to the scheme subject to a quality landscape scheme being agreed.

*Highways Officer* Has no objection to the scheme subject to further information in relation to the stacked car parking arrangements.

*Strategic Transport* Request £37,580 sustainable transport contribution.

The scheme was considered by the Design Review Panel at its meeting of the 4th June 2009 and their comments broadly support redevelopment of the site if it secured a replacement building that allowed the historic grain of the area to be re-established. The comments are appended at T.203.

**Representations**

2 letters of objection raising strong concerns about the loss of the existing building, the scale, height and appearance of the replacement building and the lack of care exercised by the current owners resulting in its current dilapidated

condition. The method of car parking it is thought could be noisy and disruptive to traffic. Both would prefer to see the existing permission implemented. The letters are reproduced at T.203.

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

There are 3 main issues, the loss of the existing building, the scale size and appearance of the replacement building and the garaging system and its practicality. Each will be addressed in turn.

#### *Loss of the existing Building*

The loss of this building has been resisted for many years as can be seen from the history. It has been vacant since 2002 and during this time the condition of the building has deteriorated. Permission did exist, P/2005/1350, and as amended by P/2007/0910 for its extension and conversion to provide 14 flats. These are now time expired.

PPS 5 'Planning for the Historic Environment' confirms that there is a presumption against the loss of buildings of merit within Conservation Areas unless specific tests can be met in relation to structural integrity, economic viability of repair and the appropriateness of the replacement building. This application is supported by an Historic Building Assessment which traces the evolution of development in the area, the changes to this building and assesses the heritage value of the structure and a Financial Appraisal of the viability of various options for the future development of the site. The conclusion of the Historic Building Assessment is that the villa has been extended and altered to the point that its value is compromised and that there may be scope, through an appropriately designed building to reintroduce some of the historic grain and rhythm to the townscape by a built form that allowed the reintroduction of gaps between buildings. In terms of the Financial Appraisal, six options were considered but only the scheme to redevelop the building was shown to be viable. One of the difficulties in developing the site has been the inclusion of car parking. The previously approved scheme which retained the building involved expensive underpinning to allow on site car parking within the basement of the retained villa. It was for this reason that the approved scheme was not implemented. Alternative proposals which facilitated on site car parking were far from satisfactory from a streetscape perspective and/or reduced the amount of living accommodation available to a point that rendered the scheme unviable. An option of relying only on on-street car parking was looked at but it was considered that these would be difficult to sell and again not generate enough funds to achieve refurbishment. The only option that resulted in a viable outcome involved complete redevelopment. The test then has to be the quality of the replacement building.

#### *Quality of the Replacement Building*

The existing building has been much extended over the years and occupies the entire width of the plot. This runs counter to the original pattern of development

which involved the villas being set centrally within landscaped plots producing gaps and vistas between buildings and a distinctive townscape character. The approved scheme for the site did involve retention of the historic core and redevelopment of the more recent wings to a greater height than existing which further eroded gaps. The guiding principle for redevelopment was therefore to seek to reintroduce the historic grain and this has strongly informed the design approach.

The Design Review Panel considered an early conceptual scheme and as can be seen from their comments were supportive of the approach and the benefits that could accrue. A more developed scheme was then submitted as an application which English Heritage thought was lacking in contextual sensitivity. This was subsequently withdrawn and revised proposals evolved which drew more strongly on the character of surrounding buildings. In broad terms, the design echoes the villa form in terms of features and proportions but is executed with contemporary details and materials. It comprises a 2 storey plinth level which will be in limestone and timber and will thus read as a garden feature providing the details are properly resolved. The upper level, comprises an additional 4 stories, and introduces a more locally distinctive roof treatment with a strong gable in place of the flat roofed approach embodied in the withdrawn proposal. The seaward elevation exploits the views with a glazed façade with balconies and terraces. The windows and doors are to be in aluminium that will allow a slimmer profile to be adopted. The solid elements of the façade are to be in render with zinc cladding and metal shingles. The height and depth of the structure has been raised as a concern by neighbours. It will be taller than the existing building and will be similar in height to the adjacent Rock Walk Heights. This attracted much criticism when built as it exceeded the height of the original villa on the site and ran counter to the gradual scaling down in height of buildings in line with the topography. It will be deeper than the existing building and this will have the effect of making the new building look more imposing than the existing. However this will be offset to some degree by the reduced footprint and the gaps between this and adjacent buildings.

In terms of the Warren Road elevation, this extends to 4 stories and it is considered to satisfactorily pick up the broad character of the villa streetscape particularly now that the strong gable roof is introduced. The main concern relates to the run of garage doors which are not characteristic of the street scene and do not present an active frontage. In order to be acceptable they need to be well detailed.

The scheme now has the support of English Heritage and is considered to represent an acceptable way forward although more clarity about details and materials is still needed.

#### *Practicality Of Car Parking Arrangements*

The system selected involves a stacked garage comprising 7 spaces at ground

level with 7 spaces at basement level. Concerns have been expressed about its practicality, whether people will bother to use it thus generating more on street car parking, whether it will be hazardous to highway safety given there will be a need to reverse onto the road and whether it will be noisy in operation. Highways have requested more information in terms of how this will operate and this will be reported verbally.

#### *Developer Contributions*

The scheme requires the following level of contribution towards local infrastructure:-

Waste	£ 700
Sustainable Transport	£37,580
Stronger Communities	£ 2,620
Lifelong learning	£ 5,200
Greenspace	£31,260

**Sustainability** – Would make more effective use of an existing urban brownfield site

**Crime and Disorder** –No observations received

**Disability Issues** – Design and access statement demonstrates compliance with regulations.

#### **Conclusions**

It is considered that a reasoned case has been made for demolition of the existing building. The Historic Building Assessment and Financial Assessment shows that the building is compromised by later additions and alterations, that options to retain the building are not viable and that this scheme, in reintroducing substantial gaps does act in a way to recreate the historic grain and rhythm of the Victorian townscape. Given the support for the proposal from English Heritage and the Design Review Panel and the continuing dereliction of the building it is considered that the benefits of redevelopment outweigh continuing attempts to find ways of retaining this building. The design is contemporary but is contextually sympathetic and subject to details and materials being shown to be of a good quality is likely to be acceptable. Landscape details are required to ensure that the setting to the building is appropriate. The stacked car parking arrangement requires further consideration in terms of its operation and can progress will be presented at the meeting.

#### **Recommendation**

Members Site Visit: Approval, with resolution of design details, materials and landscape treatment to be delegated to the Head of Spatial Planning to resolve. Subject to a S106 legal agreement in terms acceptable to the Executive Head of Spatial Planning.



## **Relevant Policies**

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